

Open Report on behalf of Debbie Barnes, Executive Director of Children's Services

Report to:	Councillor Mrs P A Bradwell, Executive Councillor: Adult Care and Health Services, Children's Services
Date:	29 April 2016
Subject:	Proposal to consider the future of Saltfleetby Church of England Primary School (Final Decision)
Decision Reference:	I010938
Key decision?	Yes

Summary:

The proposal under consideration is the closure of Saltfleetby Church of England Primary School with effect from 31 August 2016.

The school has a PAN (Published Admission Number) of 8 with a net capacity of 56. At the time of writing this report there were 19 pupils on roll (66% surplus capacity). There are 4 pupils leaving Year 6 and 1 pupil is likely to be offered a place to start Reception in September 2016. Therefore there are 16 pupils expected to be on roll at the beginning of the next academic year (71% surplus capacity). However, there are some parents considering moving their children to start at another school after Easter for the beginning of the Summer term. The latest figures will be provided prior to the final decision. There could be as few as 14 on roll for September 2016 if the school remains open.

There are not enough pupils in the local area to sustain an educationally and financially viable primary school without relying on attracting pupils from areas closer to other schools, many of which already have surplus capacity. 10 pupils (53%) on roll at the school live closer to Saltfleetby CE Primary School than any other school, only 1 of which is within walking distance of the school. 9 pupils (47%) on roll live closer to other schools in the area.

Following careful consideration of how to secure a viable future for the school, the Interim Executive Board (IEB) of Saltfleetby Church of England Primary School made the difficult decision in September 2015 to request that the Local Authority (LA) start the consultation process on the proposal to close the school.

The decision of the IEB to request that the LA consult on closure was taken in the context of concern over the long term sustainability of the school in relation to being able to continue to offer quality education to pupils with the resources available. Low pupil numbers in the local area and the extremely low current and projected numbers on roll do not allow the IEB to set a balanced budget (projected in-year deficit of circa £30k per year based on 20 pupils on roll, leading

to a deficit of £75k by 2019/20) that can continue to provide the breadth and quality of provision that children are entitled to.

It is the LA's statutory duty to ensure that there are sufficient school places to accommodate all pupils of statutory school age across the county of Lincolnshire. The LA must consider its duty to promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential and balance this with the aim of enabling children to take up a school place within their local community.

The LA is co-ordinating the process following statutory guidelines published in The Department for Education (DfE) guide "School Organisation Maintained Schools Guidance for proposers and decision-makers" January 2014 (with attached Annex A and B) in accordance with the terms of the Education and Inspections Act (EIA) 2006 as updated by the Education Act 2011("the Statutory Framework").

On 28 September 2015 a six week period of consultation commenced which closed on 13 November 2015 and is further referred to later in this report in the consultation section. A summary of written responses received is also attached in Appendix A. Following the responses received and discussion with the IEB and Parent Group the LA extended the timescales for the process to allow more time to further explore options that might secure the future of the school. It also allowed more time for marketing and promotion of the school during the current admissions cycle in an attempt to increase the number of applications for a Reception place for September 2016 and to also increase the number of pupils on roll. Alternative federation options have been pursued by the school, LA, Diocese and CfBT. To date there has been one expression of federation interest from another primary school. The LA provided additional information to the interested school regarding the position of Saltfleetby CE Primary School and the Governing Body of the interested school has decided not to pursue this further.

Following the consultation period the decision was taken on 19 January 2016 to proceed with the publication of a Statutory Notice. This notice was published on 10 February 2016 and initiated a four week Representation Period up to 9 March 2016 when written objections and comments may be submitted. No responses were received during this period. The process is now entering the final stage when the LA, as decision maker, must take the final decision regarding the proposal within 2 months of the end of the Representation Period (by 9 May 2016).

This report seeks to advise the Executive Councillor on making the final decision regarding the closure of Saltfleetby Church of England Primary School.

Recommendation(s):

That the Executive Councillor approves the proposal to close Saltfleetby Church of England Primary School with effect from 31 August 2016.

Alternatives to Closure Considered:

1. For the LA to retain Saltfleetby Church of England Primary School as it is at present and not to close the school.

This alternative would have the following advantages:

- An educational site would be retained within the local community.
- Pupils on roll at the school would not have to move to another school.
- This would prevent the need to transport some children, but this number would be very small.
- This would avoid the need for staff redeployment and potential redundancies (there are 4 teaching and 5 non-teaching/support staff employed at the school).

However, the above alternative would have the following disadvantages:

- The school is not financially viable in the short or long term. Schools are not legally allowed to set a deficit budget without a realistic, viable and evidence based business plan showing how the situation will be reversed.
- There would remain an unacceptable level of surplus places which is currently 66% and is likely to increase from September 2016 or sooner.
- The school was rated by Ofsted at the last full inspection in 2012 as Good, however this was under the old framework and it is not likely to retain this grading if inspected now.
- There would be concerns over the impact on the quality of the education and development of the children with such small year group numbers which may lead to one class covering all year groups in an attempt to reduce costs if pupil numbers do not increase. The school currently operates with two classes, but improving standards would be much more difficult with one class and would present significant challenges in meeting the new National Curriculum requirements.
- With such low pupil numbers it would be extremely challenging to provide a wide and diverse curriculum and would limit the range of opportunities available for all pupils both for their academic and social development. For example it is difficult for such a small school to provide team game experiences and participation in choirs, orchestras and drama productions that are possible for children at larger schools. The children are therefore likely to receive a more rounded education in a larger local school (some of which will still be small rural schools, but not as small as Saltfleetby) with greater social interaction opportunities.

- There are significant difficulties in attracting, recruiting and retaining high quality qualified teachers to a school with such low numbers and limited career opportunities. The current staffing structure includes a job share which comprises of two 0.6 full time equivalent teachers and a full-time teacher who solely teach at Saltfleetby. There is an Executive Headteacher and a member of staff employed part time in addition to the Executive Headteacher, who both provide leadership and management to Saltfleetby and Theddlethorpe. This places high demands on the Executive Headteacher in supporting and quality assuring staff. There is also no long-term leadership with an interim Executive Headteacher currently in place.
- The funding required to provide ongoing support to Saltfleetby would represent a disproportionately high distribution of public funding and could have a negative impact on the distribution of funding to other local schools and potentially their future sustainability. Ensuring sustainability is vital in that it has an impact on recruiting and retaining staff of a high calibre in the area.
- The school will continue to be vulnerable given the number of current and projected primary aged pupils in the area. This continued uncertainty might also lead to parents seeking places at another more sustainable and educationally viable school, resulting in even fewer pupils on roll and consequently less funding as funding is directly related to the number of pupils on roll.
- The IEB, LA, Diocese and CfBT have pursued alternative federation options to enable the school to continue. Although one initial expression of federation interest was received from another primary school, the Governing Body of the interested school has decided not to pursue this further.
- The other school in the federation (Theddlethorpe) will have to become an academy following their latest Ofsted inspection. As no sponsor has expressed an interest in Saltfleetby the two schools will be required to de-federate to secure the academisation of Theddlethorpe. Saltfleetby would therefore become a stand-alone maintained school, putting more pressure on the educational offer and the financial position of the school.

2 For the Executive Councillor to approve the closure of the school with an implementation date of 31 August 2017.

When the consultation process commenced in September 2015 the proposal was to consider the closure of the school with an implementation date of 31 August 2016. In any proposal regarding the closure of a school it is important that there should be no undue delay in its implementation following the closure decision to avoid as far as possible further negative impact on the pupils, their families and the local community who will already be affected by the closure.

However, it is also important that all options are fully explored and DfE guidance states that in the case of the closure of a rural school the decision maker must carefully consider any alternatives to the closure of the school.

As detailed above, in the Summary, alternative federation options have been pursued. There was one initial expression of federation interest from another primary school, however they decided not to pursue this further.

LA Officers also contacted every Trust on the DfE approved sponsors to explore the possibility of Saltfleetby becoming an academy with a Multi-Academy or Umbrella Trust. This resulted in no positive responses.

The IEB understands that in its current form the projections indicate unsustainability in the long term, both educationally and financially.

The main purpose of delaying the implementation date would be to allow more time to get pupils numbers up to a sufficient level and to secure an academy solution. The threat of closure would still be there though and the decision being taken would be to close the school in August 2017 if it did not convert to an academy.

If there was a potential academy sponsor lined up to take the school on during the 2016/17 academic year then this would be a reason to consider delaying closure to allow for this to happen. However there has been no interest from an academy sponsor. It would therefore not be in the best interests of the pupils or staff at the school to continue for a further year knowing that it would close in August 2017 with no indication of a potential interested sponsor. It is also highly likely that the Regional Schools Commissioner (who is the decision maker for academy conversions) would not see this as a viable school to consider becoming an academy even if there was an interested sponsor. Delaying closure until 2017 would likely result in further pupils leaving, a potentially larger deficit and the possibility of staff leaving. There could be a significant negative impact on the education of the remaining pupils at the school were it to remain open for a further year.

Reasons for Recommendation:

- There has been a changing age profile of the rural population in recent years resulting in a trend towards lower numbers of families with primary age pupils choosing to live in small rural communities. There are no longer sufficient pupil numbers in the immediate area for a viable stand-alone school to remain educationally and financially sustainable.
- To reduce any detrimental effect on educational standards that can potentially occur at schools with very low numbers on roll. There are currently only 19 pupils on roll, projected to fall to 16 or less next academic year. To keep the school open would mean children continuing to attend a very small school and consequently placing greater demands on a small

number of staff to adequately deliver the full curriculum entitlement. The staffing structure would have to reduce further to stand any chance of setting a balanced budget with the current number of children on roll. Continued low pupil numbers will mean that the school would be unlikely to be able to generate the budget to maintain the high standard of education that all pupils are entitled to.

- To enable pupils to receive a more rounded education in a larger school (some of which will still be small rural schools, but not as small as Saltfleetby) offering greater social interaction.
- To reduce the incidence of teaching several year groups in one class and in groups that involve teaching across more than one Key Stage. To keep the school open, the low numbers on roll may require a school organisation based on teaching all 7 year groups within one class which is not considered to be in the best interests of the children, and CfBT advise that this would present significant challenges in meeting the requirements of the new National Curriculum.
- To reduce surplus capacity in the area but still provide sufficient places to meet local needs and parental preference. This decrease in surplus capacity contributes to ensuring the provision of sustainable schools across the county allowing future investment to be used more effectively to support schools in raising standards through a more efficient use of resources.
- To enhance the future sustainability of the remaining primary schools in the local area, including other small rural schools. Ensuring sustainability is vital in that it has an impact on recruiting and retaining staff of a high calibre in the area and also attracting future investment.
- To improve value for money delivered by larger schools. Very small schools require a disproportionate amount of funding. The sparsely populated county of Lincolnshire makes it necessary to sustain small schools to meet the needs of local communities across wide rural areas, and the LA's funding formula supports this. However, when numbers fall as low as they are at Saltfleetby the situation becomes unsustainable for a stand-alone school of this size. Schools are not legally allowed to set a deficit budget without a realistic medium term plan showing how the deficit will be turned around.

1. Background

This report is written in the context of concern over the long term sustainability of the school. The number of children who live local to the school is not sufficient to support a sustainable stand-alone primary school.

To remain viable the school needs to increase the NOR by attracting pupils from further away than what would be considered the 'natural catchment area'. There are currently 19 pupils on roll at the School which has a potential capacity for 56, leaving 66% surplus capacity. 10 pupils (53%) on roll at the school live closer to Saltfleetby CE Primary than any other school, only 1 of which is within walking distance of the school. 9 pupils (47%) on roll live closer to other schools in the area.

Theddlethorpe Primary School could accommodate all pupils currently on roll at Saltfleetby. North Somercotes Church of England Primary School is expected to be able to accommodate all pupils currently on roll at Saltfleetby that would want a place at North Somercotes, whilst still complying with infant class size regulations.

The admissions process for the September 2016 Reception intake received no first or second preference applications and only one third preference for Saltfleetby. One child has been offered a place at Saltfleetby for September 2016 Reception intake.

The latest number on roll data (as at 6th March) is shown in the table below for the local schools. If the school is to close then some parents may express a preference to a place at any school, not just the two schools named in the Statutory Notice (Theddlethorpe and North Somercotes):

March 6th 2016 Number on Roll v Surplus Capacity													
School Name	Distance from Saltfleetby CE Primary School	PAN	*2016 Offers	R	1	2	3	4	5	6	Total	Net Capacity	Capacity Range
Saltfleetby CE Primary School	-	8	1	4	4	1	1	3	2	4	19	56	52 - 90
Surplus Places/Capacity ->			7	4	4	7	7	5	6	4	37	66%	
Grainthorpe Primary	8.3 miles	10	1	6	1	3	7	7	6	9	39	70	52 - 90
Surplus Places/Capacity ->			9	4	9	7	3	3	4	1	31	44%	
Grimoldby Primary School	3.5 miles	30	30	28	30	30	29	24	27	27	195	210	210-257
Surplus Places/Capacity ->			0	2	0	0	1	6	3	3	15	7%	
Legbourne East Wold CE	7.1 miles	17	17	18	17	16	18	11	18	19	117	116	104 - 116
Surplus Places/Capacity ->			0	-1	0	1	-1	6	-1	-2	-1	-1%	
Mablethorpe Primary Academy	7.1 miles	60	36	33	57	34	49	40	46	51	310	420	378-420
Surplus Places/Capacity ->			24	27	3	26	11	20	14	9	110	26%	
North Cockerington CE Primary	5.9 miles	12	12	12	10	12	14	12	16	5	81	84	52-90
Surplus Places/Capacity ->			0	0	2	0	-2	0	-4	7	3	4%	
North Somercotes CE Primary	5.6 miles	30	26	28	17	29	22	27	29	23	175	180	157-180
Surplus Places/Capacity ->			4	2	13	1	8	3	1	7	5	3%	
Theddlethorpe Primary School	4.4 miles	15	14	15	7	10	7	17	9	11	76	105	105-120
Surplus Places/Capacity ->			1	0	8	5	8	-2	6	4	29	28%	
Withern St Marg' CE	7.3 miles	10	9	13	10	8	9	7	11	14	72	70	52-90
Surplus Places/Capacity ->			1	-3	0	2	1	3	-1	-4	-2	-3%	
Total	-	192	146	157	153	143	156	148	164	163	1084	1311	
Surplus Places/Capacity ->			46	35	39	49	36	44	28	29	227	17%	

NHS GP registration data and LA projections (using birth data, GP registrations and historic pupil movement in and out of the area) indicate continued low numbers in future years as detailed in the tables below:

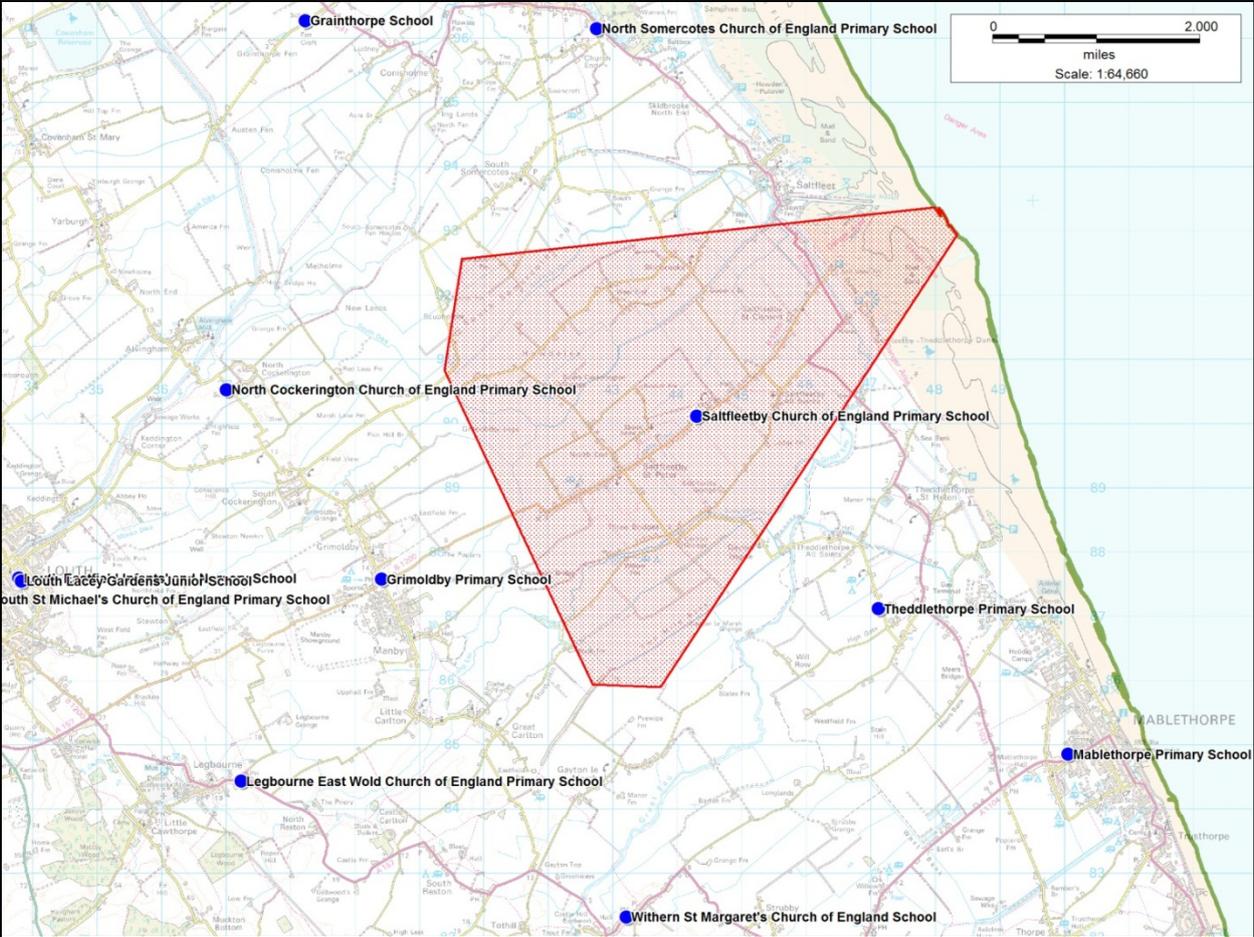
Data to show cohort size within the nearest natural catchment area for Saltfleetby as shown by the shaded area on the map below the tables:

Nearest School	2015 NHS GP Data				
	Rec 2014	Rec 2015	Rec 2016	Rec 2017	Rec 2018
Saltfleetby	4	5	4	3	4

2015 LA Projections for Saltfleetby (based on actual numbers on roll and NHS GP data):

	R	Y1	Y2	Y3	Y4	Y5	Y6	Total
2015/16	4	4	1	1	3	2	4	19
2016/17	1	4	3	1	0	2	2	13
2017/18	3	1	4	3	1	0	2	14
2018/19	4	3	1	4	3	1	0	16

The map below shows local schools and natural catchment area for Saltfleetby Church of England Primary School. The schools named on the statutory notice are Theddlethorpe Primary School, 4.4 miles and North Somercotes Church of England Primary School, 5.6 miles away.



2015 LA Projections for Saltfleetby (based on historic movement from outside of the natural catchment):

	R	y1	y2	y3	y4	y5	y6	Total
2015/16	4	4	1	2	3	2	4	20
2016/17	6	4	3	1	1	2	2	19
2017/18	5	6	4	3	1	1	2	22
2018/19	5	5	6	4	3	1	1	25

*this model assumes that the school will continue to attract children that live closer to other schools

LA projections factor in recent migration trends, any new housing development in the local area with planning permission, ONS Birth Data and historic birth patterns to project future intakes based on a continuation of recent trends over the last 3 years. They do not take into account potential changes in parental preference.

In order to secure an educationally and financially viable future it is vital that more pupils need to attend the school than are currently projected to do so. It is evident that the only way that a sufficient NOR will be achieved is by attracting more pupils from outside of the local area away from other schools that they live closer to.

There is a projected in-year deficit of over £30k year on year leading to an overall deficit position of £74,940 by 2019/20. It should also be noted that this is based on there being 20 pupils on roll for the October 2016 school census. It is quite possible based on the current situation that there are likely to be 14 or less pupils on for October 2016 if the school were to remain open. 6 less pupils equates to over £15k lost funding on top of the figures shown below:

The following is based on the current federated structure of 2.2FTE teachers (including PPA time) with a 0.5 HT (non-teaching) and a shared bursar.

Updated for 16/17 Budget Share Figures

Financial Year	2016/17	2017/18	2018/19	2019/20
NoR (using prior year October census)	24	20	20	20
Year-end carry forward	17,806	(12,712)	(43,441)	(74,910)
In-year budget position (Income & Expenditure)	(14,192)	(30,518)	(30,729)	(31,479)

2017/18: to recover this in-year deficit balance 33 pupils would be required for 2017/18 – funding for 2017/18 is determined through the October 2016 census.

Note: the cost difference between this model and the same structure as a stand-alone school would be a 1 FTE HT and reduction in 0.5 FTE teaching staff (plus any redundancy costs).

Reaching the decision – Preliminary Considerations

The requirements for decision making relating to school organisation in LA Maintained schools are set out in Annex B of the guide “School Organisation Maintained Schools January 2014” published by the DfE.

The DfE does not prescribe the exact process which a decision maker should follow but the decision maker must have regard to this guidance. The decision maker should consider the views of those affected by the proposal and should not simply take account of the numbers of people expressing a view but give greatest weight to those stakeholders most likely to be affected and especially the parents of children at the school concerned.

Factors to be considered by the Decision Maker

The Consultation and Representation Period

The Executive Councillor must be satisfied that the appropriate consultation and representation periods have been carried out and that all of the responses received have been given due consideration.

Although there is no longer a prescribed consultation period prior to the publication of the Statutory Notice and Complete Proposal the DfE's guidance states "*a strong expectation on schools and LAs to consult interested parties in developing their proposal prior to publication*" and for proposed school closures a minimum of 6 weeks is recommended. The LA conducted a six week period of consultation to fulfil this expectation and also to operate a fair and open process and ensure all views were considered. A Statutory Notice (Appendix B) and Complete Proposal (Appendix C), initiating a four week Representation Period, were published in accordance with current statutory requirements.

In addition, following the written responses received in the consultation period and the questions and comments raised at the public meeting the LA extended the initial timeline for the overall process by 6 weeks to allow more time for the IEB and the LA to ensure all alternatives to closure were considered prior to progressing to the Statutory Notice stage.

Responses submitted during both the Consultation and Representation Period have been made available to the Executive Councillor for consideration when taking the final decision and further details of these responses are provided in section 5 of this report (**Consultation**).

Education standards and diversity of provision

The Executive Councillor should consider the quality and diversity of schools in the area and be satisfied that the proposal will meet the aspirations of parents, contribute to raising local standards of provision and lead to a closing of attainment gaps. The Government's aim is to create a more diverse school system offering excellence and choice so that every child receives an excellent education whatever their background and wherever they live.

The LA has carefully considered the impact on educational standards and believes that the closure of the school has the potential to protect and improve educational standards overall. To keep the school open may have a detrimental effect in that it would mean children continuing to attend a very small school and consequently placing greater demands on a small number of staff to adequately deliver the full curriculum entitlement. To keep the school open, the low numbers on roll may require a school organisation based on teaching all 7 year groups within one class, which is not considered to be in the best interests of the children.

Several schools in the local area are regarded by Ofsted as being of an equal 'Good' standard. Standards at these schools would not be expected to be negatively affected by taking on pupils from Saltfleetby. It should also be noted that in some cases it may have been some time since a school or schools in the area has been inspected so the current Ofsted rating may not be a true reflection of the current situation at some schools. This also applies to Saltfleetby.

As previously mentioned, the school last had an Ofsted inspection in May 2012, almost 4 year ago, and was judged to be 'Good' at that time. As the Ofsted inspection was some time ago it reflects a very different framework for inspection. The framework is now much more challenging and is focused on the effectiveness

of teaching and learning on a daily basis rather just on pupil outcomes and what was seen on the day of the inspection. The school is now subject to a high level of external monitoring which focuses very closely on standards. Nationally there have been improvements in pupil performance and this has not necessarily been reflected across this school and therefore it is highly unlikely that the school would be judged good if inspected under the current framework.

Low pupil numbers in the local area and the extremely low current and projected numbers on roll do not allow the IEB to set a balanced budget that can continue to provide the breadth and quality of provision that children are entitled to. The LA believes that this proposal provides the best option to maintain and improve standards of attainment with an enhanced quality of education for current and future children in the area whilst maintaining diversity.

Demand

The Executive Councillor must consider the evidence presented for the need for places but also a decision must take into account parental preference and evidence of parents' aspirations for places in the locality together with the quality and popularity of schools in the area that have surplus capacity. The DfE recognises that for parental preference to work effectively there may be some surplus capacity in the system overall but that competition for places to be taken up will lead to existing schools improving standards.

As fully explained in the Background section above the number of children who live local to the school is not sufficient to support a sustainable stand-alone primary school. LA projections (using birth data, GP registrations and historic pupil movement in and out of the area) indicate continued low numbers in future years.

If the closure goes ahead the LA will offer all displaced pupils a place at either North Somercotes Church of England Primary School, Warren Road, North Somercotes, Louth, LN11 7QB or Theddlethorpe Primary School, Mill Road, Theddlethorpe, Mablethorpe, LN12 IPB.

School size

Assumptions that schools should be of a certain size to be a good school should not be made although the viability and cost-effectiveness of a proposal is an important factor in the decision-making process e.g. the impact on a LA's budget to provide additional funding to a small school to compensate for its size.

Very small schools require a disproportionate amount of funding. The sparsely populated county of Lincolnshire makes it necessary to sustain smaller schools to meet the needs of local communities across wide rural areas, and the LA's funding formula supports this. However, when numbers fall as low as they are at Saltfleetby the situation becomes unsustainable for a stand-alone school of this size. The school is not financially viable in the short or long term. Schools are not legally allowed to set a deficit budget without a realistic, evidence based medium term plan showing how the deficit will be turned around.

Proposed admission arrangements

Before approving any proposal that is likely to affect admissions the LA must ensure that all admissions are compliant with the School Admissions Code. If the closure goes ahead the LA will offer all displaced pupils a place at a Lincolnshire school. Admission arrangements for the academic year commencing September 2017 and subsequent intakes will be processed in accordance with the School Admissions Code.

National Curriculum

All maintained schools must follow the National Curriculum unless they have secured an exemption. If the closure goes ahead, children will be offered places at alternative neighbouring schools which all currently follow the National Curriculum and will continue to do so.

Equal Opportunity

The LA must have 'due regard' to the need to eliminate discrimination, advance equality of opportunity and foster good relations and should consider whether there are any sex, race or disability discrimination issues that arise out of the proposed expansion. There should be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area while ensuring that such opportunities are open to all.

There are no sex, race or disability discrimination issues arising from this proposal. The LA will continue to be committed to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area while ensuring that such opportunities are open to all. It should be noted however, that in the Key Stage 2 class at Saltfleetby there is only 1 female pupil. The positive impact of having other pupils/peers of the same sex in their class if at another school should be taken into consideration.

Further reference is made to the LA's obligations in this regard later in this report under "*Further legal considerations*".

Community Cohesion and Community Services

The impact on the community must be considered and schools have a key part to play in providing opportunities for young people from different backgrounds to learn from and respect each other and gain an understanding of other cultures, faiths and communities. The decision-maker must take account of the community served by the school and the views of different sections of the community.

If the school closes there would be the inevitable disruption for pupils, parents and staff, but this would be short term. This proposal would address the issues surrounding a declining primary school population in an area where there are other appropriate schools in more densely populated areas with sufficient capacity to accommodate displaced pupils. The County Council believes that this proposal provides the best solution to addressing and meeting the long term educational

and social needs of the children in the area if it is not possible to sustain a viable school in Saltfleetby.

An educational site would no longer provide services for children and young people. The LA understands that the school is an important part of the community. Alternative community uses for the school building would be considered prior to any decision being made about the future of the premises.

The small size of the school limits its ability to offer a wide range of extended services which are likely to be more readily and widely available at neighbouring schools with a larger NOR. Extended services currently provided at Saltfleetby Church of England Primary School are already in existence at other neighbouring schools. Saltfleetby has an after school club for two days a week. There is one activity per session on offer, which ranges from sports, to gardening, cookery and singing. Some children access music lessons, presently singing, at school one day a week. Theddlethorpe has an after school club on site one to two nights. Each session offers an activity ranging from sports to gardening, cookery and singing. Some children access recorder lessons at school one day a week. North Somercotes offers a breakfast club at the school five days a week, it also offers an after school activities ranging from sports to craft, multi-skills and cookery. Some children access music lessons, currently guitar at the school, one day a week.

The LA has a good track record of redeployment of staff and will always seek to avoid redundancy not only to mitigate costs but also to reduce the human costs of redundancy.

Travel and accessibility

The Executive Councillor should be satisfied that accessibility planning has been properly taken into account and that proposed changes do not adversely impact on disadvantaged groups. Proposals should not unreasonably extend journey times or increase transport costs or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. The proposal should be considered on the basis of how it will support and contribute to the Council's duty to promote the use of sustainable travel and transport to school.

The LA has considered the impact on transporting pupils to other schools should Saltfleetby close. Many of the pupils who currently attend Saltfleetby live closer to other local schools and it is not expected that the closure would significantly increase the number of car journeys to transport children to and from school, as currently only one of the nineteen pupils on roll live within a safe walking distance. If all pupils currently on roll at Saltfleetby Church of England Primary School went to their nearest local school then the combined distance of all pupils would be less than half of what it is now. Were the school to close then transport would be offered according to LCC's school transport policy taking advantage of the established routes already in use in the area. It is not expected that costs would

increase significantly even if those parents who are eligible for transport chose to take up the offer.

The County Council home-to-school transport policy will continue to apply - this provides free home-to-school transport for Lincolnshire resident pupils to their nearest or designated school (if it is more than 2 miles away for primary age pupils). In addition, arrangements will be made to allow displaced Lincolnshire resident children whose parents select the receiving school named above, and who live within the current designated transport area for Saltfleetby Church of England Primary School, to have free transport to either Theddlethorpe Primary School or North Somercotes Church of England Primary School if the school is more than 2 miles from the family's home in accordance with the home-to-school transport policy.

Capital

There are no capital costs arising out of the proposed closure of the school. However should the school close the LA would consider alternative uses for the premises and the land would revert to the landowners. Should the premises be found to be surplus to requirements this may lead to some capital receipts.

The buildings and the land the buildings are on belong to the Diocese. The land to the West of the buildings (including the playing field) belongs to the LA.

Rural Schools

The School is listed in the Designation of Rural Primary Schools (England) Order, 2012 (as amended 2015) and is therefore is within the designation of "rural" school. Under current DfE guidance there is a presumption against the closure of rural schools. This does not mean that a rural school will never close, but that the case should be strong and a proposal clearly in the best interests of educational provision in the area. In order to consider the proposal to close the school the LA has paid particular attention to the following points:-

- The likely effect of the closure of the school on the local community:

The school currently provides places for only 10 pupils from the local community (as shown by the shaded area in the map on page 8), only 1 of which is within walking distance of the school. The school is located centrally in the Saltfleetby area but due to the rural nature of Saltfleetby it is not located in a village centre. The LA understands that the school is regarded by the local community as an important facility and members of the local community believe it would have a negative impact if the school were to close. The LA would work with the local community to try to ensure any negative impact on the community from the loss of the school would be mitigated through partnership working with other services and schools in the area to reduce any negative impact on community cohesion were the school to close.

- Educational standards at the school and the likely effect on standards at neighbouring schools:

The closure of a school can potentially reduce extended services on offer. However, in this case, the small size of the school limits its ability to offer a wide range of extended services which are more readily and widely available at neighbouring schools with a larger NOR. It is also challenging to demonstrate the impact on educational standards with such a small cohort. In their current school pupils are required to mix across multiple year groups. Several schools in the local area are regarded by Ofsted as being of an equal 'Good' standard. Standards at these schools would not be expected to be negatively affected by taking on pupils from Saltfleetby. It should also be noted that in some cases it may have been some time since a school or schools in the area has been inspected so the current Ofsted rating may not be a true reflection of the current situation at some schools. This also applies to Saltfleetby.

The LA has carefully considered the impact on educational standards and believes that the closure of the school has the potential to protect and improve educational standards. To keep the school open may have a detrimental effect in that it would mean children continuing to attend a very small school and consequently placing greater demands on a small number of staff to adequately deliver the full curriculum entitlement. To keep the school open, the low numbers on roll may require a school organisation based on teaching all 7 year groups within one class, which is not considered to be in the best interests of the children.

- The availability, and likely cost to the LA, of transport to other schools and any increase in the use of motor vehicles which is likely to result from the closure of the school, and the likely effect of any such increase:

The LA has considered the impact on transporting pupils to other schools should Saltfleetby Church of England Primary School close. 47% (9) of the pupils who currently attend Saltfleetby live closer to other local schools and it is not expected that the closure would significantly increase the number of car journeys to transport children to and from school, as currently only one of the nineteen pupils on roll live within walking distance. Were the school to close then transport would be offered according to LCC's school transport policy taking advantage of the established routes already in use in the area. It is not expected that costs would increase significantly even if those parents who are eligible for transport, chose to take up the offer.

- Any alternatives to the closure of the school:

The Interim Executive Board, supported by the LA, has pursued potential alternatives to closure but an alternative federation or academy solution has not yet been found and the numbers have remained low. Following the request of the Interim Executive Board to commence the closure process and comments raised during consultation the LA has given further consideration to all potential alternatives to closure. Alternative federation options have been pursued by the school, LA, Diocese and CfBT. To date there has been one expression of federation interest from another

primary school. The LA provided additional information to the interested school regarding the position of Saltfleetby CE Primary School and the Governing Body of the interested school has decided not to pursue this further.

Further legal considerations

Equality Act 2010

Apart from its obligations to consider the statutory guidance referred to the Council also has obligations under the Equality Act 2010 which must be taken into account by the Executive when coming to a decision.

The Council must, in the exercise of its functions, have due regard to the need to:

(1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010

(2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it. This involves having regard to the need to:-

- remove or minimise disadvantages suffered by persons who share a relevant characteristic that are connected to that characteristic
- take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it: Equality Act 2010 s 149(1). The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation: section 149(7). This involves having due regard to the need to tackle prejudice and promote understanding.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Compliance with the duties in this section may involve treating some persons more favourably than others.

A reference to conduct that is prohibited by or under this Act includes a reference to:

- (a) A breach of an equality clause or rule
- (b) A breach of a non-discrimination rule

It is important that the Executive is aware of the special duties the Council owes to persons who have a protected characteristic as the duty cannot be delegated and must be discharged by the Executive. The duty applies to all decisions taken by public bodies including policy decisions and decisions on individual cases and includes this decision.

To discharge the statutory duty the Executive must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

The LA is well aware of the potential negative impact that may arise out of the closure of the school and this is considered more fully in the Impact Assessment (Appendix D) together with measures that could be taken in mitigation. However, the impact of closure would be felt by all the pupils and all local children and their parents, the community and all staff, and would not discriminate against anyone sharing a relevant protected characteristic. The Council believes that this proposal will not lead to any discrimination and that in recommending the proposal the Council is having due regard to its obligations under The Equality Act.

Child Poverty Strategy

The Council is under a duty in the exercise of its functions to have regard to its Child Poverty Strategy. Child poverty is one of the key risk factors that can negatively influence a child's life chances. Children that live in poverty are at greater risk of social exclusion which, in turn, can lead to poor outcomes for the individual and for society as a whole.

In Lincolnshire we consider that poverty is not only a matter of having limited financial resources but that it is also about the ability of families to access the means of lifting themselves out of poverty and of having the aspiration to do so. The following four key strategic themes form the basis of Lincolnshire's Child Poverty strategy: Economic Poverty, Poverty of Access, Poverty of Aspiration and Best Use of Resources.

The closure of the school would support the strategy as follows:-

- By reducing any detrimental effect on educational standards that can potentially occur at schools with very low numbers on roll. The LA believes that the proposal provides the best option to maintain and improve the quality of educational provision that all children are entitled to. This is likely to improve their sense of achievement which in turn can improve personal aspiration.
- The closure would avoid a disproportionately high distribution of funding into one school resulting in a better use of resources to the benefit of all the children of Lincolnshire.

- The closure of the school and consequent reduction in surplus capacity in the area will contribute to the future sustainability of other local schools to the benefit of all children within the locality.

Joint Strategic Needs Assessment (JSNA) and Health & Well Being Strategy

The Lincolnshire JSNA identifies a number of needs that directly relate to young people. (Be Healthy; Stay Safe; Enjoy and Achieve; Positive Contribution; Achieve Economic Wellbeing).

The Lincolnshire Health & Well Being Strategy includes five main themes, with an additional theme of "mental health" running throughout the document. The planned service provision in the county supports the themes of Promoting healthier lifestyles; Improving health and social outcomes for children and reducing inequalities; and Tackling the social determinants of health.

The closure of the school would support both the JSNA strategy and the Lincolnshire Health & Well Being Strategy as follows:-

- The children are likely to benefit from a more rounded education in a larger school with greater social interaction.
- The small size of the school limits its ability to offer a wide range of extended services which are likely to be more available at schools with more pupils on roll and which the children will benefit from.
- This in turn will enable the children to potentially achieve higher standards of attainment and promote the fulfilment of each child's potential. This will assist in improving their sense of achievement which in turn can improve personal aspiration.
- Factors which support children reaching their full potential will also promote their ability to achieve economic well-being and the positive contribution they can make.

2. Conclusion

The final decision is required from the Executive Councillor to determine whether to support the recommendation within this report.

The reasons on which the final decision is based are detailed earlier in this report in the "**Reasons for Recommendations**" section. The factors to consider in making this decision are within this report and all valid written responses received during consultation (summarised in Appendix A) and the Representation Period (see section 5 **Consultation** for further details) must be considered.

The LA believes that this recommendation is made in the best interests of local children and local parents as well as educational provision in the area whilst also enabling the LA to fulfil its statutory duty of ensuring that there are sufficient places to accommodate all pupils of statutory school age in Lincolnshire.

3. Legal Comments:

The Council has the power in accordance with the statutory provisions to propose the closure set out in the Report subject to following the statutorily prescribed process including all consultation requirements. In arriving at the recommendation a non-statutory consultation process has been undertaken which has taken into account statutory guidance. The Executive Councillor must take into consideration all matters which are required by the Statutory Framework in particular those considerations specific to rural schools and the consultation responses must be conscientiously taken into account in reaching a decision.

The Executive Councillor must also take into account the duty under Section 149 of The Equality Act 2010 (the public sector equality act) in reaching a decision on the proposal.

It would be lawful for the Executive Councillor to make a decision in accordance with the recommendation.

The proposal is consistent with the Policy Framework and within the remit of the Executive Councillor.

4. Resource Comments:

Saltfleetby Church of England Primary School is not a financially viable school when considering the current pupil numbers and those projected in the future. Modelling a best-case scenario shows an in-year deficit occurring of £0.030m p.a. from 2016/17 and each year thereafter. Schools with very low pupil numbers create a higher than average cost per pupil, which does not represent the best use of resources for Lincolnshire's Dedicated Schools Grant.

Schools are not legally allowed to set a deficit budget without a realistic and evidence based business plan. A decision to delay or not close the school closure would result in the school going into an irrecoverable overspend position, which would then likely fall to the Local Authority to meet this liability.

5. Consultation

In order for the school to close the LA must follow the necessary statutory legal processes as required by the Secretary of State in accordance with the EIA 2006, the Education Act 2011 and the guidance of the DfE regarding expansion

Under these guidelines the LA must ensure that sufficient time and information are provided for people to understand and form a view on the proposal and make a response. Under the DfE guidelines which came into effect in January 2014 there is no longer a prescribed consultation period for proposed school closures although a minimum of 6 weeks is recommended. To comply with this the LA has conducted an six week period of consultation. Any documentation issued must set out the problem that is being addressed and invite comment on one or more solutions. The

LA must explain the decision making process and take all reasonable steps to draw the proposal to the attention of all those who might be interested and take into account their views.

The guidance issued by the DfE in January 2014 states that in the case of the closure of a rural primary school the parents of current pupils and the local district and parish councils where the school is situated **must** be consulted. The guidance also lists who should be consulted in connection with all proposed school closures. The list of interested parties was therefore compiled according to these principles comprising as wide a range of consultees as practicable to ensure that all interested parties were included and incorporated parents of current pupils and the Chief Executive of the District Council as well as individual County, District and Parish Councillors as appropriate.

Guidance requires current pupils to be consulted and all of the children on roll were given the opportunity to discuss the potential closure of their school. The children were encouraged to consider the things they love about their school, and the things they would miss if the school closed. The overall view expressed by the children was that their school was special and they hoped it would not close despite the proposals. The pupils particularly highlighted the facilities available at the school and the number and variety of school trips.

A letter incorporating relevant information and reasons for the proposal was sent out to interested parties on 28 September 2015 to commence a six week period of consultation. A public meeting was held at Marshlands Village Hall, Saltfleetby on 5 October to provide more detail about the proposal and enable parents and all interested parties to ask questions and raise concerns. Notes were taken at this meeting and are attached as Appendix E. There was the opportunity to provide a response to the consultation by letter, email or by returning the response form attached to the consultation document by 13 November 2015. Copies of the letter commencing consultation and the response form were also published on the County Council website under the webpage "Current Consultations" on www.lincolnshire.gov.uk/schoolorganisation

All written responses received during consultation have been provided to the Executive Councillor for consideration and further details are confirmed in this report in Appendix A. To briefly summarise; there were 39 valid responses in total, with 1 in favour, 37 against the proposal and a further 1 response which was neither for nor against the proposal. Responses were received from 10 parents of current pupils all of which were against the proposal; this group formed the largest number of individual responses received.

Many of the responses against the proposal believed the consultation for potential closure was short-sighted as it is their understanding that pupil numbers had previously dropped as low and they believe given time the pupils on roll could increase. Several believe that the Headteacher and IEB have been unsupportive and ineffective in trying to attract new pupils to the school. Many responses also prefer the small mixed classes at Saltfleetby and state the education provision is excellent as the school focuses on the individual needs of each child.

In addition to these responses two petitions have been submitted against the proposed closure of Saltfleetby CE Primary School, with a total of 535 signatures.

Original copies of the petitions can be viewed by Members by contacting Democratic Services. Petitions must be considered in the light of DfE guidance that the greatest weight should be given to representations from those stakeholders most likely to be directly affected by the proposals rather than simply taking account of the numbers of people expressing a particular view. The petitions do not confirm the area of interest that each signature represents and therefore it is difficult to assess whether the opinions are those of stakeholders that should be given the greatest consideration.

The letter giving details of the consultation process incorporated the following details of the anticipated timeline:-

STAGE 1	STAGE 2*	STAGE 3*	STAGE 4*	STAGE 5*
Consultation 6 Weeks	Publication of Statutory Notice	Representation Period 4 Weeks	Final LA Decision	Implementation
28 September – 13 November	December 2015	December – January 2016	March 2016	31 August 2016

*These stages may only take place if a decision is taken to progress beyond the current stage. The process could be stopped at any stage. Please also note that the dates/months shown (other than for Stage 1) are for indicative purposes only and may be pushed back if required.

However, following the written responses received in the consultation period the LA delayed stages 2 and 3 as above by approximately 6 weeks to allow more time to further explore options that might secure the future of the school prior to progressing to the next stage. If the process continues through stages 2 and 3, the Statutory Notice (Stage 2) is likely to be published in February 2016 and the final decision (Stage 4) is likely to be taken in April 2016

This extension of the process has:-

1. Given the IEB opportunity to develop a working relationship with the newly founded Parent Group to enable them to work together in the best interests of the school.
2. Allowed extra time for the IEB and Parent Group to market the school to prospective pupils and parents. The delay by approximately 6 weeks allowed the closing date for Reception 2016 applications to pass before the decision was made on whether to progress to the next stage.
3. Enabled LA officers to contact East Lindsey schools and academies situated within a 30 mile radius of Saltfleetby seeking a federation opportunity. To date there has been one expression of federation interest from another primary school. The LA provided additional information to the interested school regarding the position of Saltfleetby CE Primary School and the Governing Body of the interested school has decided not to pursue this further.

Following the completion of the consultation period and the extension to the original timescales all feedback was considered with a full report (which is referred to in the Background Papers section below and will also be re-considered along with this report) by the Executive Councillor and a decision was taken on 19 January to proceed to Statutory Notice. A statutory 4 week Representation Period was entered into on 10 February 2016 commencing with the publication of the Statutory Notice (Appendix B) in the local press, on the Lincolnshire County

Council's website and at the school gates. The Complete Proposal, available in paper and electronic format (Appendix C) to which the Statutory Notice refers, was sent to interested parties as detailed in the statutory guidance and was also published on Lincolnshire County Council's website under the webpage 'Current Consultations' at www.lincolnshire.gov.uk/schoolorganisation.

The Representation Period provides a further opportunity for people and organisations to express their views and ensure that they are taken into account when the final decision is taken. No responses were received.

Under current legislation the LA is the decision maker for the proposal and is co-ordinating the statutory process before making a final decision in April. The LA, as decision maker, must be able to show that all relevant issues raised are taken into consideration in the decision making process. Points raised can be considered unpersuasive but must not be ignored altogether.

The last stage of the statutory process would be the implementation of the proposal with the closure of Saltfleetby Church of England Primary School with effect from 31 August 2016.

a) Has Local Member Been Consulted?

Yes, the local member has been made aware of the proposal to close Saltfleetby Church of England Primary School.

b) Has Executive Councillor Been Consulted?

Yes, the Executive Councillor has been involved in the discussions regarding the proposal to close Saltfleetby Church of England Primary School.

c) Scrutiny Comments

The Children and Young People Scrutiny Committee will meet on 15 April 2016 to consider this report regarding the future of Saltfleetby Church of England Primary School (final decision).

The comments of the Committee to be included here when known.

d) Policy Proofing Actions Required

An Impact Assessment has been completed and is attached to this report as Appendix D.

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	Summary of written responses from interested parties during consultation
Appendix B	Statutory Notice
Appendix C	Complete Proposal
Appendix D	Impact Equality Assessment
Appendix E	Notes from the public consultation meeting

7. Background Papers

Document title	Where the document can be viewed
Report on the Proposal to consider the future of Saltfleetby Church of England Primary School (decision to go to Statutory Notice)	Lincolnshire County Council Committee Records Reference I010051 19 January 2016
The DfE guide "School Organisation Maintained Schools Guidance for proposers and decision-makers" January 2014; letter to commence the operator selection process; list of interested parties; blank response form;	All available on request from the School Organisation Planning Team, Children's Services
Individual consultation responses	Individual responses available to be viewed by the decision maker. Content of responses anonymised and summarised in Appendix A.

This report was written by John O'Connor, who can be contacted on 01522 553213 or john.o'connor@lincolnshire.gov.uk.