

OPEN

Children and Families Committee

11 December 2023

Proposed Closure of St Gregory's Catholic Primary School, Bollington

**Report of: Deborah Woodcock, Executive Director Children's
Services**

Report Reference No: CF/46/23-24

Ward(s) Affected: Bollington, Broken Cross and Upton, Gawsworth,

Macclesfield Central, Macclesfield East, Macclesfield Hurdsfield,

**Macclesfield South, Macclesfield Tytherington, Macclesfield West and
Ivy**

Purpose of Report

- 1 The purpose of this report is to report on the outcomes of the pre-publication consultation and the statutory public consultation undertaken in respect of the proposed closure of St Gregory's Catholic Primary School, Bollington.
- 2 Request for Children Families Committee review the information provided within this report and approve the recommendations.

Executive Summary

- 1 Following approval by committee on the 18 September 2023 minute 36 to commence with the structured process as outlined in the statutory guidance regarding the future viability of St Gregory's Catholic Primary School the pre-consultation process commenced.
- 2 A letter and consultation response form was sent to Parents and Carers, Staff, Elected Lead Members, Governors, and the Diocese of Shrewsbury in terms on the future viability of St Gregory's Catholic Primary School. The pre consultation ran from 2 October 2023 to 22 October 2023.
- 3 Following the pre consultation a statutory public notice was published in the Macclesfield Express on 25 October and the statutory 4-week representation period ran from 25 October 2023 to 26 November 2023.

- 4 At the point of submitting this report, 3 pupils remain on roll at the school with an identified new destination of school for all the remaining children. Officers are working closely with the families to ensure a smooth transition takes place for the children.

RECOMMENDATIONS

Children and Families Committee is recommended to:

1. Approve the implementation for the closure of St Gregory's Catholic Primary School, effective from 31st December 2023, subject to the Department for Education (DfE) revoking the Academy Order
2. In line with Department for Education guidance, Opening and Closing Maintained Schools, approve the publication of the decision to implement the closure of St Gregory's Catholic Primary School

Background

- 5 The local authority, through its officers within education services, has regarded St Gregory's Catholic Primary School as a 'school causing concern' for a considerable period, this has been due to its challenges in securing sufficient pupils on roll to allow for a sustainable and affordable budget to be set. Added to these concerns were the quality of leadership in the school and the resulting outcomes for children attending the school.
- 6 In early February 2022, based upon the concerns over the school, the local authority initiated one of its intervention powers linked to 'schools causing concern', and issued a pre-warning letter to the governing board of the school. Unrelated to this, in February 2022 the school also received a full Section 5 inspection by Ofsted which judged overall that the school provided an inadequate quality of education for the pupils attending and this resulted in the school being issued with a directive Academy Order (dAO)
- 7 A dAO is a legal instruction which will ultimately lead to a maintained school academising and joining a multi academy trust (MAT). In most cases, a dAO is triggered by an inadequate Ofsted judgement or being judged less than good twice.
- 8 The local authority was required to complete a 'statement of action' following an inadequate Ofsted judgement and this was approved by Ofsted in terms of a rapid improvement plan. This plan was based upon the national expectation that the school would now join an academy trust as a sponsored school which would assist in providing the appropriate levels of support to improve the

quality of education. Being a Diocesan school, such a trust would need to meet the requirements of the Diocesan of Shrewsbury.

- 9 Following extensive meetings with Diocesan officers and members of the Northwest Regional Director's team, it became clear that the preferred local Diocesan academy trust did not consider this school a viable option in terms of its financial position; this was primarily due to the ongoing fall in pupil numbers.
- 10 At the ongoing meetings referred to above, the position was reached that as no suitable trust option was available, that careful consideration needed to be given to the sustainability of this school and that structured consultation would need to be considered which could include the option to close the school. This is a formal staged process using Department of Education statutory guidance. Opening and closing maintained schools' Statutory guidance for proposer and decision makers (January 2023) – see below.

[Opening and closing maintained schools.](#)

Children and Families Committee would be the overall decision maker using this guidance.

- 11 It is understood that the DfE will implement the ministerial submission for the revocation of the dAO for St Gregory's, as a result of the decision of the Children and Families committee meeting.

Consultation and Engagement

- 12 A parents' meeting was held at the school on 10 July 2023 to inform the local community that this structured process was to be considered by committee in September. A letter was also sent to all parents and carers of pupils attending the school before the end of term to again provide information on this theme.
- 13 At the Children and Families Committee on 18 September 2023 a paper was presented to Committee by the Cheshire East Director of Education, Strong Start and Integration, Claire Williamson.
- 14 The Committee approved the commencement of the structured process as outlined in the statutory guidance "Opening and closing maintained schools" regarding the future viability of St Gregory's Catholic Primary School.
- 15 Following approval to proceed with the structured process, Cheshire East Local Authority progressed with the statutory five-stage process: -

Stage	Action	Comments	Dates
Stage 1	Pre-Consultation	Consultation with parents and carers, staff, elected members, Diocese of Shrewsbury	Undertaken 2 October to 22 October 2023
Stage 2	Publication	Statutory proposal published	25 October 2023
Stage 3	Representation	Must be at least 4 weeks as in the regulations	25 October 2023 till 26 November 2023

Stage 4	Decision	The decision maker (LA) must make a decision on the proposal within 2 months of the end of the representation period or the decision defaults to the School Adjudicator (OSA)	Children and Families Committee 11 December 2023
Stage 5	Implementation	This will be planned in detail dependent on the Committee Decision	

- 16 In line with the DfE guidance, stage 1, the pre-consultation with parents and carers, staff, elected members and the Diocese of Shrewsbury took place for three weeks from 2 October 2023 to 22 October 2023.
- 17 During this pre consultation period 21 responses were received, plus 1 who advised they could not answer the question.
- 11 responses said they agree with the proposal to close St Gregory's Catholic Primary School
 - 10 responses said they do not agree with the proposal to close St Gregory's Catholic primary school.
 - 1 of the responders advised that they could not answer this question.
 - The majority of the responders agreed that due to the low numbers/financial situation the school is no longer viable.

Appendix 1 provides an overview of the responses received from the consultees as part of the pre-consultation stage.

- 18 Following pre consultation, and in accordance with the guidance issued by the Department for Education, a statutory public notice was published in the Macclesfield Express on the 25 October 2023. The 4-week representation period ran from 25 October until 26 November 2023. Information was made available on the Councils' website and the representation period was notified to key stakeholders including Ward Members, MP, Diocese and neighbouring parish and town councils and neighbouring local authorities. Information was emailed to local schools and schools were issued with letters for distribution to their staff, governors and parents.
- 19 Members should note that the statutory consultation period closed on 26 November 2023, at the point of issuing this report (27/11/23) the council has received 767 responses. All the responses are summarised on Appendix 2 but there are a few key themes that have arose as a result of the representation period.
- 20 To assist, these have been placed into categories and detailed in this section of the report with a view to capturing a sense of the views expressed.
- 21 **Demand for school places**

Consultees views:

- Increased housing in the area will increase demand for places going forward.
- Not enough current capacity in the other Bollington Schools
- The 100 places lost should be replaced in the other mainstream schools.
- Parents will be forced to travel outside of Bollington to secure a school place.

Officers Comments

Analysis has been undertaken to consider the impact and availability of school places, particularly for anticipated reception intakes going forward across the remaining schools in the Bollington planning area, should the decision be made to close St Gregory's.

In the current forecasts the anticipated reception intake for St Gregory's was low and analysis shows that the remaining schools could accommodate the overall numbers.

The table below shows the anticipated numbers for the reception intake for the period 2023 – 2027 which is the 5-year period covered by the current forecasts.

The reception intake numbers originally forecast against St Gregory's have been included against Bollington Cross, but parents are free to express a preference for any school.

School	PAN	Forecast NOR					Shortfall/ Surplus of places				
		2023	2024	2025	2026	2027	2023	2024	2025	2026	2027
Bollington Cross CofE	25	21	26	26	25	26	4	-1	-1	0	-1
Bollington St John's CofE	15	15	15	16	15	15	0	0	-1	0	0
Dean Valley Community	30	25	28	29	27	27	5	2	1	3	3
Pott Shrigley Church School	6	3	4	3	3	3	3	2	3	3	3
	76	64	72	74	70	72	12	4	2	6	4

In addition, it should be noted that the October 2023 GP data indicates a slight fall in the Births between 2024 and 2027 which will also impact on reception intakes.

The authority is aware of potential house building in the area. Currently there is 1 housing development in the Bollington area of 11 houses or more that is included in the current forecasts. The development is for 34 houses with a forecast yield of 6 primary aged pupils which have been included in the current 5-year forecasting period.

22 Faith and Non-faith Provision

Consultees Views:

- Diversity of choice needs to be maintained. Catholic schools are vitally important in the community.
- Keep specialist faith with more support from Diocese and LA

Officers Comments

There are 2 alternative Catholic primary schools within the Macclesfield area, and 1 in nearby Poynton, all of which have sufficient places for those parents wishing to access faith schools.

23 Educational Standards/Schools Causing Concern

Consultees views:

- Better leadership could have avoided closure.
- Lack of support/decline of school following inadequate OFSTED

Officer Comments

Pre-inspection, the Local Authority provided support to the school and this support has continued post-inspections. This has included finance and leadership support and ongoing significant intervention work led by the School Improvement team.

24 Staffing/Human Resources

Human Resources have consulted with all the staff at the school and a number of meetings have been held. Please see sections 45 to 49 for details.

Reasons for Recommendations

- 25 Following extensive meetings with Diocesan officers and members of the Northwest Regional Director's team, it became clear that the preferred local Diocesan academy trust did not consider this school a viable option in terms of its financial position; this was primarily due to the ongoing fall in pupil numbers.
- 26 All local authorities must comply with the statutory guidance 'Opening and closing maintained schools' statutory guidance for proposers and decision makers January 2023' when considering proposals to close a school. This is a 5-stage process.
- 27 This report provides members with details of the responses received following the publication of the statutory notice and the representation period (stages

two and three) that took place with all the stakeholders as set out in the statutory guidance. The statutory notice and proposals are attached to this report at Appendices 3 and 4.

- 28 Committee must consider the responses to the statutory notice received during the representation period before deciding whether to move on to stage four, decision.
- 29 Committee is the decision maker on the proposal to close St Gregory’s Catholic Primary School. When determining proposals to discontinue provision the statutory guidance highlights the factors that decision makers should consider when determining proposals and ensure that the guidance on schools causing concern (intervening in falling or underperforming schools) has been considered where necessary.
- 30 When issuing a decision, Committee as the decision maker can:
 - a. Reject the proposal.
 - b. Approve the proposal without modification.
 - c. Approve the proposal with such modifications as they think desirable, after consulting the LA and or proposer (as appropriate)
 - d. Approve the proposal – with or without modification – subject to certain conditions (such as the granting of planning permission) being met.
- 31 Where the local authority is the decision maker, within one week of making a decision, they **MUST** publish their decision and the reasons for such a decision being made on their website. They **MUST** arrange for notification of the decision and the reasons for it to be sent to:
 - a. the Secretary of State
 - b. the bishop of any Roman Catholic diocese any part of which is comprised in the area of the relevant authority.
 - c. and any other body considered appropriate.

Other Options Considered

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Option	Impact	Risk
Do nothing	The numbers in the school are too small to allow the school to be financially sustainable and therefore the deficit budget position for the school would continue grow.	The local authority could not sustain a school which had a three-year deficit budget without a viable solution and therefore financial risk would continue to increase. Small numbers in the school impacts

		significantly on the risk to provide a good quality education for attending pupils.
To seek a sponsored academy solution for the school.	A due diligence process has been followed with two Diocesan trusts which has not seen this school as sustainable in the longer term due primarily to a fall in pupil numbers.	Increasing risks due to the preferred national solution for the school not being available.
To consider alternative uses for the site or alternative educational provisions such as a SEND school.	Such options will be considered separately as part of the formal consultation process – opening and closing schools.	Each risk will need to be considered by committee following any future consultation

Implications and Comments

Monitoring Officer/Legal

- 33 A local authority is under a statutory duty to ensure the sufficiency of school places in their area which includes ensuring that good quality school places are provided where they are needed. Local authorities must ensure that they act in accordance with the relevant legislation namely Part 2 and Schedule 2 of the Education and inspections Act 2006 as amended, The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and DFE statutory guidance Opening and closing maintained schools' guidance for proposers and decision makers January 2023.

Section 151 Officer/Finance

- 34 Below is a table which summarises the estimated financial position for the school, based on the pupil numbers set out in the table underneath. It is not possible to forecast the exact impact of three pupils at this stage given that much of the high needs and pupil premium funding will also stop and staffing levels will reduce but this provides an indication.



- 35 If the school does progress to closure, then the deficit balance at the time of closure may need to be funded through the council's DSG schools' block.
- 36 Guidance from the DfE will need to be sought on this matter to ensure that we adhere with relevant guidance.
- 37 The school land and buildings currently sit as a value on the Council's asset register, this is because whilst the school is operational the Council has control over the building and what it is used for.
- 38 However, as this is a voluntary aided school the owner of the buildings is the Diocese so they will be responsible for the buildings if the school becomes surplus to requirements. The Diocese would also receive the proceeds of any capital receipt if the buildings element of the asset was sold.
- 39 The playing fields element will remain in the ownership of the Council which may in turn attract certain holding costs that would have previously been picked up by the school.

Policy

- 40 This process impacting on this school relates to two key educational guidance documents which are outlined below:
- [Schools Causing Concern](#)
 - [Opening and Closing Maintained schools](#)

Equality, Diversity and Inclusion

- 41 An Equality Impact Assessment has been completed and is attached as Appendix 5 to the report.

- 42 Cheshire East Council and the Diocese of Shrewsbury have consulted on the closure of St Gregory's Catholic Primary School, Macclesfield with effect from 31 December 2023. The school admitted pupils with SEND needs. Following pre-consultation and further engagement activity, responses have been analysed.
- 43 There will be an impact upon those who share one or more protected characteristics, especially pupils who have SEND needs.
- 44 Any impacts will be mitigated as these pupils will be offered alternative school in the local area. Individual assessments and further engagement will be undertaken to ensure that any specific impacts upon these pupils are understood and where possible further mitigation will be considered.

Human Resources

- 45 Human Resource (HR) officers have been regularly involved in actions taken to date regarding staffing decisions within the school.
- 46 A meeting with staff attended by the Claire Williamson and HR was held at school on 2nd October.
- 47 The Trade Unions have been notified and a meeting held with them on 4th October.
- 48 A staff formal consultation period has commenced with a formal consultation meeting held on 2nd November, attended by Jeremy Keeble, HR and Trade Union Representatives. Seven out of the eleven employees attended the consultation meeting.
- 49 The formal staff consultation period ran until 23rd November. 1:1 consultation meetings with all staff have been held week commencing 6th November. A weekly questions and answers has been circulated to staff to respond to any questions arising during the consultation. Individual consultation with staff will continue up until a decision is made on 11th December 2023. A summary of the feedback from the staff consultation is included as Appendix 6.

Risk Management

- 50 Risks will be monitored as part of the staged process as outline in the national guidance.

Rural Communities

- 51 This school is not classed as a rural school.

Children and Young People including Cared for Children, care leavers and Children with special educational needs and disabilities (SEND)

- 52 Providing sufficient school places for all children and young people resident in our area is a statutory duty.
- 53 Significant implications for children and their families who may require changing schools because of a school closure.

Public Health

- 54 Parents and carers at the recent meeting expressed their concerns at the emotional impact the situation is having on their children when friends and peers leave the school, and the children are having difficulties with developing friendship groups within school.

Climate Change

- 55 Not applicable.

Access to Information	
Contact Officer:	<p>Claire Williamson Director of Strong Start, Family Help and Integration and SEND Claire.williamson@cheshireeast.gov.uk</p> <p><u>Jeremy Keeble</u> Interim Head of Education Jeremy.keeble@cheshireeast.gov.uk</p>
Appendices:	<p>Appendix 1 - Summary of pre-consultation responses</p> <p>Appendix 2 - Summary of responses from 4-week representation period that ran from 25 October until 26 November 2023</p> <p>Appendix 3 – Public Notice</p> <p>Appendix 4 – Consultation Document</p> <p>Appendix 5 – Equality Impact Assessment</p> <p>Appendix 6 - Summary of the feedback from the staff consultation</p>
Background Papers:	<p>http://moderngov.cheshireeast.gov.uk/ecminutes/documents/s108976/1.%20St%20Gregorys.pdf</p>