

Report to the Cabinet

Meeting to be held on Thursday, 11 April 2024

Report of the Director of Education, Culture and Skills

Part I

Electoral Division affected:
Skelmersdale Central;
Skelmersdale East;
Skelmersdale West; West
Lancashire East; West
Lancashire North; West
Lancashire West;

Corporate Priorities:
Caring for the vulnerable;

The Future of Pinfold Primary School, Scarisbrick
(Appendices 'A' to 'E' refer)

Contact for further information:

Sarah Gorst, Tel: (01772) 539849, Programme Manager; School Place Delivery,
sarah.gorst@lancashire.gov.uk

Janette Hastings, Tel: (01254) 220883, Inclusion Policy & Practice Development
Officer, janette.hastings@lancashire.gov.uk

Brief Summary

On 14 February 2024, the Leader of the Council and the Cabinet Member for Education and Skills took an urgent decision on behalf of Cabinet agreeing to a statutory notice being published to begin a representation period on the proposed closure of Pinfold Primary School, Scarisbrick and repurposing the building as a satellite site to Kingsbury Primary School, Skelmersdale.

As part of the statutory process, a decision should now be taken about the proposal and this will be done by Lancashire County Council, which is the decision maker. If the authority does not make a decision within two months from the end of the consultation period, the proposal and any representations about the proposal must be passed to the schools adjudicator for a decision.

This is deemed to be a Key Decision and the provisions of Standing Order C18 have been complied with.

Recommendation

Cabinet is asked to approve:

- (i) The proposal, as detailed in the Statutory Notice, to close Pinfold Primary School, Scarisbrick, with implementation commencing from 19 April 2024.
- (ii) The proposal, as detailed in the Statutory Notice, to expand Kingsbury Primary School, Skelmersdale, onto a satellite on the site of Pinfold Primary School, creating up to 20 special school places commencing from 22 April 2024.
- (iii) That an appropriate statutory decision letter be sent out, as specified under legal requirements, to give reason for the decisions to those who are to be informed of them.

Detail

The Governing Body of Pinfold Primary School wrote to the local authority in September 2023, setting out their concerns in relation to the school meeting its statutory responsibilities, and asked the local authority to consider the long-term future of the school.

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

The consultation process highlighted a range of concerns should Pinfold School be closed. 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 in relation to 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 Special Educational Needs and Disabilities school, and that being a Special Educational Needs and Disabilities school would lose the community feel. Following this consultation, the local authority provided full feedback and reassurance in response to all concerns.

In February 2024, the Leader of the County Council and the Cabinet Member for Education and Skills took an urgent decision on behalf of Cabinet and approved that a Stage 2 statutory notice be published, and a Stage 3 representation period be undertaken in relation to the proposed closure of Pinfold Primary School, Scarisbrick,



and the repurposing of the building as a satellite site to Kingsbury School. The reasons for the proposal were the same as the Stage 1 consultation: the declining pupil numbers at Pinfold Primary School and the increased demand for special school places.

Two statutory documents were published. The first was in relation to the proposed closure of Pinfold Primary School, with implementation commencing from 19 April 2024. The second document was in relation to repurposing the Pinfold Primary School building as a satellite site to Kingsbury Primary School, with implementation commencing from 22 April 2024. The representation period took place from 19 February to 15 March 2024.

As of January 2024, Pinfold Primary School had one pupil on roll. This child was 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 2023-24 financial year. The current forecast position shows an approximately £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.

Kingsbury Primary School in Skelmersdale is a special school for pupils with generic learning difficulties, catering for pupils aged 2-11 years and is judged by Ofsted as an 'Outstanding' school.

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 school, for children aged 4 to 11 years, located in Scarisbrick, West Lancashire and is deemed by Department for Education categorisation as a rural school.

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 from 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 primary school to Pinfold Primary School is St Mark's Church of England Primary School in Scarisbrick, which is 1.5 miles away, with 51 pupils on roll. St Mark's has capacity for 105 pupils. The closest non-faith primary 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 Catholic Primary School in Scarisbrick has 87 pupils on roll and capacity for 105 children. This school is 2 miles away from Pinfold Primary School. Based on current and projected pupil numbers, there should be sufficient places in all cohorts of these 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.

There are five statutory stages for a proposal of this nature, and the local authority is now at stage four. The stages and timescales are 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	14 February 2024
Stage 2 and 3 Publication of Statutory Notice and representation period	19 February 2024 – 15 March 2024
Stage 4 Decision (CURRENT STAGE)	11 April 2024
Stage 5 Implementation	Closure of Pinfold School – 19 April 2024 Repurpose as satellite to Kingsbury School – 22 April 2024

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 groups and individuals they consider appropriate. In line with this, the local authority published a Stage 2 statutory notice and accompanying proposal document on 19 February 2024, the first day of the stage 3 representation period. These documents were available on the Lancashire County Council website and were widely circulated to interested parties including West Lancashire Borough Council, parish councils, county councillors for the district, other local schools, and stakeholders. Pinfold Primary School and Kingsbury Primary School also shared this information with parents, carers, staff, governors, and community members, as well as displaying the statutory notice around the school grounds.



Conclusion

The Stage 1 consultees were asked whether they would be in support of Pinfold Primary School closing. Eight of the nine consultees, whilst expressing their sadness, acknowledged what they described as the 'reality' that the school was no longer financially viable with such low pupil numbers. During the Stage 3 representation period, no consultation responses were received.

If the decision is made to close Pinfold Primary School and repurpose the site as a satellite provision for Kingsbury Primary School, this will enable the local authority to meet the growing need for special school places in the area.

Based on the Department for Education criteria, the decision maker is recommended to approve the proposal to close Pinfold Primary School with implementation commencing 19 April 2024, and to expand Kingsbury Primary School onto a satellite on the site of Pinfold Primary School commencing from 22 April 2024.

Appendices

Appendices 'A' to 'E' are attached to this report.

For clarification, they are summarised below and referenced at relevant points within this report.

Appendix	Title
Appendix 'A'	Matters to be specified in s15 proposal - Closure of Pinfold
Appendix 'B'	Matters to be specified in s19 proposal – Kingsbury Satellite
Appendix 'C'	Lancashire County Council's published statutory notice
Appendix 'D'	Formal Consultation Booklet
Appendix 'E'	Equality Impact Analysis

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, the Pinfold Formal Consultation Booklet was produced, as set out at Appendix 'D'. The booklet was made 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 was held during the Stage 1 consultation process and was repeated during Stage 3. All concerns raised at Stage 1 had been responded to and there were no responses during the representation period for Stage 3.



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 county council to various risks, in terms of additional reputational damage, as it is likely that a local area Special Educational Needs and Disabilities inspection will be carried out within this current year. In addition, failure to provide additional special school places 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

Revenue

There is a current small budget deficit expected for the financial year to April 2024. However, with no children on roll from April 2024 at Pinfold Primary School, 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.

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 will 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 approximately 5% 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.

Capital

Any building works that are agreed by the authority outlined in the proposals to increase the availability of special needs provision throughout the county, are usually funded via the High Needs Provision Capital Allocation. In December, Cabinet approved £200,000 for works to remodel classrooms at the new satellite provision.

Human Resources

There are implications for staff employed at Pinfold Primary School, with three posts at risk of redundancy. The authority has experience in staff redeployment and retraining and a good record in avoiding compulsory redundancies. The Human Resources Service at Lancashire County Council is already supporting the school with staffing reduction procedures necessitated by the fall in pupil numbers.

Staff have been consulted on the proposals so that any concerns raised can be addressed.

Property Asset Management

The council remains liable for premises holding costs where buildings are not in operational use.

Equality and Cohesion

This proposal impacts on both the age (young people) and disability protected characteristics of the Equality Act 2010 and is designed to contribute positively to the Public Sector Equality Duty's general aim of advancing equality of opportunity and its related aim of increasing participation in public life for these children and young people, their families and carers.

A full Equality Impact Analysis is set out at Appendix 'E'.



List of Background Papers

Paper

Date

Contact/Tel

None

Reason for inclusion in Part II, if appropriate

N/A

