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| MEETING: | CABINET |
| DATE: | 25 NOVEMBER 2010 |
| TITLE OF REPORT: | DILWYN CHURCH OF ENGLAND PRIMARY SCHOOL: DETERMINATION OF PROPOSAL TO CONTINUE |
| PORTFOLIO AREA: | ICT, EDUCATION & ACHIEVEMENT |

CLASSIFICATION: Open

Wards Affected

Golden Cross with Weobley

Purpose

To consider a report on responses to the statutory notice to discontinue Dilwyn Church of England Primary School (Dilwyn School) and to determine if the school should close with effect from 31 August 2011.

Key Decision

This is a Key Decision because it is likely to be significant in terms of its effect on communities living or working in Herefordshire in an area comprising one or more wards.

It was included in the Forward Plan.

Recommendation

THAT Dilwyn Church of England Primary School be discontinued on 31 August 2011.

Key Points Summary

- The Local Authority is supported by the Roman Catholic Archdiocese of Cardiff in its views that:
 - Dilwyn School is not sustainable as a stand-alone entity.
 - The revised proposal to federate with St Mary's Roman Catholic (RC) High School (St Mary's School) has addressed some of the concerns of the Local Authority and diocesan bodies, but does not address sufficiently the issue of low pupil numbers, resulting finances and therefore sustainability of quality education and experience

Further information on the subject of this report is available from David Sanders, Interim Director of Children's Services on Tel: (01432) 260039

into the future.

- The Diocese of Hereford Board of Education, whilst previously not supporting the original federation submission, has considered the revised submission from Dilwyn School and stated that “the Diocesan Board of Education in principle supports collaborative working in a formal partnership, subject to the agreement of outstanding details”. The Board has voted in favour of the revised submission, and suggested a three year period for the schools concerned to work through and implement new working arrangements, procedures and staffing adjustments.
- The Governing Body of St Mary’s School supported the head teacher of St Mary’s School in his submission entitled “Proposal for working together within a hard federation” which has formed part of the revised submission of Dilwyn School. However this was done with the following caveats, that “the approval of any association between the two schools being sanctioned by the Anglican and Catholic Diocesan authorities and that the plans did not involve St Mary’s ‘bank-rolling’ Dilwyn” (extract from the minutes of the Governing Body of St Mary’s School meeting). The Archdiocese of Cardiff does not support the revised federation submission.

Alternative Options

- 1 The following alternative options have been considered and rejected for the reasons given:

That Dilwyn School continues as a standalone entity. Although there has been much support for this option from members of the Dilwyn community, no new evidence was forthcoming from the responses to the statutory notice to alter the view of the Local Authority and the Hereford Diocese Director of Education that the school is not sustainable as a standalone entity.

That Dilwyn School should amalgamate with another school. Neither the Local Authority, nor the Hereford Diocese Director of Education believe there to be advantages to amalgamation over closure. There was very little support for this option during the initial consultation over the future of the school and no new evidence was forthcoming in the responses to the statutory notice to alter the view of the Local Authority and the Hereford Diocese Director of Education.

That Dilwyn School should federate with another school, or schools. During the representation period, the Local Authority received from the governing body of Dilwyn School a revised proposal for federation produced in conjunction with St Mary’s School, Lugwardine. For reasons described later in this report, the Local Authority and the Archdiocese of Cardiff have not been convinced that the revised proposal for a federation between St Mary’s School and Dilwyn School addresses adequately the educational and financial concerns highlighted through the review of Dilwyn School. The Diocese of Hereford does believe that the partnership approach should be supported.

Reasons for Recommendations

- 2 The recommendation to discontinue Dilwyn School is made in the educational interests of the pupils of Dilwyn now and in the future, for the effective use of public funds, and in accordance with council policies.

Introduction and Background

- 3 On 12 July 2010 Cabinet considered a report by the Interim Director of Children's Services on the future of Dilwyn School. The report explained the process and findings of a review of the school under the Council's Small Schools Policy from February 2010 to June 2010, which had been carried out in conjunction with the Hereford Diocese Director of Education and in consultation with the Commissioner of Schools and Colleges for the Archdiocese of Cardiff. The Diocese of Hereford and the Archdiocese of Cardiff were in full support of the recommendations and letters confirming this were subsequently received from both. Cabinet agreed the recommendation that the Local Authority should initiate the statutory process concerning the closure of Dilwyn School with effect from 31 August 2011.

Key Considerations

Process

- 4 A statutory notice, summarising the proposal was published on 9 September 2010, in accordance with the statutory regulations. Copies of the full proposal were sent to all statutory parties.
- 5 The statutory notice invoked a six weeks representation period, during which time anyone could comment on, or object to, the proposal.
- 6 67 responses to the statutory notice were received. All the points raised have been considered in the development of this report. All of the responders objected to the proposal. The key issues raised are covered in the body of the report with a more detailed analysis of the issues raised being provided at Appendix A together with the authority's response to those issues.
- 7 Responders identified themselves primarily within the following categories, although many were, for example, parents and/or governors and residents. A number of responses reflected the views of two or more people in a household:

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| Parents of children at Dilwyn C of E Primary School | 7 |
| Parent/carer considering a place at Dilwyn school | 2 |
| Residents in the Dilwyn area | 33 |
| Staff/Governors/Pupils/PTFA | 4 |
| Member of Parliament | 1 |
| Local businesses | 6 |
| Other interested individuals | 6 |

An additional eight responses were received from the following organisations/bodies:

Dilwyn School Governing Body (including a revised proposal for a federation with St Mary's School)
Dilwyn Parish Council
Leominster Team Ministry
Dilwyn Playgroup
Dilwyn Women's Institute,
Dilwyn Mothers Union
Dilwyn Cedar Club
Campaign for Rural England (Herefordshire Branch).

Issues Raised

- 8 The responses demonstrated some strong support for the continuation of Dilwyn School, with the majority valuing the ethos of the school and the standard of attainment of its pupils. There was a strong concern for the sustainability of the Dilwyn community if the school were to close, including support for the early years playgroup, Church, community events and local facilities, groups and businesses. Many of the community responses refer to the fact that the village of Dilwyn has lost its post office and shop in recent years.
- 9 The majority (51) of responders favoured a proposal to federate with St Mary's School as a means to address the Local Authority and diocesan bodies' concerns about the sustainability of the school. In particular responders felt that such a federation would attract more pupils to the school because of its proposed ecumenical, gospel based ethos, and that it would attract local pupils whose parents had chosen other schools because of a long term perceived threat of closure for Dilwyn School.
- 10 Responses to the consultation felt that pupil numbers could rise again, quoting a shortage of primary school places in the West Midlands and possible housing development in Dilwyn.
- 11 Some (14) responders felt that the financial savings from the closure of the school were insignificant in terms of the redistribution of funding to other schools.
- 12 Some of the responses reflected continuing criticism of the Local Authority with claims of failure to meet due statutory process, bias in the presentation of information and data, misrepresentation, predetermination of decisions and coercion of Diocesan opinion. Throughout the process, the Local Authority has strongly refuted such allegations, with the backing of both diocesan bodies.

Response to the issues raised

- 13 The Education and Inspections Act 2006 requires that a Local Authority that is considering the closure of a rural primary school must consider the following matters, when formulating their proposals:-
 - the likely effect of the discontinuance of the school on the local community;
 - the availability, and likely cost to the Local Authority of transport to other schools;
 - any increase in the use of motor vehicles which is likely to result from the closure of the school, and the likely effects of any such increase;
 - and any alternatives to the closure of the school.
- 14 If Dilwyn School was to close, the Local Authority has a duty to ensure that there is sufficient pre-school provision available in the area. Whilst having no similar duty in respect of other community facilities the council already promotes all village/community halls through its website and offers advice and access to funding for a range of community facilities/activities.
- 15 The considered views of the Local Authority, Hereford Diocesan Board of Education and the Roman Catholic Archdiocese of Cardiff are as follows:
 - Dilwyn School is unsustainable as a stand-alone entity.
 - The proposal to enter into a federation with St Mary's School is a serious and

constructive attempt to attempt to show an education and funding model which would sustain Dilwyn School. The proposal has been revised since it was first considered by Cabinet in July and addresses some of the concerns held by the Local Authority and diocesan bodies at that time.

- 16 However, the proposal is still particularly weak in its proposals for Key Stage 1 and, in the view of the Local Authority and the Archdiocese of Cardiff, does not address the fundamental concerns about pupil numbers and consequently the future financial and educational sustainability of the school. From the evidence within the revised proposal these issues are beyond the ability of the proposal to influence them sufficiently to provide a long term sustainable arrangement.
- 17 The Local Authority, Archdiocese of Cardiff, and the Diocese of Hereford also recognise that though the proposal from St Mary's School is entitled "Proposal for working together within a hard federation" there are insufficient details about the creation of a hard federation or the governance arrangements to provide a clear way forward and timescale.
- 18 The recent and current pattern of pupil enrolment is that only about one third of children living in the catchment area attend the school. Responses to the initial consultation and Parish Council questionnaire earlier this year did not identify any parents who had chosen other schools because of a perceived threat of closure for Dilwyn School, although the Governors of Dilwyn School suggest they have subsequently identified 13 pupils whose parents either have, or would in the future, send their children to Dilwyn School if there were no threat of closure. The Governors of Dilwyn School also state in their response that they have written declarations from the parents of 19 children who would consider sending them to Dilwyn School if the school were to federate with St Mary's School, and state their intention to reach an initial target of an additional 40 pupils. The 19 pupils referred to include younger, currently pre-school age children, and therefore the potential for 19 children to attend Dilwyn School would be phased over a number of years. The St Mary's School proposal for federation states 16 children whose parents would consider Dilwyn School if it federated with St Mary's School. St Mary's School's proposal provided a breakdown - 3 are current primary age pupils, 5 for the 2011 intake, 1 for 2012, 2 for 2013 and 5 for 2014. The numbers quoted, even with the perceived attraction of federation with St Mary's School would not see any significant increase in the school's roll as higher numbers of pupil in some upper year groups will transfer to secondary school
- 19 Whilst a significant number of members of the Dilwyn community are passionate about their wish to see primary education maintained at Dilwyn School, the parents of only just over one third of the children in the school's catchment area choose to send their children to the school. Over one third of pupils attending Dilwyn School live outside the catchment area.
- 20 The Local Authority and Archdiocese of Cardiff do not have any evidence that pupil numbers would rise significantly to ensure that Dilwyn School would not be a drain on the financial resources of St Mary's School. The financial climate facing schools will provide additional challenges over the next budget cycle. The Diocese of Hereford, whilst wanting to support the partnership proposal has offered no additional evidence that would alter this view and has stated that they are not in a position to financially underwrite the proposal.

- 21 Dilwyn School has been judged satisfactory by Ofsted, with its capacity to improve also satisfactory. The two nearest schools to Dilwyn, Weobley Community Primary and Pembridge C of E Primary, which currently accommodate 28 pupils from the Dilwyn catchment area are judged by Ofsted to be good schools, with good capacity to improve. Other schools currently attended by children from the Dilwyn catchment area are judged either good or outstanding. Some parents have also opted for independent school education. The Local Authority and the Archdiocese of Cardiff question whether a significant number of families whose children have settled into these other schools, and established friendship groups, would transfer their children, even with the possible attraction for some of a potential advantage in gaining a place at St Mary's School at secondary transfer. Siblings would therefore be most likely to follow to the same schools.
- 22 The Local Authority and diocesan bodies recognise one aim of the proposed federation would be to open up an opportunity for children of the Catholic faith to access a gospel based education in the north of the County. However, as reported to Cabinet in July 2010, the low number of Catholic baptisms in the north of the County suggests this would not increase pupil numbers significantly, with an average total of just 5 baptisms a year being recorded between 2005 and 2009 in the Weobley/Kington and Leominster parishes. It cannot be assumed that all would choose to send their children of primary age to Dilwyn from this wide geographic area.
- 23 While parts of the West Midland are experiencing greater demand for primary school places and in particular the urban conurbations, Herefordshire as a whole, and the Dilwyn area in particular, are not. The Parish Council is working with Herefordshire Council planners on a proposal to build 25 new homes, 50% of which would be affordable housing. The Council's planning documents identify a probable yield of fewer than 5 primary age pupils from such a development. While Dilwyn is identified as a Main Village in the Local Development Framework, any future housing is likely to be in proportion to its size, currently about 123 residential dwellings and will therefore not be significant enough to greatly increase pupil numbers in the catchment area. There are currently some 140 surplus school places in and neighbouring the Weobley School's Cluster, which would readily meet any projected additional demand from such growth.
- 24 Since school funding is largely reliant upon the number of pupils on roll, the financial concerns considered by Cabinet in July remain. The responses suggest that there has been success in gaining pledges of money from individuals, groups and businesses amounting to £14,700 and with an expectation to reach at least £20,000 to support the school financially in the short term. However, the school's financial stability is reliant upon overcoming the significant challenges mentioned above in terms of attracting more pupils to the school. Further detail on the financial implications is set out in the relevant section below.

Community Impact

- 25 Community impacts have been explored within the key considerations above.

Financial Implications

- 26 The closure of Dilwyn School would have the following financial implications:

- a) There would be no savings made to the Local Authority in terms of the school's delegated budget. The 'per pupil' funding element would follow each pupil to the school to which they transfer. The other elements of the budget such as the management and premises base allocations and small schools' protection funding, around £60,000, would be distributed between all schools through the Herefordshire schools funding formula.
- b) The Dilwyn School budget would therefore be reinvested, partly in the schools to which Dilwyn School pupils transfer and, in part, across all Herefordshire schools. Although there is no financial saving to the Local Authority, distribution of the budget across other schools, and in particular the 'per pupil' element brings financial benefit to the new host school or schools in terms of their spending power. As pupils join classes already established with teachers and teaching assistants a higher proportion of the extra pupil funding can be spent of additional classroom support and curriculum resources.
- c) There would be a cost to the Local Authority in terms of transport provision to an alternative school or schools. This has been calculated at £22,000 per year. The rural nature of Herefordshire requires the Local Authority to spend around £5 million a year on home to school transport. There would also be a potential one-off maximum staff redundancy cost of £71,880, though the Local Authority would work with the school, using the Council's policies, to minimise the effects on staff wherever possible.
- d) The Diocese of Hereford, whilst supporting the partnership approach has not suggested that it would be willing to support the proposal financially.
- e) The governors of St Mary's School have stated that any collaboration should not result in St Mary's School "bailing out" Dilwyn School. It is the view of the Local Authority and the Archdiocese of Cardiff that the position of Dilwyn School would mean that St Mary's School is likely to face financial pressures as a result of collaboration in terms of providing support. Further detail on the analysis of how costs could be reduced in the proposal are contained in Appendix A.

Legal Implications

- 27 The legal context for the process of considering the future of a school and possible closure of a school is provided by the Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 (as amended by The School Organisation and Governance (Amendments) (England) Regulations). It also is within the context of the statutory guidance "Closing a Maintained Mainstream School".
- 28 Having received objections to the proposal to close Dilwyn School, the proposal must be decided by the Local Authority by 21 December 2010, that is, within 2 months from the end of the representation period. If a decision is not made by this date, the Local Authority must forward the proposals and any representations to the schools adjudicator for decision. This must be done within one week from the end of the 2 month period. As there have been objections to the proposal, the following bodies may appeal against the Local Authority decision - the local Church of England Diocese; the Bishop of the local Roman Catholic Diocese; and in the case of foundation or a voluntary school, such as Dilwyn School, the governing body or trustees of the school

that is proposed for closure.

- 29 Appeals must be submitted to the Local Authority within four weeks of the notification of the Local Authority's decision. On receipt of an appeal the Local Authority must then send the proposals, and the comments and objections received, to the schools adjudicator within one week of receipt of the appeal. The Local Authority should also send to the schools adjudicator a copy of the minutes of the Local Authority's meeting or other record of the decision and any relevant papers.

Risk Management

- 30 A decision to close Dilwyn School on 31 August 2011 would require school places to be found for existing pupils. The Local Authority would work with receiving schools and the pupils and parents to ensure successful transitions to new schools. In the run up to closure, the Local Authority would work with the parents/carers of children attending Dilwyn School to offer places at the next nearest school with available places. The next nearest school to Dilwyn School is Weobley Primary School. The Local Authority would also work with families seeking a place at an alternative Church of England faith school on denominational grounds. The Local Authority would look to provide this at the next nearest Church of England school with places available. The Local Authority's policy on assisting pupils with home to school transport would apply. In addition to the Council's normal home to school transport policy, the Council would also provide transport to any pupil on roll at, and living in the catchment area of, Dilwyn School when it closes, where the journey to the next nearest primary school, or next nearest Church of England primary school, is greater than their journey would have been to Dilwyn School.
- 31 In addition a decision to close Dilwyn School would require the redeployment or redundancy of the school staff. The Local Authority would support staff through this process and implement the Council's alternative work policy and procedures.
- 32 A decision to keep Dilwyn School open would mean that, given the low pupil numbers the school cannot be considered to be independently educationally and financially sustainable in the near future so there is a risk to pupils' education. The Local Authority would be required to provide additional support to the school to attempt to ensure appropriate pupil education and progression. The school would work with other schools to enhance pupil experience and where possible share and maximise resources.
- 33 If there were to be an appeal to the School Adjudicator through the closure process the School Adjudicator could choose to direct that the school remain open. However, the view of the Local Authority and the Archdiocese of Cardiff indicates that there are strong reasons for a decision to discontinue the school. This view was shared by the Diocese of Hereford until the receipt of the latest submission from Dilwyn School.

Consultees

- 34 The issue of a statutory notice on 9 September 2010 invoked a 6 weeks representation period during which anyone could object to, or comment upon, the proposal to close Dilwyn School.

Appendices

Appendix A Summary of issues raised in responses to the Statutory Notice and the response to those issues.

Background Papers

- Responses to the Statutory Notice.