

**SURREY COUNTY COUNCIL****CABINET MEMBER FOR EDUCATION****DATE: 8 MAY 2018****LEAD OFFICER: ROSE DURBAN  
STRATEGIC DIRECTOR CHILDREN, SCHOOLS AND FAMILIES****SUBJECT: PROPOSAL TO CLOSE RIPLEY COFE PRIMARY SCHOOL****SUMMARY OF ISSUE:**

Ripley CofE Primary School received an inadequate Ofsted judgement in May 2017. As set out in the Education and Adoption Act 2016, the school subsequently received a Directive Academy Order from the Department for Education's Regional Schools Commissioner (RSC). The effect of the Order is that the school must be placed within a multi-academy trust (MAT) to secure its future. No appropriate MAT has been identified by the RSC and the Diocese of Guildford to take the school forward. In line with the statutory guidance 'Schools Causing Concern' February 2018, it was necessary for the Council to undertake consultation on the future provision of the school.

The Cabinet Member is asked to review the summary of the evidence in the report, the consultation summary and the consultation responses; and determine whether to proceed with the publication of statutory notices.

**RECOMMENDATIONS:**

It is recommended that:

- Statutory notices to close are published.

**REASON FOR RECOMMENDATIONS:**

- No appropriate options for the future of the school have arisen during the informal consultation.
- Outcomes for children at the school are being affected by the very low number of children on roll and the quality of teaching is variable.
- The numbers of children currently on roll at the school (41) are problematic for future viability.
- Projections for future need for school places indicate that future cohorts can be accommodated in adjacent areas.

**DETAILS:****Background**

1. Ripley CofE Primary School is a voluntary controlled school with a Published Admissions Number (PAN) of 28. The School is maintained by the Local

Authority in partnership with the Diocese of Guildford. There are two independent nurseries located on the site: Ripley Pre-School and Toad Hall Nursery. The school which has existed since 1840, was formerly an infant school, expanded to include the junior age range to become a primary school serving pupils from age 4 -11.

2. The school is situated in the village of Ripley with a population of 1,620 (2011 Census). Pupils at the school reside in Ripley and in the surrounding area of around a 3 mile radius. The area is served by a number of primary phase schools.

### **The proposal**

3. It is proposed that Ripley CofE Primary School should close with effect from 31<sup>st</sup> August 2018.

### **Reasons for the proposal**

4. The school received an inadequate Ofsted grading following an inspection on 3<sup>rd</sup> May 2017. This follows a number of low graded Ofsted inspections in previous years. The school was rated 1 (outstanding) by Ofsted in 2008, but since 2010 has been graded 3 (satisfactory/requires improvement) until the inspection in 2017.
5. Subsequently the school received a directive Academy Order from the Department of Education's Regional Schools Commissioner (RSC) on 31 July 2017. This is in line with the process set out in the Education and Adoption Act 2016 for schools graded as inadequate by Ofsted. This is further set out in statutory guidance published by the Department of Education on 'Schools Causing Concern'. The effect of this order is that the school must be placed within a multi-academy trust (MAT) to secure its future.
6. As Ripley CofE Primary School is a Church of England voluntary controlled (VC) school in the Diocese of Guildford, under the terms of the 'National Memorandum of Understanding' April 2016, between the National Society (Church of England) and the Department of Education, the Diocese and the RSC would need to consider and agree any potential MAT looking to sponsor the school.
7. In order for a MAT to be considered by the Diocese and the RSC, the following minimum criteria would need to be met:
  - Approved as a multi-academy trust by the Department for Education.
  - Established track record of turning around underperforming schools.
  - A strong plan and immediate capacity to effect a turnaround in the school
  - Able to safeguard the religious character of the school, with appropriate church representation on the board of the MAT and on the local governing body of the school.
8. Prior to the informal consultation the Diocese and the RSC advised the Council that that there was no appropriate MAT to sponsor the school. Therefore the Council was duty bound to consult on closure of the school.
9. The process for decision making regarding school closures is set out in the Department for Education's statutory guidance 'Opening and Closing Maintained Schools' April 2016. It consists of the following key stages:

- Informal consultation for a recommended period of 6 weeks.
  - Cabinet Member for Education considers the responses to the consultation and determines whether to proceed with publishing statutory notices together with a further period of statutory consultation.
  - Statutory notices published regarding the nature of the proposal and commencement of a statutory consultation period of 4 weeks.
  - Leader of the Council considers the consultation responses and determines whether or not the school should be closed.
10. Under current legislation the Academy Order can only be revoked by the Secretary of State, which would then be acted upon by the RSC. Neither the local authority nor the Diocese are able to revoke the Academy Order.

### **Reasons why the proposal is recommended**

#### **Options for continuing the school**

11. Ripley CofE Primary School is a designated rural primary school, as determined by the Department for Education. However, there are two primary phase schools within 2 miles of Ripley CofE Primary, and a further 10 within a 3 mile radius of the school.
12. Mindful of the designation, the Council must ensure that any possible options for retaining the school have been fully explored and exhausted.
13. The viability of the school has been a key consideration for any MAT in considering to take on the school in conjunction with the criteria from the RSC and the Diocese set out in paragraph 7. Unfortunately to date, no MAT has been identified that meets all four criteria and is willing to take on the school.
14. An alternative option of amalgamation with Clandon CofE Primary School has also been considered. Concerns were expressed about this option as it was felt that the proposal to amalgamate the two schools could have a detrimental effect on the quality of education offered to pupils of both schools.
15. The Council remains open to considering any further options that may arise during the process with the Diocese and the RSC.

#### **Outcomes for children at the school**

16. Ofsted inspection May 2017 judged outcomes for pupils to require improvement. Pupils did not make consistently strong progress across all classes, and the differences between the outcomes for disadvantaged pupils compared with other pupils nationally were not closing consistently. Standards reached at the end of key stages 1 and 2 have broadly matched national averages over time. The results of phonics screening checks in Years 1 and 2 have typically been above national averages in recent years, including for disadvantaged pupils. Pupil outcomes at the end of this academic year are projected to be broadly in line with national averages, but the very small numbers of pupils currently on the school roll make statistical comparison inappropriate. Senior leaders of the school and the IEB are monitoring the progress of each pupil. Mixed age classes were introduced at the beginning of this academic year, and pupil groupings are regularly reviewed and revised to ensure the needs of pupils are most effectively met. The quality of teaching remains variable within the school and staff recruitment has been challenging. The headteacher has put strong support in

place through team-teaching arrangements to ensure that the highest number of pupils access good quality teaching.

17. The Council has invested heavily in the school with additional resource focused on School Improvement. Between 2014 and 2016 over £150,000 of support has been provided. This includes School to School Support, School Effectiveness Support, Finance, Governance and Personnel Consultancy Support. A further £29,740 was provided to the school last year in the form of intervention funding. This is in addition to the school's standard budget. Unfortunately, the support has not had the intended impact on outcomes for children. Council officers also identified and secured over £100,000 of Section 106 funding from historical local residential development. This enabled a number of building condition issues to be addressed including resurfacing of the playground and improvements to the toilet facilities. Additionally to the sum above, the Council has allocated further funds to replace a demountable classroom at the school site. The Council has also been working with the school to address issues in a classroom block provided by the community which has experienced sinking floors due to lack of a damp course throughout the block.

18. The table below summarises the progress outcomes for children who completed key stage 2 in the summer of 2017:

	<b>School progress score in reading, writing and maths</b>	<b>Compared to all state schools in England</b>	<b>Local authority average</b>
<b>Reading</b>	-2.0 (2016 -4.0)	average	0.5
<b>Writing</b>	-6.1 (2016: -6.1)	well below average	-0.3
<b>Maths</b>	-4.5 (2016: -2.6)	well below average	-0.3

19. The following table shows the percentage of pupils meeting the expected standard who completed key stage 2 in summer 2017:

	<b>School</b>	<b>England average</b>	<b>Local authority average</b>
<b>Pupils meeting expected standard in reading, writing and maths</b>	67% (2016: 42%)	61%	67%

20. The school has not yet received an Ofsted Monitoring Inspection since the last Section 8 Inspection in May 2017.

### **Future viability of the school**

21. Ripley CofE Primary School currently provides 196 places for years R to 6, with 28 places available in each year. Numbers of pupils on roll at the school have been declining for some time. Numbers decreased further following the school's need to teach in mix-aged classes from summer 2017 in order to manage the school's budget, and have since decreased further whilst the school's future is uncertain. The following table shows the numbers on roll at the school over recent years from the January census, the number of surplus places (unfilled) and their financial impact, together with the corresponding Ofsted outcomes:

Year	Number of pupils on roll	Number of surplus places (based on PAN of 28)	Estimated impact of surplus places on school revenue funding (based on average of £3,000 per vacant place per year)	Ofsted Grading
2007/08	71 Up to age 6	13 (based on 3 year groups)	£39,000	1/outstanding, June 2008 Under permanent HT
2008/09	97 Up to age 7	15 (based on 4 year groups)	£45,000	
2009/10	121 Up to age 8	19 (based on 5 year groups)	£57,000	3/satisfactory, May 2010 Under same permanent HT as 2008
2010/11	130 Up to age 9	38 (based on 6 year groups)	£114,000	
2011/12	151	45 (first year as full primary)	£135,000	
2012/13	171	25	£75,000	3/requires improvement, April 2013. Under subsequent permanent HT
2013/14	177	19	£57,000	
2014/15	162	34	£102,000	3/requires improvement, April 2015 Under executive HT
2015/16	148	48	£144,000	
2016/17	139	57	£171,000	4/inadequate, May 2017 Under interim HT
2017/18	67	129	£387,000	

Where pupil numbers decrease, a higher proportion of a school's revenue funding has to be dedicated to staffing budget, consequently putting pressure on other areas of the school's budget. Class bases must be maintained when pupil numbers are low which schools often manage through vertical grouping (merging of two year groups), as is currently the case at Ripley.

22. Data from the past four school census data collections further demonstrates how numbers have fallen in each year group:

		Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
Academic year 2016/17	October 2016	26	18	18	18	22	23	20	145
	May 2017	27	17	17	17	23	17	21	139
Academic year 2017/18	October 2017	15	16	7	7	8	9	11	73
	January 2018	14	14	6	8	7	9	9	67
Difference between October 2016 and January 2018		-12	-4	-12	-10	-15	-14	-11	-78

23. The current numbers of pupils on roll are shown in the table below (as of 23/04/2018). There has been an ongoing significant decrease since the consultation on the future of the school commenced:

Year group	Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
Number on roll	11	8	2	3	4	4	9	41

24. Applications for reception school places indicating preferences for the school have decreased over recent years, impacted upon in part by Ofsted judgement and the uncertainty of the school's future. The following table shows the numbers of preferences for the school received by the application closing date for each of the past three years:

	For September 2016	For September 2017	For September 2018
<b>1st preference</b>	18	16	4
<b>2nd preference</b>	15	14	6
<b>3rd preference</b>	24	11	7
<b>4th preference</b>	18	7	7
<b>Total preferences</b>	<b>75</b>	<b>48</b>	<b>24</b>

### **Future pupil place planning**

25. Projections for future school place demand in the local area have been variable for some time. Current projections indicate that there is now not an immediate need to re-provide places that would be lost if Ripley were to close. Areas adjacent to Ripley have capacity to accommodate children from the area both now and in future years but it is recognised that the level of spare places would be significantly reduced.
26. The projections showing future need for school places incorporate forthcoming residential developments through data from Guildford Borough Council. This is updated every year. The current projections for the next 10 years incorporate the following numbers of new housing units in wards in and around Ripley:

Ward	New housing units	Time period
Lovelace (including Ripley)	52	Over next 5 years
Send	558	Over next 7 years
Clandon & Horsley	418	Over next 7 years

27. Including the children likely to be yielded from the new housing above, projections show that the number of school places in the surrounding areas should be sufficient for the time being if Ripley were to close.
28. In addition, there is the possibility of a strategic housing site coming forward at Wisley Airfield. This is a large site of around 2,000 homes and would include a primary school. The planning application was refused by Guildford Borough Council; the decision has been appealed with the outcome due in June 2018.
29. The Council will continue to monitor the projected need for future places including any impact of Guildford Borough Council's Local Plan, and propose changes if required to ensure a sufficient number of places.

### **Impact of potential closure of the school**

#### **Displaced pupils**

30. If the school were to close, primary consideration needs to be given to protecting the learning of existing pupils, in securing appropriate education in another setting.

31. If the process continues to the next stage and the Leader determines to close the school, the Council will guarantee the offer of appropriate ongoing education placements for all existing pupils. Offers would be sent out to all pupils on roll at the school following the decision. Offers would be mindful of families with siblings and would endeavour to offer places in the same school where possible, although this cannot be guaranteed. Assistance with transport to alternative schools and with uniform costs would also be considered for pupils on roll at Ripley at the time the decision is made.
32. If necessary the Council would organise provision of additional places at nearby schools to ensure all pupils can be offered a school place. This will be largely dependent on the numbers of pupils on roll at the school at the time of the decision versus the number of available places. Officers are monitoring the numbers on roll at the school and vacancies at other schools in the local area to anticipate the likely need for additional places if the decision is taken to close the school. With the current numbers on roll it may be necessary to provide additional places for year 1 in September. Options for these places include the addition of a one-off extra class at Send CofE Primary School in year 1 which would then move through the school as the year group transitions from year to year. This would require an additional temporary building for which temporary planning permission is being sought in order to ensure this option is open. Alternatively, Clandon CofE Primary School have a PAN of 0.5FE and thus their year 1 group in September will be small. This could be expanded into a full class to accommodate children from Ripley. This could be arranged within the existing accommodation of the school.
33. Parents and carers additionally have the right to express a preference for any school at any time, as may any parent at any school. The declining numbers on roll show that a significant number of parents are deciding to move prior to the decision on closure being made.

### **Applications for Reception entry in September 2018**

34. For families who have expressed a preference for Ripley CofE Primary School for September 2018 Reception entry, the Council has written to each applicant to advise them of the consultation and any further developments which may affect their application. Applicants in receipt of an offer of a place at Ripley have also received a parallel offer for another school in order not to place them at a disadvantage should the school close. This affects 4 children.

### **Early years provision**

35. There are two early years settings on the school site which are not managed by the school. Ripley Pre-School is a voluntary organisation with charitable status and Toad Hall Nursery is part of privately owned chain
36. The Council's Early Years Commissioning Team have carried out a review of sufficiency of places in the area and the potential impact of closure of Ripley CofE Primary School. That has concluded that the early years places currently operating on the school site would need to continue on site or elsewhere in the village to ensure sufficient provision.
37. Toad Hall is situated on land owned by Surrey County Council with a separate pedestrian entrance to the main school gate and shared parking with the school. Therefore, it is anticipated that in the event of closure of the school Toad Hall

would be able to continue on the site, although parking arrangements would need to be looked at.

38. Ripley Pre-School operates within the school building on Diocese owned land. In the event of the school closing, the trust deeds of the site indicate that the pre-school would not be able to continue on the site. However, the Diocese have indicated that the pre-school could stay on site whilst alternative accommodation is identified.
39. The charity, Surrey Nurturing Links also operate from the site, offering services for families with children under 5. Early Years are exploring options for provision in the event of the school closing.

### **School buildings**

40. The ownership of the building and land is split between the County Council and Guildford Diocese. There is a covenant on the land restricting its usage to Church of England school education. There are no current proposals for the future use of the school site.

### **Costs of implementation**

41. If the school were to close, the Council would provide assistance with travel costs to alternative schools for children on roll at the school at the time of determination subject to eligibility. Some children on roll at the time of determination may need assistance with the additional costs of new uniforms for alternative schools, subject to eligibility.
42. Provision of additional accommodation at other schools to ensure sufficient space for displaced children in September 2018. The cost would depend on the most suitable option taken forward for the year 1 children (reference paragraph 32).
43. The Council has a statutory duty to ensure sufficiency in school places. Current projections indicate that future cohorts will be able to be accommodated in nearby schools (reference paragraph 25). However, if demand further increases provision of additional places may need to be considered together with the associated costs.
44. If the school were to close, it is anticipated that early years places at Ripley Pre School would need to be reprovided which would be at a cost to the Council (reference paragraph 36).
45. Options would need to be looked into for the relocation of Surrey Nurturing Links (paragraph 39).
46. The site would need to be secured whilst not in use.
47. If the school were to remain open, there would be revenue costs to consider with the RSC and the Diocese to enable its ongoing sustainability.



## Consultation

48. The 'informal consultation' was undertaken by Surrey County Council and the Diocese of Guildford on the proposed closure of Ripley CofE Primary School. The consultation process ran from 5 March 2018 to 16 April 2018. The associated documentation was published on the Surrey County Council 'Surrey Says' website and circulated to local stakeholders. Interested parties were invited to return responses to the consultation via a formal consultation response form, included at the end of the consultation document, as well as in an online form.

### Responses

49. The public meeting held on 13 March 2018 was attended by approximately 180 people including parents/carers, local residents, school staff and parish councillors.

50. In total, 435 formal written responses were received during the consultation via the Surrey Says website, post and email. 121 of respondents were parents of children at the school or parents of children that may attend in the future. The breakdown of category of respondents is provided below<sup>1</sup>:

Respondent Category	Number.
Parent of child attending Ripley/nurseries	64
Parent of a child that may attend the school in future	57
Parent of a child attending another school	45
Member of staff at the school	9
Governor at the school	1
Local resident	185
Other	164

51. Of the responses received, 417 responses disagreed with the proposal (approximately 96%), 16 responses agreed (approximately 4%), and 1 response classified themselves as "don't know" in this respect (less than 1%).

52. There were no discernible patterns in terms of the category of respondents that typically agreed/disagreed with the proposal, with agreement and disagreement being broadly divided amongst the available categories.

53. Comments about the proposal (347 in total) can be broadly themed into different areas; these are summarised and responded to in the following sections.

### Community hub

54. The most prevalent theme from the responses was that the school is deemed to be an integral part of the community; approximately 20% of the responses expressed this as a concern (approximately 25% of those who made comments). The school was referred to as '*the heart of the community*' and allowing the school to remain open is essential to '*keep the village alive*'. Comments

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<sup>1</sup> It should be noted that a number of respondents fitted more than one category, making the overall number greater than the 435 distinct respondents.

described the school as a *'fantastic village school'* and stated it has been an *'important part'* of the community for many years.

55. A few responses suggested that the closure of the school could lead to families being deterred from moving to the area, thus having a detrimental effect on the village and its local economy. Many stated that the village *'will not be attractive to young families'* and closing the school will be a *'permanent dent'* to the area with *'businesses closing'*.
56. Some comments made reference to the other services the school provides such as the nurseries and the external groups it hosts e.g. scout and recreational groups. Many stated it would be a *'huge shame'* to lose the *'lifeblood'* of the community. The Council recognise the community support for the school, however this is not evident through numbers on roll.

### **Failure in historic management**

57. Several of the responses cited that there has been a failure in historic management, whether that be through leadership at the school, the Diocese of Guildford or Surrey County Council. Approximately 15% of the responses identified this as a main concern (19% of total comments received).
58. Some comments mentioned that the school has been *'let down'* and *'poorly served and badly represented'* by both the Diocese and the Council. Some also stated that *'sticking plaster'* solutions had been implemented over the recent years, which have *'failed'*. The Council and the Diocese have supported the school and provided a significant amount of additional school improvement support and funding over and above the usual school budget.

### **Traffic and transport issues**

59. For approximately 14% of responses (18% of total comments received) traffic and transport were a main concern. The proposed closure would cause *'unnecessary journeys'* and cause *'gridlock'* at already busy times of the day.
60. Some of the respondents with children attending the school were concerned about the distance to alternative schools as they cannot drive and having a local school, which you can walk to, is *'very convenient'*. If the school were to close, transport assistance to other settings may be provided to those who are eligible under the Local Authority's transport policy.
61. Others were concerned about the impact it would have on their working life, as having to travel further would add *'extra pressure'* to the school runs. Moreover, many raised the issue of extra childcare costs that may be incurred by the proposed closure.

### **Potential/future housing developments**

62. Another concern which respondents raised was with regards to new housing being built in the local area and the future developments likely to come forward in the future. Approximately 12% of respondents identified this a main concern (15% of those who made comments). Responses suggested that with *'major housing developments potentially coming forward, school capacity is 'needed' in the area as there are 'not enough primary school places'*.

63. Some responses referred to Guildford's Local Plan and, if approved, will '*generate much need*' for primary school places. Such comments felt it was '*short-sighted*' to close a school when new housing will '*inevitably*' increase the demand for school places. The Council works closely with the boroughs and districts to establish housing permissions being granted and the number of houses likely to come forward over the next 10 years. This forms part of the School Commissioning Team's forecasts for school place demand and is monitored closely to ensure sufficiency of places across the county.

#### **Other school places in the local area**

64. Some respondents were concerned about the availability of school places in the local area. They cited that it would add '*more pressure*' to other schools and that there is already '*insufficient provision*'. There was also the uncertainty of siblings remaining together; which will also further impact on parents' working and travel arrangements. The Council is actively engaging with other local schools to ensure sufficiency of places for pupils, should the school close.

#### **Emotional health and detriment to education**

65. Parents of children attending the school were concerned about the impact the closure would have on their children. 9% of respondents indicated this as a concern, 37% of which were parents at the school, 23% parents of children who may attend the school in the future, and others being parents of children attending other schools. Some cited it would '*damage*' their education and have a '*detrimental impact*' on their well-being. A few comments mentioned the '*stress*' that is currently caused at the thought of leaving a '*safe, nurturing environment*'.

66. A few comments mentioned the impact the closure could have on children with Special Educational Needs/Disability (SEND). In the event of closure, Surrey County Council's SEND team will work closely with the school and parents of children with an Education, Health and Care Plan (EHCP) to ensure that appropriate, alternative placements are found accordingly. However, at the current time there are no children with an EHCP on roll at the school.

#### **The religious character of the Multi-Academy Trust (MAT) sponsor**

67. Some comments cited that they preferred any MAT sponsor to take the school forward, regardless of the religious character (3%). The respondents made reference to MAT sponsors and one described it as '*deliberately damaging*' to block a non-religious MAT from coming forward.

#### **School's progress**

68. Another theme which emerged was the progress the school has recently made and some cited that the school has not been given '*enough time*' to improve. 5% of respondents highlighted this. The teachers, parents and children have '*worked hard to maintain a thriving village school*' and the current Headteacher has made '*many changes to improve the school*'. Some responses commended the teachers, citing that they are '*very dedicated*' and '*do a very good job*'. However, some respondents that agreed with the proposal referred to the school as a '*failure*' with '*poor leadership and teaching*'.

## Other options to be explored

69. A few comments made reference to other options which could have been explored before closure was considered. One comment cited there was '*no clear indication that alternatives to closure have been reasonably explored*'. An option suggested was to decrease the Published Admissions Number (PAN) from 28 to 15 across all year groups. This has previously been considered, but with the National Funding Formula, it is becoming increasingly difficult for schools to be financially viable with a low PAN.
70. A number of comments suggested that the school needed a '*two year stay of execution*' to give it a chance to improve further.

## General/Other

71. In addition to the main themes above, some responses also made reference to Ripley being deemed as a '*Rural School*' and that not enough has been done, in line with statutory guidance, to find a solution to keep the school open. One comment cited that '*not enough consideration and due diligence has been paid to this*'. The Council have liaised with the legal department throughout the process to ensure all statutory requirements are met.
72. One respondent raised concern about Surrey Nurturing Links, a local charity, which is currently based on the school's site and provides a range of training programmes and workshops for the local community. The charity has already had to move from other schools' sites and each move has been '*expensive and challenging*'. This has been highlighted to the Early Years Commissioning Team, and options for relocation would be explored if the school were to close.
73. Some respondents felt that this consultation has been a '*tick-boxing exercise*' and that the Council and/or the Diocese has a '*hidden agenda*' in relation to the land on which the school is located. The proposal has been made in accordance with the Department for Education's statutory guidance on 'Schools Causing Concern' April 2016. There is covenant on the land restricting its use to Church of England educational purposes and no plans have been made for the future use of the site in the event of the school closing.

## **RISK MANAGEMENT AND IMPLICATIONS:**

74. The informal consultation has been completed in compliance with the relevant legislation governing such decisions. Therefore there is no outstanding risk associated with this.
75. There are associated risks whether the decision is taken to proceed with the proposal or halt. Work is being undertaken to mitigate against the risks associated.

## **Financial and Value for Money Implications**

76. If the proposal were to continue, there may be associated capital costs are depending on the option taken forward to accommodate existing children from Ripley at other schools.
77. In addition, there may be additional costs in supporting displaced children with travel and uniform costs.

78. If the proposal is halted, revenue costs of sustaining the school would need to be agreed with the Diocese, the RSC and other stakeholders who may be involved in supporting the school.

#### **Section 151 Officer Commentary**

79. It is acknowledged that there is capacity in adjacent schools to accommodate the majority of the existing children currently on roll at Ripley School. However, there is may be a need for the County Council to incur additional capital costs to accommodate year 1 pupils and nursery children. Whilst these costs could be met from the existing bulge class allocation in the school basic need Medium Term Financial Plan 2018-20, it is still an additional cost to the County Council.
80. The revenue budget to fund the additional travel and uniform costs for some children will need to be identified.

#### **Legal Implications – Monitoring Officer**

81. There is a clear expectation in public law that the Council should carry out a consultation process whenever it is considering making significant changes to service provision, or has a made a commitment to, or has a practice of consulting on the matters under consideration. Such consultation will need to involve those directly affected by such changes together with relevant representative groups. It will be important that the material presented to consultees provides sufficient information to allow for intelligent consideration and response in relation to the proposals. This information will need to be presented in a way that consultees will understand. The responses to the consultation will need to be conscientiously taken into account when the Cabinet Member makes any decision.
82. In considering this Report, the Cabinet Member must give due regard to the results of the consultation as set out in the report and the response of the Service to the consultation comments and conscientiously take these matters into account when making its final decision.
83. In coming to a decision on this issue the Cabinet needs to take account of all relevant matters. The weight to be given to each of the relevant matters is for the Cabinet to decide.
84. Relevant matters in this context will include the statutory requirements under the Education and Inspections Act 2006 and the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013, policy considerations including Schools Causing Concern Guidance for Local Authorities and RSCs February 2018 and the Memorandum of Understanding between the National Society and the Department for Education April 2016, the impacts of the options on provision of school places, the medium term financial plan, the Council's fiduciary duty, any relevant risks, and the public sector equality duty.
85. As Ripley is a designated rural school there is a presumption against closure. A proposal to close must be in the best interests of educational provision in the area, take into account a range of issues and carefully consider alternatives to closure including joining a MAT.
86. The Council owes a fiduciary duty to its Council tax payers, analogous to that owed by trustees responsible for looking after property belonging to other people.

Accordingly in deciding to spend money a local authority must take account of the interests of Council taxpayers who have contributed to the Council's income and balance those interests against those who benefit from the expenditure. It will also need to act in a prudent way having regard to the short and long term consequences of the decision.

87. The best value duty is contained in s3 of the Local Government Act 1999 as a result of which the Council is under a duty to make arrangements to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness. The relevant guidance states that Councils should consider overall value, including economic, environmental and social value when reviewing service provision.

**Equalities and Diversity**

88. The potential closure of the school would not create any issues that would require the production of an Equality Impact Assessment (EIA), as it is recognised all members of the school community would be adversely affected as a consequence, not one group alone. However, with admissions criteria for other settings giving the highest priority given to Looked After Children and pupils on the Special Educational Needs (SEN) register and/or who would benefit from a statement of educational need, vulnerable children would be supported.

89. If the proposal is progress from 'informal consultation' to statutory notices and subsequent statutory consultation, an EIA would be undertaken.

**Other Implications:**

90. The potential implications for the following council priorities and policy areas have been considered. Where the impact is potentially significant a summary of the issues is set out in detail below.

Area assessed:	Direct Implications:
Corporate Parenting/Looked After Children	Set out below
Safeguarding responsibilities for vulnerable children and adults	Set out below
Environmental sustainability	Set out below
Public Health	Set out below

**Corporate Parenting/Looked After Children implications**

91. The needs of Looked After Children affected by the proposal would be prioritised through school admission arrangements whereby Looked After Children are the highest criterion.

**Safeguarding responsibilities for vulnerable children and adults implications**

92. Safeguarding vulnerable children is a high priority in Surrey schools. Schools have considerable expertise in safeguarding vulnerable children and adhere to robust procedures. The school would continue to apply good practice in the area

of safeguarding as would any schools involved in providing places for displaced children if the school were to close. Safeguarding is monitored when Ofsted carries out inspections of schools.

#### **Environmental sustainability implications**

93. If the school were to close, there would be implications on families residing close to the school travelling further to alternative settings and in turn on carbon emissions. Any future additional accommodation would be built to the local planning authority's adopted core planning strategy. The design philosophy of which is to create buildings that will support low energy consumption, reduce solar gain and promote natural ventilation.

#### **Public Health implications**

94. The well-being of children and their families could be affected if the school were to close through the additional pressures of needing to change school, transition to a new setting, additional costs associated and the impact of additional travel times on daily routines.

#### **WHAT HAPPENS NEXT:**

95. Subject to Cabinet Member approval to proceed with this proposal, the next steps are:
- To publish Statutory Notices and commence Statutory Consultation.
  - Following which, the Leader would consider the proposal and determine whether or not the school should be closed.

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#### **Contact Officer:**

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#### **Consulted:**

Ripley CofE Primary School  
Parents/carers of pupils attending the school  
Ripley Pre-School  
Toad Hall Nurserv School  
Local residents  
Diocese of Guildford  
Diocese of Arundel & Brighton  
Local schools with 3 miles  
Local County Councillors Julie Illes and Keith Taylor  
Borough Councillors  
Parish Council  
Borough Council  
Sir Paul Beresford, MP  
David Hodge CBE, Leader of the Council  
Rose Durban, Executive Director Children Families and Learning  
Liz Mills, Assistant Director for Schools and Learning  
Julie Stockdale, SEND and School Organisation Strategic Lead  
Paula Evans, Strategic Lead, Education and Partnerships (Interim)  
Unions

**Sources/background papers:**

- The Education Act 1996; the Education Act 2002; the Education Act 2005; the Education and Inspections Act 2006.
  - Consultation document regarding the proposal to close Ripley CofE Primary School.
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