

<b>MEETING:</b>	<b>CABINET</b>
<b>DATE:</b>	<b>12 JULY 2010</b>
<b>TITLE OF REPORT:</b>	<b>THE FUTURE OF DILWYN CHURCH OF ENGLAND (C OF E) PRIMARY SCHOOL</b>
<b>PORTFOLIO AREA:</b>	<b>ICT, EDUCATION &amp; ACHIEVEMENT</b>

**CLASSIFICATION:** Open

### **Wards Affected**

Golden Cross with Weobley

### **Purpose**

To consider options for the future of Dilwyn Church of England Primary School (Dilwyn School) and the key reasons for the recommendations. These include:

- past, present and future pupil numbers which do not enable valid educational provision as a standalone entity,
- the availability of school places in the area,
- finance, with the total average funding for a pupil at Dilwyn School being £5,849 compared to the average of £3,666 for a Herefordshire primary school,
- the considered view of the Local Authority, Diocese of Hereford, and Archdiocese of Cardiff that the proposal of collaboration between St Mary's Roman Catholic High School and Dilwyn School does not address their concerns in terms of pupil numbers and sustainability.

These reasons are expanded upon in the main body of the report.

### **Key Decision**

This is not a Key Decision.

### **Recommendation(s)**

**THAT Cabinet:**

- (a) **Consider the information presented in this report.**
- (b) **Agree that the Local Authority will initiate the statutory process concerning the closure of Dilwyn Church of England Primary School with effect from 31 August 2011.**

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Further information on the subject of this report is available from  
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## Key Points Summary

- Dilwyn School has 31 pupils on roll (January 2010 Census) and has been the subject of a review led by the Local Authority and the Hereford Diocese Director of Education, with the involvement of school governors, under Herefordshire's Small Schools Policy. The findings of the review raised significant concerns over the viability of the school as a standalone entity, including the impact of continued small numbers of pupils at the school and the resulting resources (including staffing), experience and quality of learning, and safeguarding arrangements. Officers recommended that a consultation be initiated to consider the future of the school involving a wider group of stakeholders.
- Between 1<sup>st</sup> February and 30<sup>th</sup> April, the Local Authority consulted on four options for the future of the school: to remain as a standalone school; federation with another school(s); amalgamation; closure of the school. The consultation showed strong community and school support to retain a primary school in Dilwyn. Most responses favoured the retention of the school as a standalone entity, but a significant number favoured federation with another school. This was also an option acceptable to most of those who would prefer a standalone school, if the alternative was to be closure of the school.
- Although strong community and school support has been demonstrated, with significant emphasis placed on the contribution a school in Dilwyn would make to maintaining the life and character of the village, the responses have not brought with them sufficiently robust solutions to the issues that the school faces. The Local Authority, the Diocese of Hereford and the Archdiocese of Cardiff have welcomed a considered proposal from St Mary's Roman Catholic (RC) High School to work in close partnership with Dilwyn School, leading to a hard federation. Significant work has been undertaken between the two schools to develop this proposal. However, after careful analysis of the proposal by the Local Authority, the Diocese of Hereford, and the Archdiocese of Cardiff, it is the view of all three organisations that the proposal does not adequately address their concerns on pupil numbers, finance and sustainability of improvement in teaching and learning, assessment and safeguarding arrangements. It does however provide a strong basis for future development of an ecumenical approach in Herefordshire.
- The future of Dilwyn School has to be considered within the requirements of legislation. Teaching and learning opportunities, community impact, transport considerations and rurality are all key requirements to be considered. These are set alongside the effective use of public money and the wider context of school places in the area. There are sufficient surplus places in the surrounding schools to provide appropriate places for the pupils at Dilwyn now, and in the future, as well as offering Church of England places for those whose parents would prefer them.
- In the absence of sufficiently robust and sustainable solutions coming forward to address the issues raised in the consultation, either as a standalone school, or as part of a hard federation, and with a lack of support for amalgamation with another school, closure of Dilwyn School from 31<sup>st</sup> August 2011 is the recommended option.

## 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 the Dilwyn community, no new evidence was forthcoming from the

consultation to alter the view of the Local Authority and Hereford Diocese Director of Education that the school is not sustainable as a standalone entity, for the reasons described later in this report.

**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 consultation.

**That Dilwyn School should federate with another school, or schools.** During the consultation process, the Local Authority received a proposal for federation from St Mary's RC High School, Lugwardine. For reasons described later in this report, the Local Authority, the Diocese of Hereford, and the Archdiocese of Cardiff have not been convinced that the proposed federation between St Mary's RC High School and Dilwyn School addresses adequately the educational and financial concerns highlighted through the review of Dilwyn School.

## Reasons for Recommendations

- 2 The recommendation to pursue the statutory process for the closure of Dilwyn School is made in the educational interests of the pupils of Dilwyn and for the effective use of public funds.

## Introduction and Background

- 3 Dilwyn School currently has 31 pupils on roll (January 2010 census), against a total pupil capacity of 56, and has had fewer than 36 pupils on roll in all but one of the previous four years.
- 4 When the pattern of pupil numbers at a school falls below 36, Herefordshire Council's Small Schools Policy requires the Council to carry out a review of the school. If the school is a Church of England school, like Dilwyn, the review is carried out in consultation with the Director of the Hereford Diocesan Board of Education. As Dilwyn School's pupil numbers had been in significant decline over a sustained period, falling below 36 in the current year and all but one of the previous four years, a review was carried out. In January 2010 the Cabinet Member for Education, Achievement and ICT took a decision, in the light of the findings of the review group, to enter into a consultation on the future of the school. The consultation was undertaken between 1st February and 30th April 2010 and invited comment on four options for the future of Dilwyn School: to remain as a standalone school; federation with another school(s); amalgamation; closure of the school.

## Key Considerations

### Review of Dilwyn School under the Council's Small Schools Policy

- 5 In line with the existing Herefordshire Small Schools Policy, a review group comprising the Head Teacher, Chair of Governors, Governor Representatives, Director of the Diocesan Board of Education and officers of the council's Children & Young People's Directorate met over several months during 2009. The review group looked at:
  - Quality of teaching and learning
  - Current staffing arrangements (including opportunities for training & development and

arrangements for safeguarding)

- Effectiveness of safeguarding procedures in place
- Effectiveness of leadership within the school
- Trends in pupil numbers and parental preference locally
- Location of the school and transport issues
- Financial stability of the school and impact of current/projected pupil numbers on that stability
- Exploration of opportunities for federation/amalgamation

- 6 In summary the findings of the review under Herefordshire's Small Schools Policy did not confirm that Dilwyn School would be a sustainable school, given the continued and projected low numbers of pupils, the resulting pressures on finances, teaching and learning including opportunities for pupils, and pressures on staff, resources, and safeguarding arrangements.

### **Teaching and learning - small school challenges in the context of Dilwyn School**

- 7 The primary concern of the Local Authority is to ensure high quality and sustainable teaching and learning for pupils now and in the future. Dilwyn School faces a number of challenges due to the small numbers at the school, now and projected into the future. There are also some areas of strength as a small school and these are considered as well in coming to the recommendation. The National College for Leadership of Schools and Children's services (2009) states "as organisations, small schools have a high degree of complexity, stemming from the small numbers of staff they employ and the intricate remit they fulfil. In particular, headteachers have fewer opportunities to delegate their work and as a result are more likely to have to engage directly with diverse groups of stakeholders. Dealing with initiatives such as extended services, for instance, is therefore markedly more challenging within a small school context."
- 8 In the case of Dilwyn School, the Review Group found clear evidence that the headteacher's workload is exacerbated by the limited staffing available and that for an individual undertaking this role it is not sustainable
- 9 The National College research also concluded that rural small schools face different demands to many larger schools because of the more central role they play in their local community. In such contexts, the school is more embedded and significant to community life than larger schools, which adds to its complexity. Furthermore, most small school headteachers teach. This places considerable additional demands on their time, and can act as an obstacle for accessing professional development.
- 10 The demands that new initiatives and policies place on schools are often more keenly felt in small schools than their larger counterparts. Perhaps unsurprisingly, increasing management and leadership tasks are the greatest preoccupation of small school headteachers. Often the time for detailed and systematic strategic leadership tasks, such as rigorous self evaluation, is limited.
- 11 Mutual support networks are potentially more important for small schools but ironically the research found them to be more difficult to establish and sustain. However, networking for mutual benefit potentially provides a useful basis which could be built upon further through formal collaboration and federation. In Herefordshire this has been developed through cluster working, and the proposal between Dilwyn School and St Mary's RC High School suggests some ways of supporting the small school.
- 12 Research into leadership in small schools in 2009 found that some small school head

teachers reported difficulty in offering posts to newly qualified teachers as work demands limited their ability to provide a regular monitoring role.

- 13 In 2000 Ofsted reported on the comparative performance of small schools, defined as those with fewer than 100 pupils. It found that whilst small primary schools achieved markedly better test results, after adjusting for socio-economic factors, those differences were marginal.
- 14 They also stated “the quality of teaching in small schools is generally better than in larger schools”. This often links to the involvement of the Headteacher in taking on a significant teaching load and research states that this can be potentially helpful in raising standards in those instances where the Headteacher is a particularly good teacher. It can also lead to marked variation in some small schools where the quality of teaching and learning is significantly different within a small pool of teachers and where in some cases a child remains with a weaker teacher for a disproportionately longer period of time and in some cases for up to four years.
- 15 Many of the above issues and small school challenges were reflected by Ofsted in their inspection of Dilwyn School, in January 2010.
- 16 The school’s overall effectiveness and its capacity for sustained improvement were found to be satisfactory. There were many good features in the school and pupil attendance was judged outstanding. The quality of teaching was satisfactory at the time of the inspection but not good as it was uneven in its quality and impact. The provision in the school was also satisfactory and not good because the contribution the curriculum was making to the outcomes of pupils were uneven and the quality of teaching was inconsistent, particularly in the use of assessment. The school received support from the Local Authority and Diocese, including external moderation support to achieve these standards.
- 17 During the consultation period, the Local Authority and Hereford Diocese Director of Education received a submission from St Mary’s RC High School with a proposal to work in close partnership with Dilwyn School, possibly leading to a formal federation (Appendix 1). The proposal acknowledges a lack of primary experience which will be tested by the introduction of the new primary curriculum based on cross curricular links. It is not possible to comment on the capacity for, and quality of, support that could be offered by the proposal. St Mary’s has entered into an arrangement with St Joseph’s RC Primary School and the head has mentioned that there would be potential to share expertise across the schools.

### **Pupil numbers**

- 18 Dilwyn School’s pupil numbers have been declining over a sustained period, falling below 36 in the current year and all but one of the previous four years. There are currently 31 pupils on roll (January Census 2010) of whom 12 come from outside the catchment area. There are 53 primary-aged pupils (January Census 2010) who reside in the catchment area of which only 19 attend Dilwyn School. There are currently 21 unfilled places. Dilwyn School therefore does not provide education for the majority of its local children.
- 19 There has been a significant decline in pupil numbers in Herefordshire over recent years and the numbers are not expected to rise substantially at Dilwyn School or its surrounding schools, with the probable exception of Credenhill St Mary’s C of E Primary School where additional local demand is being experienced. There are currently 146 surplus school places in and neighbouring the Weobley School’s Cluster (Appendix 2). Appendix 3 sets out the projected numbers of pupils on roll at schools in and near the Weobley Schools Cluster. These are not projected to increase significantly to make a difference to the recommendation. Appendix 4

indicates the schools attended by children living in the Dilwyn catchment area and the school catchment areas that Dilwyn School draws children from. Fundamentally there are sufficient places available for pupils to be educated in the local area now and into the future, were Dilwyn School to close.

- 20 There is a suggestion in many responses to the consultation, including in a proposal submitted by St Mary's RC High School, that children in the Dilwyn catchment area will be attracted to attend Dilwyn School if it is seen to have a secure future. This assumption is not supported by the responses to the consultation where those parents responding to the consultation and who have chosen other schools for their children provided a number of reasons for positively choosing alternative schools. No parents responded that they had chosen an alternative school because they felt uncertain about the future of Dilwyn School.
- 21 It is unlikely that those who choose to go to private school would change their choice and similarly there is no evidence to suggest that those who choose to attend non church schools would be any more attracted by the setting up of a joint Roman Catholic/Church of England school. Those who have already chosen alternative schools are unlikely to change schools and it is most probable that siblings are likely to attend the same school as their older brothers or sisters. The Local Authority, Diocese of Hereford, and the Archdiocese of Cardiff do not consider that there is sufficient evidence to believe that pupil numbers at Dilwyn School will increase sufficiently to influence the viability of the school.
- 22 The proposal also suggests that establishing a unique 'church school' partnership would attract other pupils particularly perhaps those from families of the Catholic faith. This is an attractive idea which would be likely to commend itself to both the Church of England and to the Catholic Church. The detailed proposal provides a strong basis on which to explore future ecumenical approaches in the right circumstances, something the Local Authority will take forward in partnership with the Diocese of Hereford and the Archdiocese of Cardiff. However, information about potential numbers of Catholic children, based on baptism records for the parishes of Weobley/Kington and Leominster suggest that there has been only a small number of children recorded as being baptised between 2005 and 2009. For the Weobley/Kington area these amount to 13 and for Leominster area 10 across 5 year groups. These very small numbers average fewer than 5 a year across a large area of north Herefordshire, where some will inevitably choose nearer schools to home. Such numbers would not secure a significant increase in pupil numbers on roll at Dilwyn School. While such a unique 'church school' may also be an attractive option to non Catholic families, the Local Authority, Diocese of Hereford, and the Archdiocese of Cardiff are collectively mindful of the fact that within the Weobley schools' cluster and neighbouring schools, there are significant number of surplus school places.

### **Finance**

- 23 The average cost of educating a child in a Herefordshire primary school is £3,151 (without additional grant income). The actual cost for Dilwyn School is £4,718, which is greater than the £3,830 per pupil funding that the Council receives from the Government. The allocation of additional grant income means that, in total, Dilwyn School receives £5,849 per pupil compared to the average of £3,666 for a Herefordshire primary school.
- 24 Falling pupil numbers across Herefordshire means less money is received from central government in total and this has to be shared among all primary and secondary schools.
- 25 The proposal submitted by St Mary's RC High School to work in close partnership with Dilwyn School, possibly leading to a formal federation, is a serious and constructive attempt to show

a funding model which would sustain Dilwyn School so that it is not a drain on the financial resources of St Mary's RC High School.

26 However, the proposal does not address the following fundamental issues:

- There is no management charge identified from Dilwyn School to St Mary's RC High School to pay for the executive head's time
- St Mary's RC High School recognises that administration savings will be minimal – Dilwyn School's spend being £1,955. It is difficult to envisage how St Mary's RC High School could spend any less.
- Dilwyn School's budget appears understated. Expenditure in 2009/10 was £210,067 against an income of £192,732. A brought forward balance from 2008/09 of £16,840 was used to reduce the budget deficit to £495. The Governors' budget plan is for £200k in 2010/11 dropping to £194k in 2011/12. It has been difficult to see where savings would be made to keep within their budget.
- The budget settlement for future years will be tight and will expect 0.9% efficiency savings from all schools including Dilwyn School.
- Potentially replacing the headteacher with a teacher in charge in Sept 2011 as suggested is likely to save £10,000 at most and this could be offset by any management charge to St Mary's RC High School.
- Dilwyn School is on the Minimum Funding Guarantee (MFG) in 2010/11. Adding three extra children, as quoted in the proposal, would add £11,000 to the school's budget, £5,000 of which comes from the MFG. This is an additional cost paid for from the Herefordshire Schools Budget and therefore by other schools. It is likely to increase further the unit cost of Dilwyn School. Adding ten extra pupils, as also suggested by the proposal, increases the MFG cost to £14,000. In other words, there is an extra cost to other schools of Dilwyn School attracting new pupils. This of course is exacerbated if the pupils transfer from other schools where their unit cost is lower and they do not currently attract the MFG.
- Dilwyn School carried forward £51,464 Devolved Formula Capital into 2010/11. The 2010/11 allocation is £20,310, giving a total Devolved Formula Capital budget of £71,774.

27 Consultation responses have noted that Herefordshire should expect small schools to cost proportionally more than large schools, and that this is equitable for the pupils attending small schools and also necessary to keep Herefordshire's character. However, the Small Schools Policy is designed to assess the future of schools when they reach a point over time that calls into question their long term viability.

28 Overall, the proposal is based around some cost savings on teaching which may not be achievable and increasing pupil numbers based on the perceived attractiveness of a close working relationship with St Mary's RC High School. Whilst there is reference to 'significant inward funding from the community' which may help to address funding issues this is not explicit. The extra pupils can only come from other schools thereby weakening those schools. Extra pupils at Dilwyn School will increase the cost of the MFG taking further funding from all schools.

## **Transport**

- 29 A number of pupils walk to Dilwyn School and some others travel short distances by car. The local authority, Diocesan Board of Education and schools do promote sustainable travel, and where possible walking to school. However, this factor needs to be considered within the context of the sustainability of the school and quality of teaching and learning for the pupils now and in the future. If Dilwyn School should close, 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. The cost to the Local Authority of providing transport in such circumstances has been calculated at £22,000 per year. Car travel may be increased if parents choose to enrol children at anywhere other than a Local Authority designated alternative school. However, this may be off-set where parents who are currently transporting children to alternative schools could become entitled to school transport.
- 30 The proposal received from St Mary's RC High School raises the issue of distance between the two schools. This is a fundamental issue in terms of how often and for what purposes children from Dilwyn School might travel to St Mary's RC High School; the cost of this travel and likewise for St Mary's RC High School pupils travelling to Dilwyn School, if this is envisaged. It is unclear from the proposal what the pattern might be and how this cost will be met as it would not be picked up by the Local Authority.

## **Safeguarding.**

- 31 There have been concerns regarding safeguarding arrangements. Dilwyn School governors have worked with the Diocesan Board of Education and the Local Authority to put in place revised arrangements which satisfy basic requirements. However, the arrangements also rely heavily upon the availability of instant staff cover to be provided by another school. The Local Authority and Diocesan Board of Education remain concerned about the robustness of these safeguarding arrangements.
- 32 The proposal received from St Mary's RC High School acknowledges the challenges for safeguarding, posed by a small staff base. Given the minimal staffing levels at Dilwyn School, the school currently has an arrangement with Weobley High School to provide staff cover when required. The Local Authority, Diocese of Hereford and Archdiocese of Cardiff have reservations about the effectiveness of this arrangement in an emergency, where instant support is needed, given that the schools are 3 miles apart. The distance to St Mary's RC High School is 15 miles. The proposal refers to the fact that a number of St Mary's RC High School staff live in the Dilwyn area. This does not provide a robust and sustainable solution. Reliance upon another school for safeguarding support has already been tested and found not to have been successful during the inclement weather last winter where Dilwyn School had to close after it had become aware that Weobley High School had taken the decision to close.

## **Buildings**

- 33 Dilwyn School has a Planned Admission Number of 8 and capacity of 56. The main school building was built in 1845 and has benefited from a number of alterations and minor extensions over time. The school is well maintained, although the value of the maintenance backlog is currently £36,421. At 1<sup>st</sup> April 2010, the school held a total of £71,774 in Devolved Formula Capital. In terms of suitability, the school does not meet Government guidelines in relation to classroom and ancillary space, with many spaces having a dual use. For example, the library doubles as the school hall and is only accessible via the classrooms. There are two



classrooms. One is considered small as there is no separate practical area for the children to use (51.32 sq m compared with an expected 63.00 sq m). The playing field is leased. While such suitability issues are not uncommon in schools of this era, it is recognised that significant capital investment would be needed to address the issues in the long term. The Local Authority should consider whether such investment in the current premises would be an efficient use of public funds, given the surplus capacity and suitable accommodation at nearby schools.

### **Analysis of responses to the statutory consultation on the future of Dilwyn School**

- 34 Nearly 180 responses were received. These include a submission from the Governing Body of Dilwyn School expressing the view that the school is satisfactory and that the Local Authority is considering closure as an option for the school because of what might happen in the future, not what is occurring now. The Dilwyn community also submitted a response strongly supporting the retention of a primary school in the village. Reference has already been made earlier in this report to a proposal from St Mary's RC High School to work closely with Dilwyn School, possibly towards a hard federation. The full proposal is contained in Appendix 1.
- 35 A response to the St Mary's RC High School proposal expressing concerns has been received by the Local Authority from the Chairs of Governors of the other schools in the Weobley Schools' Cluster. The Local Authority, Diocese of Hereford and Archdiocese of Cardiff recognise the autonomy of school governing bodies to explore and develop collaborative working and hard federation arrangements. Indeed, both organisations actively support this approach where they believe it to be in the best interests not only of the pupils of those schools, but also to all the children of the locality. The concerns of the cluster are shared by the Local Authority and the Diocese of Hereford. Specifically, these are:
- There is a significant level of surplus capacity within the cluster and neighbouring schools, equating to 146 places (15%). Federation between Dilwyn School and St Mary's RC High School, particularly if attendance at Dilwyn School is given a level of priority for admission to St Mary's RC High School, could have a significant and detrimental affect on other cluster and neighbouring schools. The Chairs of Governors quote the effect of Wigmore High School's change of admissions criteria, to give a higher priority for admittance to those attending Wigmore Primary School, with parents apparently choosing to transfer their children to Wigmore Primary School prior to the secondary transfer process in order to secure a place at Wigmore High School.
  - The Weobley Schools' Cluster operates a soft federation model where collaboration is valued to support, as far as possible, sustainability of schools within the cluster. Collaboration is well developed with joint lesson planning, shared training, wrap around care provided for the cluster at Weobley Primary School and safeguarding and financial/administrative support provided to Dilwyn School by Weobley High School. It is felt that federation outside the cluster would challenge the principles and ethos underpinning collaboration resulting in cluster working being ineffective.
- 36 In terms of individual responses and responses from other community establishments and organisations, including St Mary's Church Dilwyn and the Dilwyn Cedar Club, the school is clearly valued by the people of Dilwyn. 23 parents of the school, including 5 with pre-school age children, and 3 prospective parents responded in support of the school, as did 8 staff and governors, separate to the composite submission from Dilwyn School. 121 local residents responded, including 8 Dilwyn Parish Councillors. Support for the school was also expressed by 6 people who had attended, or whose children had attended Dilwyn School in the past, but

who no longer live in the Dilwyn community.

- 37 There were 6 responses from headteachers, staff and governors of other schools.
- 38 The Local Authority consulted the current pupils of Dilwyn School, who wish the school to remain. Parents of children at the school particularly value the school being part of the community and its friendly, caring ethos where their children are treated with esteem, feel happy and safe and receive individual attention. Almost all said they are happy with the standard of education with some referring to the good grounding for success of former pupils at high school. The consultation undertaken with the pupils of Dilwyn School reflected these views.
- 39 Given the relatively high proportion of children in the catchment area who do not attend Dilwyn School, the consultation invited parents to say why they have not opted to send their child to Dilwyn School. Some had previously attended Dilwyn School, but felt that other schools were better able to meet their child's needs. Some had chosen independent education while, for some, travel to alternative state schools is more convenient. Some parents chose alternative schools that provide before and after school care. No parents who responded indicated that they had chosen another school because they were concerned for the future of Dilwyn School.
- 40 Nearly two thirds of the responses came from local residents who, although having no direct link with school in terms of children currently attending, feel that the school contributes to the community through its involvement with the local church, village show and other village activities. Many of the local residents support the school by attending events at the school, in particular school plays and social and fund raising events.
- 41 In terms of responses to the specific options put forward in the consultation document, 51 were in favour of the school federating with another school, with a further 20 supporting this option if Dilwyn School could not operate as a standalone school. 73 responses favour Dilwyn School continuing as a standalone school, 4 were in favour of amalgamation with another school and 5 felt that the school should close.
- 42 Of those who support Dilwyn School continuing as a standalone school, or for it to federate with another school, the majority express a belief that the village community will be the poorer for not having a school. There is much support for the past and current achievement of the school, in terms of ethos, standards and contribution to community events. There is also a belief that a secure future will encourage a significant number of families to send their children to Dilwyn School. The potential educational and financial benefits of federating with another school were also highlighted as important factors, along with retaining the autonomy of the school within a federation. Those who felt the school should close and pupils transfer to other schools believed this would be the right option in terms of educational provision and opportunities for children and it would be a better option in terms of public spending.

### **Recent National Developments**

- 43 The new Government is introducing proposals for interested groups to establish Free Schools. The Secretary of State will make an initial judgement on the potential of a group to establish a Free School based on criteria relating to educational aims and objectives, evidence of demand, potential premises and the suitability of the provider. If the proposal satisfies the Secretary of State in these areas, a full business case and plan must then be submitted. A crucial element of the business case appears to be the requirement of comprehensive evidence that there is demand for the school and that it will be financially viable over a minimum five-year period. One of the Local Authority's key concerns for Dilwyn School is the

low number of pupils on roll currently and the lack of evidence that pupil numbers will increase, leading to the school becoming financially unsustainable. A Free School would be subject to the same challenges.

## **Community Impact**

- 44 Many of the community responses refer to the fact that the village of Dilwyn has lost its post office and shop in recent years. The Education and Inspections Act 2006 requires that a Local Authority that is considering proposing 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.
- 45 The community spirit of Dilwyn has been demonstrated clearly through the consultation. This spirit exists despite the loss of services such as the village post office and the village shop. Responses to the consultation show that the Dilwyn community is passionate about its wish to see primary education continue at Dilwyn School. However, the parents of only 19 of the 53 children in the school's catchment area choose to send their children to the school. The parents of 12 pupils who live outside the catchment area choose to send their children to the school. A common suggestion from the community has been that the school has not attracted pupils in recent years because parents fear it will be closed. The suggestion is that if this perceived fear of closure was to be removed, parents would seek to send their children to the school. The responses to the consultation from parents who have chosen not to send their children to Dilwyn School do not mention fear of closure as a reason.
- 46 If Dilwyn School was to close, concern has been expressed for the future of the pre-school group which operates from the Dilwyn Cedar Hall, adjacent to Dilwyn School, and which has forged strong links with the school. 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. A parallel concern is that the Dilwyn Cedar Hall is reliant upon income from the school and the pre-school group. If the viability of the Dilwyn Cedar Hall was called into question by the loss of these sources of income, Local Authority would be able to consider support through its community buildings grant scheme.

## **Financial Implications**

- 47 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 on 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.

## Legal Implications

- 48 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.
- 49 If Cabinet decides to pursue the closure of Dilwyn School, the Local Authority is required to publish a proposal to close the school. From the date of publication of the proposal there will then be a six weeks representation period to allow anyone to object to, or make comment upon, the proposal. The published proposal must contain the information specified in The School Organisation (Establishment and Discontinuance of Maintained Schools) (England) Regulations 2007 (SI 2007 No. 1288) (as amended). The Local Authority is obliged to send a copy of the full proposal to the Hereford Diocesan Board of Education, the Bishop of the Roman Catholic Archdiocese of Cardiff, the trustees of Dilwyn School, the Secretary of State and to any person who requests a copy.
- 50 A summary of the proposal will also need to be published in a local newspaper and be displayed at Dilwyn School and at another prominent place in Dilwyn.
- 51 If there are no objections to the published proposal within the representation period, the proposal must be determined by the Local Authority within 2 months of the end of the representation period (and if not, the proposals must be referred to the schools adjudicator) There is no right of appeal against the Local Authority's decision.
- 52 If there are objections to the proposal, the proposal must be decided by the Local Authority. If the Local Authority fails to decide proposals within 2 months from the end of the representation period they 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. Where 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.
- 53 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 the 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

- 54 A decision to close Dilwyn School on 31 August 2011 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.
- 55 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.
- 56 If there were to be an appeal to the School Adjudicator through the closure process the School Adjudicator could chose to direct that the school remain open. However, the common view of the Local Authority, the Diocese of Hereford and the Archdiocese of Cardiff indicates that there are strong reasons why the recommendation to close should be pursued.

## Consultees

- 57 A copy of the consultation document was distributed to the following consultees:

- The Governing Body of Dilwyn School
- Families of pupils at the school
- Teaching and other staff at the school
- Trade Unions
- Pupils at the school
- The Governing Bodies of all other Herefordshire maintained schools
- Dilwyn Parish Council
- The Hereford Diocese
- The Archdiocese of Cardiff
- The Member of Parliament for the Leominster Constituency

The Local Authority and Hereford Diocese Director of Education were also grateful to Dilwyn Parish Council for publishing the consultation on the web at Dilwyn.com.

In addition, the following consultation events were held at Dilwyn Cedar Hall:

11<sup>th</sup> February 2010

- Meeting for Dilwyn School governors 3.00 pm – 4.00 pm
- Meeting for Dilwyn School staff 4.15 pm – 5.15 pm
- Meeting for parents of children currently attending,  
or planning to attend, Dilwyn School 5.30 pm – 6.30 pm

31<sup>st</sup> March 2010

- Dilwyn community meeting, facilitated by Dilwyn  
Parish Council 7.00 pm – 9.00 pm

58 The views of the pupils of Dilwyn School were also sought. The process and style of the consultation were agreed with the Chair of Governors and headteacher of Dilwyn School to ensure that appropriate means of communication were used for the full age range of pupils.

**Consultation Responses**

59 Nearly 180 responses were made to the consultation in addition to the views expressed at the above consultation events. An analysis of the consultation responses is contained within the body of the report.

**Appendices**

**Appendix 1** Proposal from St Mary's RC High School

**Appendix 2** Weobley Schools' Cluster – Numbers of Pupils on roll, January 2010

**Appendix 3** Weobley Schools' cluster – Projected Numbers of Pupils on Roll to 2014

**Appendix 4** Schools attended by children in the Dilwyn catchment area and Home school catchment areas of pupils attending Dilwyn School

**Background Papers**

Consultation Document "Consultation on the future of Dilwyn Church of England Primary School: 1 February – 30 April 2010.