



FOR PUBLICATION

DERBYSHIRE COUNTY COUNCIL

CABINET

17 November 2022

Report of the Executive Director of Children's Services

Proposal to close Wirksworth Infant School
(Cabinet Member for Education)

1. Divisions Affected

1.1 Wirksworth

2. Key Decision

2.1 This is a key decision because pupils of the closing school could apply for schools outside of the locality, thus impacting two or more wards.

3. Purpose

3.1 To report on the outcome of the statutory consultation carried out by Derbyshire County Council on the proposed closure of Wirksworth Infant School.

3. Information and Analysis

There are two infant schools in Wirksworth – Wirksworth Infant School and Wirksworth Church of England (CofE) Infant School. The two schools are federated under one full-time headteacher and they have a joint governing body. Despite rationalisation of staff and other resources the federation has a deficit balance and is projected to be unable to balance its budget over the medium term if it continues to operate two schools.

Both schools occupy buildings dating back to pre-1919. Wirksworth CofE Infant School had a project to replace a temporary building with a new purpose built EYFS classroom/outdoor play space and office extension in 2015, but still have one classroom in a modern modular building. The sites of both schools are well below the recommended Department for Education Building Bulletin 103 site areas (BB103), with Wirksworth CofE School measuring 2213m² and the Wirksworth Infant School measuring 989m². The two school sites have shortfalls in teaching and support space and there is no scope for expansion on either site. Each school currently has a Pupil Admission Number ('PAN') of 20 and net capacity of 60, giving a total of 120 places across the two schools. The teaching space at Wirksworth CofE Infant School comprises of 3 classrooms and a small hall. The school capacity was previously set at 87 by utilising half of the hall as a classroom. The teaching space at Wirksworth Infant School comprises of 2 classrooms, a small hall and a group/general teaching space. The school capacity was previously set at 90 with the general teaching/group space used as a third classroom. There are significant level changes in the school which are currently accessible with stairwells and due to the age of the building it does not lend itself to full accessibility. The School is designated as a rural school under the Designation of Rural Primary Schools (England) Order 2021 and the following matters were taken into careful consideration since there is a presumption against the closure of a rural primary school:-

- The scope for an extended school to provide local community services and facilities, for example, child care facilities, family and adult learning, healthcare, community internet access Wirksworth Town is well stocked for community provision and any future community provision need identified could be catered for at Wirksworth C of E Infant School
- Transport Implications and the overall and long-term impact on the local community of the closure of the school. Due to the proximity of Wirksworth C of E Infant and other surrounding schools this was considered not to be a significant factor.
- The size of the School and whether it puts the children at an educational disadvantage. The Governing Body have considered the reorganisation and if the closure proposal proceeds, it will enable to children to be taught in single year classes at Wirksworth C of E School.
- The loss of the School building as a community facility. The future use of the building will be considered dependant on the outcome of the statutory consultation.
- Wider School organisation and capacity of good schools in the area to accommodate displaced pupils – Wirksworth CofE Infant School is 200 yards away from the school and has an Ofsted rating of good.

Projections

The future pupil projections and the previous pupil numbers for the two schools are shown below.

	Historic					Current	Projections				
	16/17	17/18	18/19	19/20	20/21	21/22	22/23	23/24	24/25	25/26	26/27
Wirksworth CE Controlled) Infant School	76	79	65	60	54	47	38	41	39	37	35
Wirksworth Infant School	46	41	42	37	36	31	27	28	28	27	26
Total	122	120	107	97	90	78	65	69	67	64	61

The projections however do not include the pupils likely to come from the housing growth. The strategic housing growth in Wirksworth as identified in the Local Plan is shown in the table below:

Site Name	Size	No of houses	Planning Status	Infant yield
Land off Middleton Road/Cromford Road, Wirksworth (18/00741/OUT)	9.46 ha	151	Pending	13
Land at Middle Peak Quarry, Wirksworth	62 ha	645	Not yet submitted	55
Number of allocated dwellings		771		68

5. Statutory Consultation

- 5.1 The Governing Body of Wirksworth Federation of Infant Schools undertook a pre-publication non-statutory consultation which took place from 25 April 2022 to 20 May 2022.

The outcome of this was reported on the 28 July 2022 and Cabinet approved to undertake a statutory consultation under the Education and Inspections Act 2006 and School Organisation (Establishment and Discontinuance of School) Regulations 2013 which took place from 5 September to 30 September 2022.

A copy of the statutory consultation can be found at Appendix 2. There were 4 responses to the consultation. 3 responses were in support of the proposal and 1 provided no preference. There were common themes to the responses and therefore they have been grouped together. The below summarise the responses to the statutory consultation.

In support

2 respondents were in support of the proposal listing a better transition of students, straight year groups, unity of children and staff, budgets and the prevention of having to mix classes as positives.

Consideration now needs to be given to the responses received during the statutory process in order to determine whether Wirksworth Infant School should close from 31 August 2023.

6. Alternative Options Considered

6.1 Option 1 - Not to proceed. The school would remain open but the Governing Body would be unable to set a balanced budget, with the schools deficit balance predicted to be £128,130 by 2025-26.

Option 2 - Federation with another local school. The School is already federated with Wirksworth C of E Infant School. This was considered as an unviable option as there no other suitable schools in which the School could form a federation with. In any event it would not resolve the budget issues.

Option 3 - Conversion to Academy Status. This was considered to be an unviable option.

7. Implications

7.1 Appendix 1 sets out the relevant implications considered in the preparation of the report.

8. Background Papers

8.1 These are held on file in the Children's Services Development Section

- Census data
- Budgets for the school
- Pupil places planning data
- Housing trajectory
- Building repairs and maintenance costs

9. Appendices

- 9.1 Appendix 1- Implications.
- 9.2 Appendix 2- Statutory Consultation Document
- 9.3 Appendix 3- Extracts for decision makers derived from the Opening and Closing of maintained Schools Guidance Document November 2019. The whole document is also attached.

10. Recommendation(s)

That Cabinet:

Notes the responses to the statutory consultation on the proposed closure of Wirksworth Infant School and considers approving the closure of Wirksworth Infant School from 31 August 2023.

11. Reasons for Recommendation(s)

- 11.1 In response to the support from the outcome of the statutory consultation.

12. Is it necessary to waive the call in period?

- 12.1 No

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Implications

Financial

- 1.1 There are no financial implications to report at present. If members approve the closure of Wirksworth Infant School, any financial implications will be reported to Cabinet at a later date when any costs associated with the closure arrangements of the school have been investigated.

Legal

- 2.1 The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 sets out the statutory processes for the consultation, proposal, and implementation requirements for the discontinuance of a maintained community school, which is further explained in the Department for Education's statutory guidance: '*Opening and closing maintained schools: statutory guidance for proposers and decision makers*' (November 2019) ['the 2019 guidance']

Cabinet must have regard to the 2019 guidance and in particular the part entitled 'Guidance for decision-makers' contained therein and attached at Appendix 3 when considering the proposals to close a maintained school.

In accordance with the 2019 guidance, the Council must make a decision within a period of two months from the end of the representation period (30 September 2022) or the case must be referred to the Schools Adjudicator.

Human Resources

- 3.1 The Governing Board will look to reallocate staff currently at the School to roles at Wirksworth Infant CofE Infant School, although some reductions to staff may still be required. Recent teaching staff turnover, means that reductions to teaching staff are not anticipated if the School were to close.

Information Technology

- 4.1 None

Equalities Impact

- 5.1 The local authority is required to have 'due regard' to the duties set out in Section 149 of the Equality Act 2010 (the Public Sector Equality Duty, 'PSED') in determining these proposals. An Equality Impact Assessment has been undertaken as part of the consultation process to identify the equality implications of this proposal and any appropriate mitigation. Due to the proximity of Wirksworth CofE Infant School which has sufficient space to accommodate any displaced pupils there was no PSED implications. Wirksworth CofE Infant School is also more

Corporate objectives and priorities for change

- 6.1 Not applicable

Other (for example, Health and Safety, Environmental Sustainability, Property and Asset Management, Risk Management and Safeguarding)

- 7.1 Derbyshire County Council has a statutory duty to ensure there are sufficient primary and secondary school places and is committed to working in close partnership with schools, academy trusts, the dioceses and key partners to ensure that the supply of school places across Derbyshire is in the right location, is of sufficient size, is viable and of good quality. We know that schools can face challenges in meeting pupils' needs, particularly where pupil numbers are falling, and that in some cases, changes to the pattern of school organisation in an area can help secure the viability of schools, improve opportunities and raise standards.

Appendix 2

Statutory Consultation on the Closure of Wirksworth Infant School

There are two infant schools in Wirksworth – Wirksworth Infant School and Wirksworth CE Infant School which are 0.2 miles apart. The two schools are federated under one full-time headteacher and they have a joint governing body. Although federations are recognised as a way of enabling smaller schools to work more formally in partnerships to share costs, this has not addressed the financial challenges faced by the federation which has experienced difficulties in balancing its budget and despite rationalisation of the staff and other cuts, there are very few options left to achieve an acceptable budget.

The Buildings

Both schools are in buildings dating back to pre-1919. Wirksworth Church of England Infant School had a project to replace a temporary building with a new purpose built EYFS classroom/outdoor play space and office extension in 2015, but still have one classroom in a modular building. The sites of both schools are well below the recommended Department of Education Building Bulletin 103 site areas (BB103) with Wirksworth Church of England School measuring 2213m² and Wirksworth Infant 989m².

Each school currently has a Pupil Admission Number (PAN) of 20 and net capacity of 60, giving a total of 120 places across the two schools.

The teaching space at Wirksworth C E Infant School comprises of 3 classrooms and a small hall. The School capacity was previously set at 87 by utilising half of the hall as a classroom.

The teaching space at Wirksworth Infant School comprises of 2 classrooms, a small hall and a group/general teaching space. The School capacity was previously set at 90 with the general teaching/group space used as a third classroom. There are significant level changes in the school and it does not lend itself to full accessibility.

The accommodation at both schools is below that recommended in BB103 and both have shortfalls in teaching and support space. There is no scope for expansion on either site and an increase in the capacity of either school could only be achieved by reverting back to the previous room uses as described above.

Projections

The projections for the two schools are shown below.

	Actual	Projected			
	2021/22	22/23	23/24	24/25	25/26
Wirksworth CE Inf	47	45	49	46	45
Wirksworth Inf	31	35	36	35	34
	78	80	85	81	79

The projections however do not include the pupils likely to come from the housing growth.

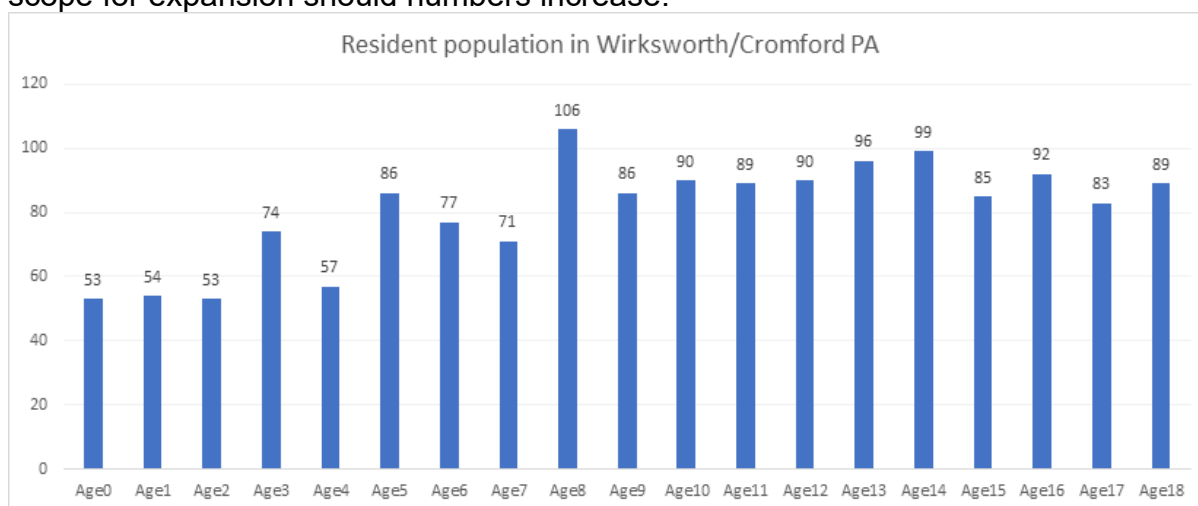
The strategic housing growth in Wirksworth as identified in the Local Plan is shown in the table below:

Site Name	Size	No of houses	Planning Status	Infant yield
Land off Middleton Road/Cromford Road, Wirksworth (18/00741/OUT)	9.46 ha	151	Pending	13
Land at Middle Peak Quarry, Wirksworth	62 ha	645	Not yet submitted	55
Number of allocated dwellings		771		68

The Wirksworth notified site was located in the land off Middleton Road however it has now been moved to the Middle Peak Quarry site and there is provision for a new school to serve that development and possibly the whole of the town. The timing of that new school is however uncertain and is unlikely to be delivered before children start to be accommodated in the new houses. The site off Middleton Road is progressing and the existing schools will have to accommodate the pupils from that development. The additional 13 pupils and some of the 55 could therefore have to be accommodated in the existing school(s).

Places Planning

The schools sit within the Wirksworth/Cromford Planning Area. Whilst there is some surplus projected for the next 5 years in Wirksworth, there is limited space capacity at other schools within the planning area which are small rural schools by nature and are likely to offer little scope for expansion should numbers increase.



Please note that this is current population and does not include those likely to move to new housing.

Admissions

Should Wirksworth Infant School close on 31 August 2023 it is proposed that, for admissions purposes, parents and carers of children at Wirksworth Infant School would be able to express a preference for a place at an alternative school. Parents and carers would be asked to complete an admissions application form and to name up to three schools they would prefer their child/ren to attend. Parents and carers would be offered a school place either at one of their preferred schools named on the application form or, if this is not possible, at the nearest school to the child's home where a place is available. We would try to meet parents and carers preferences wherever possible but cannot guarantee to do so. The allocation of places would be made in line with the admissions policy as set out in the school admissions booklet which is available on the Derbyshire County Council website at <https://www.derbyshire.gov.uk/education/schools/school-places/apply-for-a-school-place.aspx>

For information about which schools have spare places and whether your child/ren would qualify for free home to school transport please contact the admissions team on 01629 533190 or admissions.transport@derbyshire.gov.uk

Impact on the Community

Consideration has been given into the impact on the community if Wirksworth Infant School were to close. Given the close proximity of Wirksworth C of E Infant School there is no negative impact as there will still be well regarded infant provision within the community.

Implementation

There is a defined statutory process in the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 which must be followed before making a decision on the closure of a maintained school. This is supplemented by further guidance on the process published by the Department for Education. There are five stages to the statutory process which must be followed:

Consultation The publication of this consultation document marks a period of consultation during which the views of interested parties are sought and which will be considered by the local authority.

Publication Dependent upon the outcome of the consultation, the local authority will decide whether or not to publish statutory notices regarding the proposed closure.

Representation The representation period starts on the date of publication of the statutory notice and must last for a period of four weeks. During this period, any person or organisation can submit comments on the proposal to the local authority, to be taken into account before a final decision is taken.

Decision Within two months of the end of the representation period the local authority must make a decision on the proposal.

Implementation If the proposal is approved, Wirksworth Infant School would close on 31 August 2023.

Rural schools and the presumption against closure

The local authority acknowledges that there is a presumption against the closure of rural schools. This does not mean that a rural school will never close, but the case for closure should be strong and in the best interests of educational provision in the area. There are a number of factors set out in the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 that must be taken into account when proposing to close a rural primary school; the local authority has had regard to these and will continue to take them into account during the consultation process.

The consultation on this proposal will be from 5th September 2022 to 30th September 2022

The consultation document is available on the Derbyshire County Council website at www.derbyshire.gov.uk/council/have-your-say or by request from Jenny Webster on Tel: 01629 535808 or by e-mail to jenny.webster@derbyshire.gov.uk

Within four weeks of the publication of this notice, any person may object to or comment on the proposal by writing to the address or by sending an e-mail to the contact details below.

Jenny Webster, Development Manager, Derbyshire County Council, North Block, County Hall, Matlock, Derbyshire DE4 3AG or jenny.webster@derbyshire.gov.uk

The deadline for receiving responses is Friday 30th September 2022.



Carol Cammiss
Executive Director – Children’s Services

Appendix 3

Guidance for decision-makers - Extracts as per the attached Document

This section sets out the considerations that should be made by the LA when deciding proposals to close a school.

The decision-maker must have regard to the statutory guidance contained in this document: Opening and closing maintained schools, November 2019

Extract from DfE Statutory Guidance

In all cases, the decision-maker should be satisfied that the proposer has carried out the statutory process satisfactorily and should have due regard to all responses received during the representation period.

Rural schools and the presumption against closure

Decision-makers should adopt a presumption against the closure of rural schools. This does not mean that a rural school will never close, but the case for closure should be strong and a proposal must be clearly in the best interests of educational provision in the area.

When producing a proposal to close a rural primary school, the proposer must consider:

- the likely effect of the closure of the school on the local community;
- the proportion of pupils attending the school from within the local community i.e. is the school being used by the local community;
- educational standards at the school and the likely effect on standards at neighbouring schools;
- the availability, and likely cost to the LA, of transport to other schools;
- whether the school is now surplus to requirements (e.g. because there are surplus places elsewhere in the local area which can accommodate displaced pupils, and there is no predicted demand for the school in the medium or long term);
- 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.

Factors to consider when determining proposals Demand and need

When determining proposals to discontinue (close) provision, the decision-maker should be satisfied that there are sufficient surplus places elsewhere in the local area to accommodate displaced pupils, and the likely supply and future demand for places in the medium and long term.

The decision-maker should take into account the overall quality of alternative places in the local area, balanced with the need to reduce excessive surplus capacity in the system. The decision-maker should have regard for the local context in which the proposals are being made, taking into account the nature of the area, the age of the children involved and, where applicable, alternative options considered for reducing excess surplus capacity.

School size

Decision-makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the LA's budget of the need to provide additional funding to a small school to compensate for its size.

Balance of denominational provision

In deciding a proposal to close a school that has been designated with a religious character, decision-makers should consider the effect that this will have on the balance of denominational provision in the area, as well as taking account of the number of pupils currently on roll, the medium and long term need for places in the area, and whether standards at the school have been persistently low.

Community services

Some schools may be a focal point for family and community activity, providing extended services for a range of users, and their closure may have wider social consequences. Where the school is providing access to extended services, provision should be made for the pupils and their families to access similar services through their new schools or other means. The decision-maker should be satisfied that the proposer has carried out the statutory process appropriately (as set out in part 4 of this guidance) and should have regard for any responses received during the representation period.

Equal opportunity issues

The decision-maker must have regard to the Public Sector Equality Duty (PSED), which requires them to have 'due regard' to the need to:

- eliminate discrimination;
- advance equality of opportunity; and
- foster good relations between people with a protected characteristic and those without that characteristic.

The decision-maker must consider the impact of the proposals on the relevant protected characteristics and any issues that may arise from the proposals

Travel and accessibility

The decision-maker should satisfy themselves that the proposers have been taken into account accessibility planning and that the proposal will not adversely impact on disadvantaged groups.

Decision-makers should consider whether the proposal will 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 decision-maker will need to consider the local context, for example in areas with excessive surplus places, the decision-maker should consider whether the travel implications of the proposal are reasonable compared to those for alternative options.

A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school. Issuing a decision When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with such modifications as they think desirable, after consulting the LA and/or proposer (as appropriate); or
- approve the proposal – with or without modification – subject to certain conditions¹⁶ (such as the granting of planning permission) being met.

Such decisions must be taken within two months of the end of the representation period, it is not possible for a LA to defer the decision beyond the two-month period. The Schools Adjudicator will be the decision-maker in any case where the LA does not make a decision within a period of two months from the end of the representation period.