

**FAMILY AND CHILDREN'S SERVICES OSC
16 NOVEMBER 2017**

EXTRACT FROM CABINET MINUTES OF 7 NOVEMBER 2017

34. REPORT OF THE INTERIM DIRECTOR OF CHILDREN'S SERVICES

Proposed Closure of Acklington CE First School

The report outlined the results of the statutory consultation process undertaken by the Governing Body of the James Calvert Spence Federation in relation to their proposal to close Acklington CE First School, which forms part of the federation. The report also provided an analysis of the responses received during the statutory period. Cabinet was asked to decide whether or not to approve the closure of the school as requested by the Governing Body (copy attached to the signed minutes as Appendix A, along with the report of the Family and Children's Services OSC circulated at the meeting).

The Chair made some opening remarks to members which outlined the procedure which would be followed and detailed the participants in the discussion.

Dr Johnson then highlighted the main points of the report and the key issues. These included the level of parental choice being exercised and its effect on pupil numbers, the amount of the current deficit with no likelihood of improvement, the poor state of repair of the school buildings and the £170,000 cost to replace the mobile classrooms. The school was judged to be good by Ofsted but the curriculum was not able to meet the social and emotional needs of the pupils and provide the level of stimulation required. He drew members' attention to the statutory guidance for rural schools.

Dr Johnson was also able to confirm the view of the Diocese of Newcastle which had not been available at Scrutiny. The Diocese had responded to the informal consultation carried out by the Federation and had assumed that this would be carried forward into the statutory consultation process. Paul Rickeard, the Diocesan Director of Education, had confirmed that the Diocese' response remained the same, which was read out by Dr Johnson as follows:-

"We are disappointed that this proposal to close Acklington C of E First School has been published so soon after the hard federation of Acklington into the JCSC Federation. We responded to the consultation in relation to that proposal in June 2015 and expressed concern that the interests of the children attending Acklington C of E First School may not be best met by the proposed federation. However, we acknowledge the reasons for moving to hard federation initially were to attempt to ensure sustainability for all schools and also recognise that the federation has sought to maintain the best educational experience for children attending Acklington C of E First School as set out in the current consultation document. There are currently only 13 pupils on roll at the school and with no anticipated intake in either nursery or Reception in September 2017, we

recognise the extreme challenges facing the federation in providing appropriate curriculum with such small numbers, and whilst maintaining the school buildings to an appropriate standard.”

“We would wish to ensure disruption to pupils is as limited as possible in these difficult circumstances and believe that a September rather than a January transfer may be the least disruptive option in terms of settling into a different school should closure take place”

“We understand that the land is occupied under a lease with the Duke of Northumberland currently held by the Newcastle Diocesan Education Board as the school’s charitable foundation. We requested that the terms of this lease be complied with by the federated governing body in our response to the previous consultation in June 2015. In light of this, we would request that the Federation consult with ourselves and the Duke of Northumberland as landowner before any decisions are taken about future use of the school site”.

Mr Neil Rodgers, Executive Head Teacher of James Calvert Spence College Federation, advised that he was aware that this was an emotive issue for pupils and parents and efforts had been made to be understanding of community feelings. The Federation had worked with parents to try and increase the roll since the school had become federated but this had proved unsuccessful as parents were reluctant to send their children to a school which was so small, which had been under threat of closure for some time and where there were difficulties in delivering the curriculum at the correct key stage.

He added that a contribution of tens of thousands of pounds would be needed from across the Federation to balance the the school’s budget and one child in a year group was just not sustainable. The buildings were not fit for purpose and still had outside toilets. The Governing Body had explored all possible alternatives but had come to the reluctant decision that the only viable option was closure. He reassured members that other schools within the Partnership would take the pupils from Acklington if members agreed on closure.

Mr Steven Bush representing the parents of Acklington felt that the school had not taken the necessary time or action to consider the alternatives to closure. Also, the issue had been considered in December of last year, but no contact had been made with parents until May 2017. It had been left to the wider community to find alternative solutions, and he had discovered that these ideas had been rejected only by reading Dr Johnson’s report.

Mr Bush felt there was an opportunity to look to the future and expand the educational offering in order to save the educational presence in the village. To lose this would not be in the best interests of the children, and he hoped that the Authority would work with the school in order to maintain the village’s heritage and not lose a valuable asset.

Councillor Jeff Watson commented that this proposal was very sad to see but parents had felt let down. Promises made during the amalgamation had not been kept and opportunities had not been taken. He expressed disappointment at the consultation process, with purdah in the middle of it, leading more parents to

withdraw because of the uncertainty. He supported Scrutiny's recommendation to keep the school open until 31 August 2018, notwithstanding the cost.

Councillor Russ Wallace presented the report from Family and Children's Services OSC. The Committee had fully considered the report and identified the key factors to be:

- the current number of children attending the school is 8
- the history of low numbers attending the school - less than 20 for the previous 5 years
- parental choice showed that the majority of children in the catchment area choose attend other schools
- although new build is proposed for the area, the school places formula suggests numbers will not increase significantly
- the current school buildings are in a state of disrepair with the cost of upgrading for long term use costing circa £170k

Members had also considered the impact of closing the school in December 2017 - just over 6 school weeks away and, while accepting the good relationships within the Coquet Partnership, and a commitment to ensure children would be accepted at their first choice of alternative school, concluded that this would not be in the best interests of the children currently attending the school.

By a majority vote, the Committee had concluded that delaying the closure of the school until 31 August 2018 would be in the best interests of the children involved and recommended this to Cabinet.

Mr Rodgers queried who would pay the cost of delaying closure until 31 August 2018, which he estimated at £70,000 to £75,000. Dr Johnson responded that, should Cabinet agree delaying closure, then discussions would be held with the Federation. There were funds which could potentially be drawn upon for building maintenance, the school could apply for a short term deficit budget for running (staffing) costs, or the Cabinet could decide to seek other funds from within the Council itself.

At this point, the Legal Services Manager provided comprehensive legal advice to Cabinet (copy attached to the signed minutes), taking into account the relevant statutory guidance documents, the school closure process, the factors to be taken into consideration, and the options.

The Chair then moved that Cabinet approve the proposal detailed in recommendation 1, subject to closure being from 31 August 2018, in line with Scrutiny's recommendation. This was seconded by Councillor Sanderson. The Chair thanked Scrutiny members and Councillors Wallace and Watson for their work and input on this issue, which he felt demonstrated the value of the Scrutiny process.

Members raised some issues as follows:-

- Councillor Homer asked whether a change in timescale meant parents would be more likely to get their school of choice, what the ratings were of

the other schools in the Federation and what the implications were for travel. Dr Johnson advised that only 8 pupils on roll meant that an individual approach could be taken with each child. Mr Rodgers had already referred to the strong partnership within the Federation and believed that the children could be accommodated within their first choice, though of course the school admissions process was a statutory one and could not be circumvented. Schools within the partnership were broadly rated as good and most had places available. Transport arrangements would have to be looked at on an individual basis. Delaying closure until August 2018 would allow time for a smooth transition.

- Councillor Riddle supported the amendment and appreciated Scrutiny's work on this issue. He complimented Dr Johnson on a very comprehensive report and supported the proposal for closure for the reasons outlined in the report.
- Councillor Oliver agreed that the report covered all of the relevant areas and queried how firm the figures were regarding the extra costs. Dr Johnson could not confirm that until discussions had been held with the school but a business case would need to be put forward.

Mr Henry then advised members that if Cabinet was minded to accept the amended recommendation as proposed and seconded, then this represented approving the proposal with modification, which required consultation with the governing body. He therefore recommended that the final decision be delegated to the Chief Executive, following consultation with the Leader and Deputy Leader and subject to this consultation.

On being put to the vote there voted **FOR: 7; AGAINST: 0, ABSTENTIONS: 0.**

It was therefore **RESOLVED** that:-

- 1) the proposal from the Governing Body of the James Calvert Spence Federation to close Acklington CE First School be approved;
- 2) the Statutory Proposal to close the school, published by the Governing Body on 7 September 2017, be approved with the following modification, which is subject to consultation with the Governing Body of the James Calvert Spence Federation:-

Closure to be with effect from 31 August 2018 and the final decision be delegated to the Chief Executive, following consultation with the Leader and Deputy Leader.

- 3) Cabinet note that Acklington CE First School is listed on the Designation of Rural Primary Schools (England) Order 2016 and that full consideration has been given to the relevant points set out in the report;
- 4) Cabinet note the impact of the proposal as set out in the Statutory Proposal attached at Appendix 4 of the report;
- 5) the Department for Education's (DfE) 'Guidance for decision-makers: Statutory guidance for decision-makers deciding prescribed alteration and establishment and discontinuance proposals, April 2016' and the 'Opening and closing maintained schools; Statutory guidance for proposers and

decision makers April 2016' attached to the report at Appendix 6a and Appendix 6b respectively, has been taken into account in reaching this decision; and

- 6) the recommendation of the Family and Children's Services OSC be approved.

The meeting then adjourned at 10:53 am so that the decision, and the reasons for it, could be confirmed. On the meeting reconvening at 11:05 am, the Deputy Leader read out the following statement:-

1. The Council has an obligation to protect schools in isolated rural areas where pupil numbers are very low and the nearest schools is many miles away. However this school has 5 neighbouring schools within 5 miles, the nearest being only 1.3miles away. Each of these schools is relatively small and each has spare capacity. It is not easy to deliver a broad and balanced curriculum in a very small school and although the school currently is rated good by Ofsted it continues to need significant support from the federation to ensure that children receive the social and emotional interaction they need.
2. Parents in Acklington generally do not choose Acklington school, instead they choose one of the other neighbouring schools. There are 28 children in the catchment area but very few attend the school.
3. The school has poor accommodation and it would take around £167,000 to refurbish it,
4. Pupil numbers have been very low for many of years; in September 2012 there were 18 children on roll; in September 2015 there were 12 pupils and in November 2017 there are 8 pupils. No children have joined the Reception or nursery class in September 2017.
5. In spite of action taken by the James Calvert Spence Federation to attract additional pupils to the school, the majority of pupils living in the school catchment area of first school age attend other local schools through parental choice.
6. Cabinet agrees with the Governing Body of the James Calvert Spence Federation that the continuing reduction in the school's budget as a result of the continuing fall in pupil numbers will have a detrimental impact on the ability of the school in the future to sustain the broad and balanced curriculum that the pupils deserve in line with their peers.
7. The school's budget is forecast to be in deficit of £40,000 for 2017/18 and with no children joining the school in September 2017, the deficit is predicted to continue to grow in 2018/19 and 2019/20.
8. Therefore, while Cabinet has been mindful of the specific statutory requirements in relation to the closure of rural schools, and its decision making powers, it believes that it is in the best educational interests of the pupils to close Acklington CE First School.
9. However, Cabinet believes that the Governing Body's proposal to close the school on 31 December 2017 is not in the best educational interests of the children and therefore proposes the modification of the closure date of the school to 31 August 2018 as recommended by the Family and Children's Services Overview and Scrutiny Committee.
10. Furthermore, Cabinet requests officers to review arrangements at other local first schools with a view to ensuring a place for all children currently on roll at

Acklington CE First for 1 September 2018. There is sufficient capacity within other first schools across the Coquet Partnership for parents to exercise their parental preference for other schools, including at other faith schools.

11. The proposal to close Acklington CE First School was brought forward by the Governing Body of the James Calvert Spence Federation and supported by the Diocese.
12. The consultation on this proposal has been appropriate, reasonable and robust.