

Urgent Decision Taken on Behalf of Cabinet

Report to Leader of the Council and Cabinet Member for Education and Skills
Report submitted by: Director of Education, Culture and Skills

Part I

Electoral Division affected:
West Lancashire West;

Corporate Priorities:
Delivering better services;

The Future of Pinfold Primary School, Scarisbrick
(Appendices 'A' and 'B' refer)

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Brief Summary

This report provides the outcomes of the initial consultation in relation to the proposal to close Pinfold Primary School, Scarisbrick and repurpose the building as a satellite site to Kingsbury School, Skelmersdale. Kingsbury School is a special school for primary aged pupils with generic learning difficulties.

The Leader of the Council and the Cabinet Member for Education and Skills are asked to make an urgent decision, further to their consideration of the responses to the initial consultations, about whether to publish a Statutory Notice and start the period of representation on the proposal to close Pinfold Primary School. In addition, the Leader of the Council and the Cabinet Member for Education and Skills are asked to decide whether to publish a statutory notice and initiate the formal consultation required to expand Kingsbury Primary School into a satellite on the Pinfold Primary School site.

Reason for Urgency

This decision is urgent and cannot await the next meeting of Cabinet on Thursday 7 March 2024. The reason for this is that the need for special school places in Lancashire is greater than current available provision. Multiple options are being explored and progressed to meet this growing demand. The proposed closure of Pinfold Primary School and repurposing as a satellite to Kingsbury School would enable the county council to meet the statutory duty to provide education places as



early as possible in the Spring term. This decision is therefore being taken on behalf of Cabinet by the Leader of the Council and the Cabinet Member for Education and Skills in accordance with the provisions of Standing Order C16(1).

Recommendation

The Leader of the County Council and the Cabinet Member for Education and Skills are asked to:

- (i) Note the consultation arrangements that were undertaken and the responses that were received in respect of the authority's proposal.
- (ii) Approve that the authority publishes a Statutory Notice and start the period of representation with respect to the proposal to close Pinfold Primary School on 19 April 2024.
- (iii) Approve the publication of the statutory notice and initiation of the period of representation/formal consultation with respect to the expansion of Kingsbury Primary School onto a satellite on the site of Pinfold Primary School. The proposed date for opening this satellite site is 22 April 2024.
- (iv) Approve the increase of special school places up to 20 by creating additional classroom in the satellite provision, with implementation commencing from 22 April 2024.

This decision should be implemented immediately for the purposes of Standing Order C29 as any delay could adversely affect the execution of the county council's responsibilities. The reason for this is to begin the 4-week formal consultation process on the 19 February in order to meet timeframes to close Pinfold Primary School and repurpose as satellite provision to Kingsbury Primary School as early as possible in the Spring Term.

Detail

On 7 December 2023, Cabinet approved that initial consultation be undertaken on the proposed closure of Pinfold Primary School, Scarisbrick due to a fall in the numbers on roll at the school making the school educationally and financially unviable. Approval was also granted to progress simultaneously with consultation to re-purpose the building as a satellite provision attached to a specialist school within the area. Kingsbury Primary School, Skelmersdale has been identified as the school to provide the satellite provision and expand the number of special school places by up to 20 by creating additional classrooms in the satellite provision.

Kingsbury Primary School is a special school for pupils with generic learning difficulties, catering for pupils aged 2-11 and is an 'Outstanding' school (Ofsted).

Kingsbury Primary School is 6.9 miles away from the Pinfold Primary School site and by proposing to repurpose this site the local authority would be utilising a building which may otherwise remain empty. The local authority has a duty to provide sufficient school places and the decision was taken to repurpose the site as a satellite provision for Kingsbury Primary School rather than proceed with the free



school presumption process. By repurposing as a satellite provision, the additional special school places required will be available sooner.

Pinfold Primary School is a local authority maintained voluntary aided community school, for children aged 4 to 11 years, located in Scarisbrick, West Lancashire and is deemed by Department for Education categorisation to be a rural school.

As of January 2024, the school had one pupil on roll. This child is due to move to specialist provision.

Regarding their financial position, due to the lack of numbers, Pinfold Primary School has been unable to set a balanced budget for the 2023/24 financial year. Current forecast position shows a circa £21,450 overall deficit at the end of the current financial year. Projections show that the deficit would increase to £53,189 in 2024/25 and £59,477 in 2025/26. Staff numbers are already at floor levels and minimal non-staffing costs are already at the lowest practicable level.

The Department for Education's statutory guidance, 'Opening and Closing Maintained Schools' (January 2023) gives a reason for closing a maintained school as 'it is surplus to requirements'. It should be noted that... 'there is a presumption against the closure of rural schools. This does not mean that rural schools will never close, but the case for closure should be strong and a proposal clearly in the best interests of education provision in the area'.

Careful consideration has been given to the statutory guidance on the closure of rural schools and given the fact that there will be no children on roll in April 2024, there would be no adverse effect of the closure of this school on the local community, standards in neighbouring schools or travel/transport.

The next nearest school is St Mark's Primary School and is 1.5 miles from Pinfold with 51 pupils on roll. The school has capacity for 105. The closest non-faith school is 2.3 miles away at Ormskirk West End. This school has 93 pupils on roll but has capacity for 210 children. St Mary's, Scarisbrick has 87 pupils on roll and capacity for 105 children. This school is 2 miles from Pinfold. Based on current and projected pupil numbers, there should be sufficient places in all cohorts of the other schools to accommodate the pupils if Pinfold Primary School was to close.

Closing a Maintained Mainstream School: Guidance and Process

There is a defined statutory process in the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 which must be followed before deciding on the closure of a maintained school. This is supplemented by further guidance on the process published by the Department for Education.

A broad timetable, which is subject to change, for the overall process to be applied in respect of a proposal to close Pinfold Primary School is set out below:

Action	Start
Cabinet approval to consult	7 December 2023
Stage 1 Consultation	15 January 2024 - 9 February



	2024
Report back on consultation for urgent Cabinet decision whether to publish Statutory Notice CURRENT STAGE	14 February 2024
Stage 2 and 3 Publication of Statutory Notice and representation period	19 February 2024 - 15 March 2024
Stage 4 Decision by Cabinet	11 April 2024
Stage 5 Implementation	Closure of Pinfold School - 19 April 2024 Repurpose as satellite to Kingsbury School - 22 April 2024

Consultations

The Department for Education's statutory guidance, 'Opening and Closing Maintained Schools' (January 2023), states that proposers, in this case the local authority, must consult organisations, groups and individuals they feel to be appropriate.

In line with the statutory guidance, a consultation document was produced (Appendix 'A' – 'Pinfold Consultation Booklet' refers) which was available on Lancashire County Council's website and was widely circulated to interested parties, such as neighbours to the school, West Lancashire Borough Council, libraries, parish councils, other local schools, and stakeholders, including the Department for Education.

A public consultation has been held during the Stage 1 consultation process. This report is requesting the publication of a Statutory Notice (Stage 2), which will lead to a further statutory consultation (Stage 3), to determine the proposal.

For the consultation, paper questionnaires were made available at the school and online questionnaires could be accessed from www.lancashire.gov.uk.

There were four responses to the online questionnaire (Appendix 'B' refers). Due to the limited number of responses, it is not possible to provide a detailed analysis. However, the responses from the online questionnaire reflected those from the public consultation.

During the consultation period, a public consultation event was held at the school between 10am and 12noon on 29 January 2024 for any interested parties to ask questions and make comments on the proposal. Representatives of the local authority attended the public meeting and provided information and answered questions. At the event, nine members of the local community attended.

At the event, people were asked whether they would be in support of the school closing. Eight of the nine attendees, whilst expressing their sadness acknowledged what they described as the 'reality' that the school was no longer financially viable with such low pupil numbers.



The responses to the questionnaire and the views expressed at the consultation event were comparable. There was a sadness expressed that the closure of the school may be necessary, along with an acceptance that the financial position of the school would become untenable. The main concerns of the consultation were regarding parking, noise, whether enough had to be done to market the school locally and why children could not be brought in from other areas to make the school viable. There were also concerns that the school was not fit for purpose as a SEND school and being a SEND school would lose the community feel.

The Local Authority response to these concerns is as follows:

If Pinfold Primary School were to close, there is sufficient capacity in the other three local schools to accommodate any future rise in population. There is no proposed new housing in the area and the fluctuation in the number of families means that there is not a sustainable level of intake for the school.

The school have endeavoured to attract more pupils through various techniques including for example leaflets, etc., but if other pupils could be attracted to this school, it would leave other schools unsustainable as there are not enough children in the area for the number of schools.

The playground could be adapted to incorporate parking for home to school transport to drop off and pick up alongside staff parking. The children could be collected from home and brought to school on a bus so no parents would be parking outside the school.

The school is unlikely to be any noisier due to its cohort than when it used to have fifty students.

Any necessary adaptations would be made to ensure the Pinfold Primary School site is suitable for pupils with generic learning difficulties.

The children potentially placed at Pinfold from Kingsbury may also be local children and the headteacher has reassured the community that she would be keen to ensure that they are still involved in school life.

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. Alternative school places can be secured for current pupils affected by the proposed closure.

Failure to ensure sufficiency of special school places in a timely manner exposes the Council to various risks in terms of additional reputational damage as it is likely that a local area SEND inspection will be carried out within this current year and it has an



adverse effect on relationships with local communities and partners, particularly schools.

Legal

The county council has a legal duty to ensure adequate provision is made for pupils and those with special educational needs and disabilities.

Financial

There is a current small budget deficit expected for the financial year to April 2024. However, with no children on roll from April 2024, the budget position is unsustainable going forward.

When a school is closed by an authority, any balance (whether surplus or deficit) reverts to the authority. The authority cannot transfer a closing balance to an individual school, even when that school is a successor to the closing school, except that a surplus or deficit transfers to an academy where a school converts to academy status under section 4(1)(a) of the Academies Act 2010.

Current Education and Skills Funding Agency guidance states that any deficit balance on a closing school is the responsibility of the authority. The authority has an established reserve from which the deficit of this school will be funded.

The authority will continue to receive Dedicated Schools Grant and passport this funding appropriately for the pupils when they relocate to new schools within the county.

Any building works that are agreed by the authority outlined in the proposals to increase the availability of special needs provision throughout the county will be funded via the High Needs Provision Capital Allocation and capital receipts arising from the disposal of assets previously held for education where appropriate. Increasing the county council's internal Special School Provision will enable progress to be made towards keeping up with the demand for special school places and reduce reliance on the use of independent school placements which present a growing pressure on revenue- high needs block funding.

The demand for special school places continues to increase with costs for obtaining independent non-maintained places on average increasing by 10% per annum. The indicative funding allocation for the High Needs Block is expected to increase by c5% per year. This will lead to a growing gap between expenditure and funding for the foreseeable future unless sufficient places become available within the maintained portfolio.

Special Educational Needs and Disabilities sufficiency work is being carried out to address these issues, and to prevent Lancashire County Council going into a High Needs Deficit Position. The additional internal places created will therefore help to support the growing financial pressures on the revenue - High Needs Budget.



Urgent Decision Taken on behalf of Cabinet: Declarations

Leader of the County Council

The Future of Pinfold Primary School, Scarisbrick

Original recommendation, as set out in the report, approved without amendment. Yes/No *

Original recommendation amended and decision as follows: Yes/No *

I have a pecuniary/non-pecuniary interest in this matter. Yes/No *

If an interest is declared please give details below:

.....
Leader of the County Council

insert date

Chief Officer

I certify that this is an appropriate and accurate record within the terms of Standing Order C30(2) and (3) of the decision taken by the Cabinet Member.

.....
Senior Democratic Services Officer

insert date

*Delete as appropriate

This decision is to be taken by more than one Cabinet Member and all relevant Cabinet Members must be in agreement with the decision



Urgent Decision Taken on behalf of Cabinet: Declarations

Cabinet Member for Education and Skills

The Future of Pinfold Primary School, Scarisbrick

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