



DETERMINATION

Case reference	STP630
Proposal	A statutory proposal to close Horton-in-Ribblesdale Church of England (Voluntary Aided) Primary School
Proposer	North Yorkshire County Council
Initial Decision Maker:	North Yorkshire County Council
Appellant:	The Governing Body of Horton-in-Ribblesdale Church of England (Voluntary Aided) Primary School
Date of Adjudicator's Determination:	28 June 2017

Determination

Under the powers conferred on me by the Education and Inspections Act 2006 and the Regulations made thereunder, I hereby approve the proposal that Horton-in-Ribblesdale Church of England (Voluntary Aided) Primary School should close with effect from 31 August 2017.

The referral

1. On 20 March 2017 the co-chair of governors at Horton-in Ribblesdale Church of England (Voluntary Aided) Primary School (the school) wrote to the Office of the Schools Adjudicator (OSA) on behalf of the governing body of the school, referring a decision that North Yorkshire County Council (the local authority), as decision maker, had made on 21 February 2017 to cease to maintain the school from 31 August 2017. The school is a voluntary aided primary school within the Diocese of Leeds (the diocese).
2. The governing body of the school has appealed against the decision on several grounds but the main grounds are that the local authority did not conduct a second public meeting when the some of the members of the school governing body resigned and the governing body withdrew its support for the proposal. The governing body also argues that the local authority's decision-making process took insufficient account of representations made which included comments about pupil number projections and the community impact of the decision.

Jurisdiction

3. On 5 January 2017, the local authority published its proposal to cease to maintain the school. The proposal was in the form of a statutory notice which itself was in the form required by the Education and Inspections Act 2006 (the Act).
4. At a North Yorkshire County Council Executive Meeting held on 21 February 2017 the local authority resolved to proceed with the proposal. Having considered representations made about the statutory proposal, the implementation date of the proposal was changed from 7 April 2017 to 31 August 2017.
5. The school's governing body requested that the proposal be referred to the adjudicator and did so within the prescribed timescales. The local authority sent the proposal, representations received and its reasons for the determination to the OSA, in accordance with the provisions of the Act and also the relevant Regulations, the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013 (the Regulations).
6. I am satisfied that this proposal has been properly referred to me in accordance with the Act and the Regulations and that I have jurisdiction to determine this matter.

Procedures

7. In considering this matter, I have had regard to all relevant legislation and guidance.
8. I have considered all the papers put before me including the following:
 - a. The reasons why the school governing body requested the local authority to refer the proposal to me and supporting papers;
 - b. the agenda and supporting papers for the meeting of North Yorkshire Council Executive held on 21 February 2017;
 - c. prescribed information from the proposer as set out in the relevant regulations;
 - d. comments made by the local authority in response to the referral;
 - e. comments made by the diocese in response to the referral;
 - f. letters and other material from parents and other interested parties; and
 - g. further correspondence and information submitted by the school governing body, the local authority, the diocese, the district council, the national park authority and other correspondents following the original submissions.
9. On 24 May 2017, I visited the school to view at first hand the school and its locality. I held a meeting with representatives of the school, the local authority and the diocese. I have considered all the information and representations put

to me at that meeting and subsequently.

10. On the evening of the same day, I held a public meeting attended by over 50 parents, pupils and members of the local community including representatives from the local parish and district councils and the local district and county councillor. I have considered all the information and the representations put to me at that meeting and subsequently.

The Proposal

11. The proposal is that North Yorkshire County Council intends to cease to maintain Horton-in-Ribblesdale C of E (VA) Primary School from 31 August 2017. As a corollary, the catchment area for this school is to be incorporated into the catchment area for Austwick C of E (VA) Primary School. The proposed transitional arrangements are that all of the pupils from the closing school will be offered a place at Austwick Primary school In September 2017.

Background and Context

12. The school is located in the village of Horton-in-Ribblesdale and has capacity for 56 pupils with a published admission number (PAN) of eight. In June 2017, there were 12 pupils on roll. This number is forecast to fall to 10 in September 2017. There is one child in the school nursery. The school was inspected by Ofsted on 2011 and judged outstanding. Since that time, there have been several changes of staff and pupil numbers have fallen. Staff recruitment has been difficult.

13. The following figures were supplied by the local authority

School year Number on roll	09/10	10/11	11/12	12/13	13/14	14/15	15/16	16/17
4+	7	4	3	0	5	1	1	0
5+	7	5	4	3	0	6	1	1
6+	7	5	3	4	3	0	7	0
7+	3	7	5	3	5	3	2	4
8+	6	3	6	5	3	4	3	1
9+	5	6	2	6	6	3	4	3
10+	0	0	0	3	5	6	3	3
total	35	30	23	24	27	23	21	12

14. As numbers fell, and following the resignation of a former headteacher, the governing body, the local authority and the diocese worked together and attempted to set up a federation with two other local primary schools and to appoint a headteacher to the school. Neither the establishment of the federation nor the appointment of the headteacher was successful. In September 2016, the local authority had discussions with the diocese and the school governing body about potential school closure. On 21 September 2016, the governing body published a consultation document that said, “in *the absence of any leadership arrangements beyond this term the governing body has very reluctantly taken the decision to initiate a consultation process about closing the school with effect from 7 April 2017*”. A public meeting was held on 6 October 2016

involving the local authority, the diocese and the school governing body. Over 50 people attended and expressed their views about the proposal. The school governing body met on 16 November 2016 to consider the responses from the consultation and whether to proceed with the closure proposal by publishing a statutory proposal. At this time, there were some resignations from the governing body. The governing body decided not to proceed with the closure proposal.

15. At this point, the local authority considered the next steps. The school is a rural primary school designated as such under the Designation of Rural Primary Schools (England) Order 2016. The school's designation means that section 16 of the Act applies to the proposal to close it. This requires consultation with parents, the parish council and the district council, and consideration of the likely effect of closure on the local community together with any alternatives for closure. The governing body had led the consultation with the support of the local authority and the diocese. The local authority also has the authority to publish closure proposals and officers took the view that the proposal for closure should be taken forward by North Yorkshire County Council. The local authority considered that the consultation undertaken and the responses that were made gathered the views of all the interested parties and that it was not necessary to repeat this consultation exercise. The local authority had been fully involved in that consultation process itself. In consequence, the local authority officers set out the details of the consultation and all the responses received in a report to the council's Executive dated 6 December 2017. At this meeting, the council considered all the views expressed and then decided to publish a statutory proposal on 5 January 2017 proposing closure on 7 April 2017.

16. In December 2016, all the teaching staff of the school resigned. The governing body worked hard over the school holiday to recruit a new headteacher, class teacher and teaching assistant. The new staff were in place for the start of the spring term and although there have since been further staff changes, the governing body has been able to ensure the school has been fully staffed.

17. The public notice concerning closure was published on 5 January 2017 and the statutory period for representations followed. At the end of the representation period North Yorkshire County Council Executive received a paper on 21 February 2017. It included all the representations received. Having read the representations made, and having heard the presentations made to it at the meeting by parents, governors, parish council representative and District and county councillor, following discussion, the Executive made the decision that the school should be closed on 31 August 2017. It decided also that the catchment area for the school should be added to the catchment area of Austwick Primary School, the nearest primary school which is located about five miles away. All the children currently attending Horton-in-Ribblesdale Primary School would be offered places at Austwick Primary school for 1 September 2017.

The Appeal against the Closure Decision

18. The governing body of the school "*disputes that the preliminary points for consideration had been dealt with sufficiently to permit the Executive to proceed*

to determine the proposal.”

19. The governing body believes that it was a “*procedural error*” not to have a further public meeting as part of the consultation process following the change of some of the members of the governing body and the governing body's change in approach.

20. The governing body disputes that the local authority has given full consideration to all the responses received during the consultation and representation periods. It also argues that the local authority has not given appropriate weight in their decision making to responses from stakeholders most likely to be affected by the proposal, particularly parents of children at the affected school at the time of deciding to publish a notice and then again at the point of making a decision to close the school.

21. The governing body also argues that the authority has not been rigorous in obtaining accurate factual information in respect of a number of points raised in the consultation and as a result, the decision is based on some inaccurate assumptions. In particular the governing body is concerned about the local authority's consideration of the following areas:

- School size and pupil numbers
- Breadth of curriculum experience
- The school's financial position
- Leadership

Consideration of Factors

22. I must take into account the provisions of the Education and Inspections Act 2006, the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and the DfE Guidance on “School Organisation – Maintained Schools”, published in April 2016 (the guidance) that apply in this case. The guidance sets out the matters that decision makers must take into account when making a decision about this school closure.

23. I would like to express my appreciation of the time, the thought and the care that has gone into the many submissions. I have read and carefully considered everything that has been sent to me and the considerations below take account of the facts, information and views that have been expressed.

24. The decision maker role has been passed to me following the request for referral of the local authority's decision by the school governing body. I have the following options:

- reject the proposal;
- approve the proposal without modification; or
- approve the proposal with modifications, having consulted with a

prescribed list of consultees.

25. I shall be considering the local authority's case for closure, the comments from the diocese, the comments from the school and comments from other parties together with any other relevant information as I consider the factors that the guidance says decision makers should consider when deciding a proposal. The factors for consideration are as follows:

- the statutory process;
- education standards and diversity of provision and whether this is a school causing concern
- a school led system with every school an academy
- demand for places
- school size
- admission arrangements
- the national curriculum
- equal opportunity issues
- community cohesion
- travel and accessibility
- funding
- school premises and playing fields
- early years provision
- balance of denominational provision
- community services
- provision for Special Educational Needs
- other issues.

As noted above, the school is designated as a rural primary school and this designation brings some additional factors for consideration and the presumption against closure. These additional factors are:

- alternatives to closure
- the scope for extended school services
- transport implications

- the overall and long term impact on local people and the community of closure of the village school and of the loss of the building as a community facility.

The Statutory process

26. I began by checking that the statutory process set out in the guidance had been followed in this case. Section 16 of the Act sets out the requirements for consultation that relate to the proposed closure of a rural primary school. The relevant body, in this case the local authority, must consult with the registered parents, the district council and the parish council in which the school is situated. In addition, the guidance requires a consultation to have taken place with no prescribed timescale although a minimum of six weeks is recommended. This is followed by publication of a statutory notice and a period of four weeks for representations. The decision must follow within two months of the end of the representation period.

27. The governing body argues that the consultation process was flawed. This is on the basis that on 16 November 2016, some governors resigned and at that point, the governing body decided not to support the proposal for closure. It believes that there should have been a further public meeting. The local authority argues that there is no prescription in the guidance about how statutory consultation is carried out. The governing body had been the initiator of the consultation but that this had been with the full support and involvement of the diocese and the local authority. There had been a public meeting involving representatives of the governing body, the diocese and the local authority on 6 October 2016 and the local authority said that in its view, there had been no change in the grounds of the proposal. Even though the governing body had decided not to support the proposal, the local authority did not consider that a further public meeting was required. It says that there was no change in the issues being consulted upon and the views of the stakeholders were fully in the public domain. Many supplementary questions had been asked and were responded to during the consultation period. All of this information was made available to the local authority decision makers at their meeting on 6 December 2016 including the views of the governing body.

28. I have considered the requirements of Section 16 of the Act, which makes a particular requirement concerning consultation in respect of proposals to close a rural school. It says that "*before publishing any proposals....which relate to a school which is a rural primary school.....the relevant body must consult...*". In this case, the governing body was the relevant body at the time of the consultation with the full support of the local authority. In planning the consultation exercise, the local authority had assumed that the governing body would be the proposer for the closure and that the local authority would be the decision maker. In the event and following some resignations, the governing body decided not to publish proposals to close the school.

29. As a result of the governing body's decision, the local authority decided that it would itself publish proposals to cease to maintain the school. It has the ability to publish such proposals by virtue of section 15 of the Act. However, in becoming the proposer, the local authority became the relevant body under

section 16 of the Act and was required to consult. The local authority took the view that it had discharged this responsibility through the consultation that had already taken place. I have looked at the records of the consultation and it is clear that the local authority was involved throughout the process. It had worked with the governing body in preparing the consultation document; it took a joint role in the public meeting and collated all the responses received. The question, however, is whether this consultation was sufficient to meet the requirements of the Act or whether the local authority should have undertaken a new consultation?

30. I have looked at the records of the consultation and read all the responses. In my view, the consultation included the views of all those who wished to comment on the proposal to close the school. The local authority was closely involved with the consultation and in my judgement, if it had carried out a second exercise with the only difference being that it was the proposer rather than the governing body it seems unlikely that there would have been any significant material difference in the responses received. While it might be argued that the local authority should have consulted afresh, I consider that the fact that the local authority was closely involved in the consultation that took place addresses this argument. The views expressed during the representation period and again in correspondence with me and during the meetings that I held were consistent with those expressed in the initial consultation. I conclude therefore that there has been no material disadvantage to any party within the process and that the fact that the governing body lead the process rather than the local authority doing so has not had a detrimental effect on the process.

31. The paper that was submitted to the local authority Executive as the potential proposer on 6 December 2016 contains the consultation document, notes of the public meeting and copies of the comments made during the consultation period. The minutes of this Executive meeting contain a record of the presentations made to the committee by interested parties including parents and school governors. The minutes also record the consideration by the committee members of the issues. The Executive decided to proceed to a statutory proposal for school closure and that the notice would be published after the Christmas period. I am satisfied that the members of the Executive had been provided with all of the responses made to the consultation, had listened to the representations made directly to them at the meeting and as a result were aware of all the issues raised. The paper setting out the issues for the Executive together with the minutes of the meeting provide evidence that members of the Executive had regard to the issues raised as they made their decision to publish a statutory notice in January 2017.

32. The third argument made by the governing body is perhaps the most significant and is that the local authority as decision maker failed to take account of all the facts when considering the points that the guidance required it to do when acting as decision maker. The governing body argues that the local authority failed to do this both at the point that it decided to publish the statutory proposal and when it considered the representations made before making the decision to close the school. I shall refer to the local authority's consideration of the points together with diocesan views and the comments of the governing body and other stakeholders as I work through the other factors that the

guidance requires decision makers to consider.

Education standards and diversity of provision

33. The local authority has expressed concern throughout the whole period when closure of the school has been a possibility about the education standards in the school. This concern is reflected in the consultation document and in its committee papers. The judgement by Ofsted in 2011 that the school was outstanding was made when there was a different staff team, more pupils and a different membership of the governing body. It is the view of the local authority's curriculum and standards advisers that this judgement no longer represents the current position in the school. At the time of the consultation in October 2016 and in December 2016 when the local authority made the decision to publish a statutory notice the school did not have a substantive headteacher. In December 2016, the governing body was successful in appointing an interim headteacher who was in post at the time of my visit to the school in May 2017. The local authority monitoring reports of November 2016 and February 2017 provide evidence for the local authority's view that the educational standards in the school are not securely good and that the school is currently at risk of receiving a requires improvement judgement from Ofsted. In my discussion at the school with the governing body and the interim headteacher, there was broad agreement that this was probably a correct assessment. However, the headteacher considered that the school was improving with the new staff team and that a judgement of good was possible before long. The local authority reserved judgement on this and remains concerned that standards in the school have become less secure during a period when there have been significant changes to the leadership and the teaching staff at the school. It noted that although the headteacher appointed in January 2017 remains in post, the class teacher has changed since January .

34. The governing body pointed out that the local authority's view in February 2017 that Ofsted might judge the school to require improvement may have informed the decision taken by the local authority at the time, but that since then there had been three months when the school had been able to improve. The headteacher states that he and the staff are committed to the school and wish to see it improve. The governing body shared its action plan and vision for the school, which is linked to the development of a unique outdoor education, and which it asserts will broaden the educational opportunities available to children at the school.

A school-led system with every school an academy

35. The 2016 White paper Education Excellence Everywhere sets out the Department for Education's aim that by the end of 2020 all schools will be academies or in the process of becoming academies. In the case of this school, initial explorations have indicated that it is too small to be considered to be eligible as a stand-alone academy and there have not been any offers from multi academy trusts willing to take on the commitment of a small school of this size.

Demand for places

36. The local authority provided its pupil number forecasts for the school.

Historic numbers are shown in the previous table and the projected numbers are shown in the following table.

School year Number on roll	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25
4+	0	1	1	1	1	1	1	1	1
5+	1	0	1	1	1	1	1	1	1
6+	0	1	0	1	1	1	1	1	1
7+	4	0	1	0	1	1	1	1	1
8+	1	4	0	1	0	1	1	1	1
9+	3	1	4	0	1	0	1	1	1
10+	3	3	1	4	0	1	0	1	1
total	12	10	8	8	5	6	6	7	7
Housing yield local plan/current unapproved applications		0	0	1	1	1	1	1	2
Total incl housing	12	10	8	9	6	7	7	8	9

37. The local authority said that there are 31 children of primary school age living within the school catchment in 2016/17 of whom 11 attended the school and 20 attended other schools. There is one child attending the school who comes from another school's catchment area. There are currently ten girls and two boys in the school.

38. The governing body challenged these forecast figures on three counts. The first is that it predicted that there would be more housing development in the area than was forecast. For example, it said that the figure for eight new housing developments was becoming obsolete, as it was aware that there was an intention to reinstate a development of three three-bedroom houses in the village. The second was that it thought there would be more inward migration of families than was forecast. The third was that the numbers of catchment area children choosing to attend other schools would reduce as the school became more stable and argued that the proposal to close the school had led to a drop in the numbers. It considered that numbers began to fall when the local authority and the diocese tried unsuccessfully to encourage the school to federate with two other small primary schools in the area that brought an unpopular headteacher to the school.

39. The local authority view is that the numbers forecast are realistic and result from the methodology used to forecast numbers in all schools across the county. It said that the Yorkshire Dales Housing Development Plan (2012) includes a housing allocation at Horton in Ribblesdale of eight estimated dwellings at Site no. 71, North of XXX Barn. This could be 100 per cent affordable housing although the policy allows up to 50 per cent to be open market housing. Next year, the National Park Authority is proposing to begin search for sites to release land over the next five years. Based on the local authority's standard calculation of four houses producing on average one primary aged child the development at XXX Barn would only be expected to generate two primary aged children. The local authority does not consider that

these policies will provide sufficient children to ensure the continuing viability of the school even if the potential developments come forward rapidly.

40. The local authority's overall concern is that the numbers are very low and look unlikely to recover significantly in the longer term and may reduce further. The local authority acknowledged that uncertainty over the future had led some parents to make individual decisions to find alternative places for their children; however, there had been a steady decline over time, which could be linked to a variety of factors. It said that inward migration was included in the forecasts but was set at zero because over the years the average had been very low.

School size

41. The governing body drew attention to other schools in the country that have small cohorts and which have received good judgements from Ofsted in recent years and argued that the guidance says "*decision makers should not make blanket decision that schools should be of a certain size to be good schools*". The local authority had observed when it made its decision to close the school in February 2016 that small schools can be good schools and that there are many of them within the local authority providing excellent opportunities for pupils. The local authority was of the view although it supported small schools there came a point when that cohort size became a concern in respect of educational outcomes together with the financial constraints that low pupil numbers place on a school's budget when pupil numbers determine the resources available. In this case, the local authority was of the view that the school had reached a critically small size and that action needed to be taken.

Admission arrangements

42. This factor is not relevant in this case. The school is undersubscribed and its admissions policy is not a limiting factor. It has a designated catchment area and there is more than sufficient capacity to provide places for all children from the catchment area who have sought places there in recent years.

National curriculum

43. The provision of the curriculum is a matter that is referred to above. The local authority is concerned that the constraints of a small number of staff, a limited budget and small cohorts lead to considerable challenges in meeting all the requirements of the national curriculum. The headteacher responded that the school currently has a strong staff who are quite capable of delivering all the requirements of the national curriculum and that the small size of the school meant that its good facilities could be used by all its pupils without the need for tight timetabling. The local authority drew attention to the limitations that small numbers bring when delivering areas such as the early years personal and social education curriculum, physical education and information and communication technology.

44. Concerns were also expressed that with very small cohorts, the opportunities for children to interact with their peers were reduced and this would be detrimental to children's education. Children will not have access to the full range of experiences they need, particularly opportunities for working

and playing with children their own age. For example, when there are only one or two children in a year group, it is difficult for pupils to share and compare the same work. The local authority said there is now only one child in Key Stage 1 and no new Reception children joined the school in September 2016. There is only one child in the school nursery. It is likely to become increasingly difficult to meet children's educational and social needs even with the existing partnerships with other local schools in the cluster.

45. The governing body put the opposing view that in small cohorts children received more individual attention and because the classes were of necessity mixed age, the older children had opportunities to work with younger children and vice versa, that children in larger schools with classes of similar aged pupils did not have.

Equal opportunity issues

46. The local authority carried out an equality impact assessment. This assessment informed the decision making process. The assessment concluded that the proposal for closure would not have an impact on any groups of children in particular and the issue of special educational needs provision and access to a Church of England faith school are covered below. Some consultees felt that the closure proposal will have a detrimental effect upon children who live in rural area and/or have a low income who will have to travel further to school. This is discussed in the section concerning rural schools.

Community cohesion

47. This is covered in the section concerning rural schools.

Travel and accessibility

48. This is covered in the section concerning rural schools

Funding

49. There are two areas for consideration here. The first concerns any capital costs involved with closure. Comments have been made about the school building and its grounds. However, in considering the proposal for closure there are no limiting capital finance constraints. The future use of the school building and its grounds are not within the jurisdiction of this particular decision.

50. The second concern is the school's revenue budget. The local authority presented figures that demonstrated that the school will struggle to set a balanced budget, as it is legally required to do. The national funding arrangements for schools are based upon pupil numbers and with small pupil numbers, there will be a small school budget. The governing body disputes the local authority's figures and states that it has set a balanced budget for 2017/18 and predicts that it will be able to do the same in the following year because it will have attracted external funding and income to supplement any shortfall.

51. The local authority said that with pupil numbers determining the school budget and with reducing pupil numbers, leading to a reducing budget, the

school may have to reduce staff. Examination of the predicted financial position has led to concerns about the school's ability to preserve the quality of education. The local authority says that budgets based on lower pupil numbers will show larger in-year financial deficits for 2017/18 and 2018/19, leaving potential deficits to carry forward. The local authority recognised that anticipated changes to school funding formulae will benefit the school by about £2000 annually. However, the local authority does not consider that this will be enough to secure the school's financial viability and the local authority expects, more broadly, that it will have increasingly limited ability to provide on-going financial support to schools with financial pressures.

52. The local authority noted that the school proposed to balance its budget by seeking alternative sources of finance but observed that this was not a sustainable situation and was not conducive to the provision of a good and stable education for the children in the school. The governing body disagreed and considered that its development plan, which involves income generation from visitors to the school grounds and development of the outdoor learning project, would provide sufficient income to keep the school solvent until pupil number rose and the school budget increased.

53. The local authority states in its paper to the Executive that if the closure was approved there would be an annual saving of £128,000, which would be redistributed to schools in the local authority. There would possibly be some additional transport costs to fund from this but nonetheless a saving would be made. The local authority said that it was not seeking a saving but it did have a responsibility to ensure schools set balanced budgets and that resources in the area's schools were used effectively.

School premises and playing fields

54. Implications for the loss to the community of amenity represented by the school building and its playing fields are discussed below. The school premises appear to be in good condition and there are spacious grounds for a school of this size.

Early years provision and provision of special educational needs

55. The alternative school proposed for pupils is Austwick Primary School. It is a small school and has 45 children on roll. The local authority says that the school runs a daily breakfast club from 07.45 and has a variety of after school clubs to engage pupils and meet the needs of parents and carers. It has similar policies for admission to school as Horton-in-Ribblesdale does and it would accept children of nursery age into the school. The alternative school provides for the individual needs of pupils and will do so for any new pupils who attend. The school has access to the same specialist support as Horton-in-Ribblesdale. The local authority is not aware that any special adaptations are required but if there are then reasonable adjustments would be made.

Balance of denominational provision

56. The local authority has an obligation to consider the impact of closure on

the proportion of church school places when it determines the outcome of school closure proposals. The Diocese supported the proposal to close the school. Given the availability of places at other local Church of England schools, the diocese has expressed no specific concerns about the impact on the proportion of Church of England school places in this area

Rural primary schools

57. Horton-in-Ribblesdale CE VA School is designated as a rural school under the Designation of Rural Primary Schools (England) Order 2016. 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 the proposal clearly in the best interests of educational provision in the area.”* The guidance states that when producing a proposal for a rural school, the proposer must carefully consider the following four factors:

i. Alternatives to closure

58. The local authority and the diocese began to explore alternatives to closure several years ago. The option of federating the school with two other small primary schools in the area was explored and an executive headteacher was appointed to work across the three schools. The project was unsuccessful and the other two governing bodies withdrew from the federation leaving this school on its own. The governing body, the diocese and the local authority have different accounts of what went wrong. When discussed at the meeting, there was some agreement to the explanation that having one headteacher and three governing bodies was not a successful model, it was also suggested by the governing body that the headteacher was not a good fit for their school and they like the other schools felt that they would prefer to have their own headteacher.

59. The local authority reports that a consultation response from the headteacher at Stanbury Village School said that the governors of this school were interested in discussing a federation or a joint academy option. The school governing body reports that it has had some initial discussions with Haworth Primary School about a possible federation. These schools are over 30 miles away and more than an hour's drive from the Horton-in-Ribblesdale. 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 because of its small size. In the local authority's view, the fundamental issues of very low numbers, leading to lack of curriculum breadth remain, and partnerships with schools some distance away are speculative.

ii. The scope for extended school services

60. This is covered in the section below concerning community impact.

iii. Transport implications

61. The 16 seat minibus from the county council's fleet which provides home to

school transport to Horton in Ribblesdale School goes on to provide Service 11 which runs Monday to Saturday from Horton to Stainforth, Langcliffe, Settle, Giggleswick, Rathmell, Wigglesworth and Tosside providing 3 journeys in each direction between 0900 and 1520 hours.

62. This service is operated around the home to school transport, and if Horton-in-Ribblesdale School closed, the County Council would need to review the viability of continuing the service. In its proposal for closure, the local authority states that the Integrated Passenger Transport team considers that the 16 seat minibus operated by the County Council's fleet currently providing home to school transport to Horton could operate to Austwick School instead at no additional cost, and public transport services could be provided around this. The County Council is also planning to expand a volunteer car scheme in this area to provide additional transport options and Horton-in-Ribblesdale also has a station on the Leeds - Settle - Carlisle railway line.

63. Displaced pupils would be offered places at Austwick CE VA School, which is the nearest local school, 5 miles from Horton-in-Ribblesdale. This is a Voluntary Aided Church of England 3-11 primary school, which currently has 45 pupils on roll and has places available. It is proposed that the catchment area of Austwick CE VA Primary School should be expanded to include the current Horton-in-Ribblesdale catchment area. There are also places available at Giggleswick Primary School and Settle CE VC Primary School, which are approximately six miles and a similar travelling time by road. These schools may be nearer for some current pupils at the school.

64. The local authority says that its policy for Home to School transport is that *"transport will be arranged so that children will not normally spend more than 1 hour 15 minutes travelling to a secondary school and 45 minutes travelling to a primary school. Journey times might need to be longer than this in some rural areas and where road or weather conditions mean that these times are not practical."* It goes on to say that journey times for children living within the current school catchment area will depend on which other school they attend and their home address but that the journey from Horton-in-Ribblesdale school to Austwick school takes approximately 14 minutes and a distance of 5 miles although the journey times would be longer when minibus stops were included.

65. Concerns about bad weather in the winter were raised and the local authority responded that part of the road between the two schools was classed as a priority one road to be gritted by 07.00 hours and the remainder was a priority two road, which will be gritted by 10.00 hours. The local authority said that it had looked at the implications of home to school transport for the children currently attending the school. The routes used would depend on where the children lived and the preferences of parents. Their eligibility for home to school transport would be assessed on an individual basis and the local authority had invited parents to make contact to discuss their individual circumstances and preferences.

66. If the school closed, the local authority agreed there could be a potential additional cost to the Local Authority in providing transport to other schools. Based on current pupil numbers and places of residence, and assuming that all eligible pupils transferred to Austwick C of E Primary School there could

potentially be no additional transport costs initially, as the fleet minibus currently operating to Horton would operate to Austwick instead. It is possible, however, depending on travel times, that one additional taxi may be needed, which would cost an additional £15000 per year. The increase in traffic likely to result from the closure of the school is considered minimal given the small number of pupils, and the fact that all, or virtually all eligible pupils could be transported in a single minibus.

67. The local authority does not consider that there would be significant additional car use if the school were closed. It agrees that some parents may choose to use their own transport but draws attention to the children in the catchment area who are already travelling privately to alternative schools.

iv. The overall and long term impact on local people and the community of closure of the village school and of the loss of the building as a community facility

68. During the consultation period and the representation period, concerns were voiced about the impact on the community if the school closed and these were repeated at the meeting that I held. These include concerns about the school being a focal point for the Dale, the impact on local groups, clubs and the church, and the viability of upland farms. It has been suggested that closure would accelerate the trend for accommodation in the area to be used for weekend and holiday cottages and for young families to move out of the area.

69. The schoolchildren currently serve lunches to older people once a fortnight. On average, approximately four or five people attend this. The schoolchildren also participate in local church activities.

70. The annual Village Show uses the school premises. The county council does not own the school building, and it would be for the owners to determine the future use of the building if the school closed. In terms of the alternatives to the school building as a community facility, Horton-in-Ribblesdale has a village hall in Chapel Lane, which is a five-minute walk from the school. The hall seats 60 – 70 people and has a kitchen, ramped access and toilets. There is also a church in the village, a short walk from the school.

71. The chair of the national park authority has written that the closure proposal runs counter to the aims of national park policy and undermines policies to promote more housing and attract more people to live and work in the area. The policies in the national park authority's new local plan include a more flexible approach to adapt or convert traditional farm buildings, and some barns can now be converted into housing for local people. There are also efforts to support agricultural workers dwellings and the future working of existing quarries in Ribblesdale.

72. Craven District Council said in the consultation, *“the closure of the primary school would put Horton-in-Ribblesdale and its hinterland at a serious disadvantage when competing with other areas in the country to attract younger people and new businesses.”* It also drew attention to the fact that the Craven District Council and South Lakeland had been awarded lottery funding to fund a ten-year project to retain and attract younger people into the districts. This would

be achieved through new ways of working, new business models and new creative businesses to benefit all members of the rural communities improving access to heritage, culture and services.

73. The local authority and the diocese responded to these concerns by saying that their first priority was to ensure that the education of the children in the area is provided in a way that is sustainable. It said that the policies of the District Council and the Park Authority had to date not had an impact on the number of pupils in the school and there seemed little prospect that the impact over time would be sufficient to ensure the sustainability of the school.

Further Considerations

74. In drawing these issues to a conclusion, I have endeavoured to separate facts from opinion in as much as this is possible when some of the arguments have concerned projections about the future. I first consider the local authority's statutory proposal to close the school.

75. The local authority's argument, which is supported by the diocese, is that this is a very small school; pupil numbers are falling and are projected to be between seven and ten pupils in a building that has a capacity for 56. The local authority highlights four key issues for concern: leadership, very low pupil numbers, breadth of curriculum and the school's financial position. The local authority says that it supports small schools and points to the evidence of the number of small schools across the local authority. In this case, the school has shrunk to a size where the local authority and the diocese say that it will be difficult to sustain appropriate curriculum breadth because of the small numbers of pupils and teachers. The school will become financially unsustainable and unable to deliver the curriculum effectively.

76. The school governing body argues that the projections for pupil numbers are pessimistic and provides a number of reasons for why it believes that the numbers will increase. It says that the school now has a headteacher, who although appointed on an interim basis has indicated that he is willing to make a long term commitment to the school. The same applies to other staff and for these reasons, the governing body says that the local authority argument about weak leadership is no longer. The governing body argues that there has been a period of instability that has led to a fall in pupil numbers but as stability returns, the numbers will increase again. It argues that the District Council and the National Park have said they have strategies to encourage more affordable housing in the area, which will lead to increased pupil numbers.

77. The governing body and many of the respondents to the consultation, the representations and in comments made to me have disagreed with the arguments that curriculum breadth is limited in a small school. The governing body has presented an action plan that includes enhancing the curriculum through forest school activities and Dales outdoor education. The governing body disputes that the school is financially unsustainable and argues that it will raise money through the friends of the school and through income generating activities where other schools can visit and use the school grounds for outdoor cooking in the short term. It argues that in the longer term, pupil numbers will increase and this will return the school to viability.

78. In evaluating the arguments, I consider that issues set out in the following paragraphs to be most important in the decision I must make.

79. The educational experience for the children in the school is my first consideration and the number of children in a year group is an important consideration. In a school where there is only one child in Key Stage 1, two boys in the school and one child in the nursery there will be very limited opportunities for the children to interact socially and to learn with a wider group of peers. Independent learning will be adult led of necessity and this will have an impact on each child's personal development, behaviour and welfare. The headteacher's comment that the small numbers mean that it is possible to assess quickly each child's ability and attainment against national curriculum requirements is noted but I would expect this to be the case in any class with a good teacher. In my view, the arguments about limited curriculum access, lack of peers for collaborative working and limited opportunities for appropriate curriculum and social opportunities are persuasive. I acknowledge the arguments put forward that these limitations can, to some extent, be mitigated with children working across the age ranges and seeking opportunities to work with other schools but I am not persuaded that the mitigation can wholly remove the limitations described and observe that the mitigation adds to the pressures on staff to deliver this. In some situations there is no alternative to such very small schools and that in such circumstances children can and do thrive educationally. However, it is expensive and not in best interests of children when there are other alternatives.

80. The leadership of the school appears to have reduced in importance as an issue since the time when the local authority decided to publish a statutory proposal when it met in December 2016. There has been a complete change of staff and a significant change in the membership of the governing body. The new staff team and the governing body are working hard to develop the school and I congratulate them on this but I observe that this situation remains unstable and questions about sustainability remain.

81. Current and future pupil numbers have been discussed at length. The local authority has presented its pupil number forecasts and these have been challenged. I have seen no evidence that leads me to question the methodology of the forecasts provided. This is a model used across the local authority. There is no dispute about the fact that numbers have fallen, the question is whether the forecasts should take account of factors that are not normally taken into consideration. In this case, should any weight be placed on the District Council and the Park Authority views that their policies will lead to an increase in the number of new houses permitted? If so, will more family houses be built over time? Will this in turn will lead to an increase in pupil numbers? Should any weight be placed on the view that parental preferences will change and that some of the 20 or so children who live in the catchment area but who attend different schools will return to the school? I have considered these arguments and am of the view that only limited weight can be given to them. Even if some limited housing development is permitted, there will be a time lag before the developments are occupied and the local authority estimates that there is typically one child of primary school age for every four new houses built. In respect of changes in parental preference I consider that few, if any, parents

are likely to move their children if they are settled in another school. For these reasons, I consider that the forecasts of future pupil numbers are probably realistic. If some increased weight is given to the factors above, it still remains difficult to see how the numbers will increase at a rate that will bring sustainability.

82. Pupil numbers determine the school budget. There were differences of view about whether or not the school can return a balanced budget. There appeared to be some agreement that if the budget were to be balanced the school would need to rely on its reserves and external funding. It would also need to look for savings in all areas of the budget because the pupil number related element of the budget brings insufficient income to balance the staff costs needed to run the school. The governing body shared its action plan. This plan is still at its early stages and is not costed. It is difficult to see how it will generate sufficient additional income to make up shortfalls in core funding on a regular basis. The School Friends comprising parents, governors and other interested parties have successfully undertaken some fundraising. I commend their efforts but I do not see how this can be relied upon to provide a secure source of future funding to sustain the school.

83. Some of the respondents ask for some special treatment for the school and for the local authority to provide additional funding to see it through a period of low pupil numbers. This is a difficult request for the local authority because in order to give additional funding to one school the local authority would have to take it from the overall schools budget that is used to fund its other schools. This is a matter that would inevitably raise concerns about equity and value for money if it was discussed with the headteacher representatives who sit on the committee that manages the overall budget. The local authority commented that the new national funding formula for schools will bring modest increases to schools in North Yorkshire and for this school the increase would be in the region of £2000 a year. While helpful, this is, in my view, insufficient to secure the school's financial position.

84. The value of the school within its community has been an important part of discussions. There is no question that many respondents see the school as an important element within the community. Some of the parents of the children currently attending the school have said how important it is to them that their children attend school in the village. One of their arguments is that it is important that local children can meet at school to sustain local friendships. Many responses have come from people living in other parts of the country with a connection to the school who understandably wish to retain this connection. The school is used for the village fete and provides lunch to four or five elderly residents once a fortnight. There is a mother and toddler group and nursery within the school. The district council and the park authority have said that the school is an important element of their regeneration strategies.

85. It is impossible to put a monetary value on these arguments and they are without doubt important. However, the evidence from the current parental preferences is that the arguments have been insufficient to persuade the parents of the children who live in the area to send their children to their catchment area school. I also note that there is a village hall and a church in the

village, both of which might serve as venues for the community activities currently based in the school building.

86. The consideration of the closure of one school cannot be contemplated without consideration of the alternatives available. In this case, the local authority has said that its intention is that the children in the school would be offered a place at Austwick Church of England Voluntary Aided School. This school is also a small school and provides the intimacy that parents have said they value but with 45 pupils has the numbers to deal with the issues discussed in previous paragraphs. It has the capacity to take the additional pupils. The diocese supports the move and welcomes the fact that it is also a church school. Both the diocese and the local authority are satisfied with the standards at the school. The last Ofsted judgement was that the school is outstanding but this was some time ago and the local authority and diocesan monitoring is more recent.

87. The alternative school is five miles away and the local authority proposes that the two catchment areas should be amalgamated. For some of children who already travel there will be a longer journey and for others the journey will be of similar length or less. For the small number of children who currently walk to school there will be a five-mile journey, which the local authority estimates as taking around 15 minutes. For children who live at the most distant part of the catchment area the local authority estimates that the longest journey would be about seven miles with a journey time of 22 minutes. I note that there were comments that the journey time estimates do not take account of delays, which result from a journey with multiple pickups, nor do they take account of any weather related delays and I consider that this is a valid point. However, these arrangements appear to be well within the time and distance limits set out in the local authority's home to school transport policy, which refers to 45 minutes as the maximum normal travel time for a journey to primary school.

Conclusion

88. The local authority with the support of the diocese has presented its argument for closure of Horton-in-Ribblesdale Church of England (Voluntary Aided) Primary School on the grounds of falling rolls and unsustainability. It has presented a clear plan for providing places for displaced pupils at Austwick C of E (VA) Primary.

89. The school governing body set out at the beginning of its appeal that it did not think that the local authority had followed the proper process when the composition of the governing body changed because some governors resigned. I have examined the evidence and I am satisfied that the local authority complied with the requirements of the statutory guidance and related legislation.

90. This is a rural school and the statutory guidance states, "*there is a presumption against the closure of rural schools. This does not mean that a rural school will never close but the case for closure should be strong and the proposal clearly in the best interests of educational provision in the area.*" There have been many arguments made for retaining the school. I have set out my considerations of these above. My conclusion is that the concerns about the school's continuing ability to deliver a broad and balanced curriculum to a very

small number of children; the limited peer interaction and the ability to deliver a sustainably balanced budget outweigh the community benefits that the school brings to the village. In February 2017, the local authority made a decision to close the school with effect from 31 August 2017 on these grounds. I have reviewed all the issues and I agree this decision and consequently do not uphold the appeal made by the governing body.

Determination

91. Under the powers conferred on me by the Education and Inspections Act 2006 and the Regulations made thereunder, I hereby approve the proposal that Horton-in-Ribblesdale Church of England (Voluntary Aided) Primary School should close with effect from 31 August 2017.

Dated: 28 June 2017

Signed:

Schools Adjudicator: David Lennard Jones