

Wiltshire Council

Cabinet

11 December 2018

Subject: Proposed Closure of Lypiatt Primary School

Cabinet member: Councillor Laura Mayes - Cabinet Member for Children, Education and Skills

Key Decision: Key

Executive Summary

Following Cabinet 25 September 2018, a Statutory Notice was published on 18 October 2018 proposing to discontinue (close) Lypiatt Primary School, with effect from 31 March 2019. The final date for comments on, or objections to, the proposal was 23 November 2018. No objections have been received so far (21 November 2018).

Lypiatt Primary School is located on the site of the Services Cotswold Centre (SCC) near Corsham. The centre provides secure, affordable temporary housing for Service families in need of short-term accommodation. In 2016, OFSTED assessed the school as Good.

Pupil numbers at the school have always been low and subject to a high level of fluctuation. Over the last 7 years, the highest number of pupils attending the school at a census time was 30 in May 2015 and the lowest was 3 pupils in January 2017. In May 2018 there were 10 pupils on roll. This increased to a maximum of 27 pupils at one point during the Summer term.

The low pupil numbers and high level of fluctuation has led to increasing concern from staff, governors and Wiltshire Council about the financial viability of the school. Funding allocated through the local funding formula for schools, which mirrors the national funding formula, cannot sustain the school's current staff structure without creating a large deficit, as there are insufficient pupil numbers at the school for it to attract viable levels of funding. In recent years, the school and Local Authority have worked hard to mitigate this through seeking and securing funding from other sources. However, with the ending of these grant funds, the Ministry of Defence - Directorate Children and Young People (DCYP), Headquarters Army Welfare Service (AWS) and Headquarters Support Commands (HQ Sp Comd) have all confirmed no further support funding is available from them. In the absence of further support, the school will have an in-year budget deficit of £106k in 2018/19, rising to £180k by 2021/22, with a cumulative deficit of £540k by 2021/22.

Proposal

That Cabinet approves the proposal to discontinue (Close) Corsham Lypiatt Primary School with effect from 31st March 2019 (as published) or 31 August 2019 to allow pupils to complete the academic year at the school. Sufficient external additional funding has been identified to allow for the closing date of 31 August 2018.

Reason for Proposal

Given the size of the forecast deficit and the absence of sustainable additional funding, the only viable long term option is to close the school.

Terence Herbert
Corporate Director Children's Services

Wiltshire Council

Cabinet

11 December 2018

Subject: Proposed Closure of Lypiatt Primary School

Cabinet member: Councillor Laura Mayes - Cabinet Member for Children, Education and Skills

Key Decision: Key

Purpose of Report

1. The purpose of this report is to provide Cabinet Members with all the relevant information to make an informed decision on the closure proposal in relation to Corsham Lypiatt Primary School.

Relevance to the Council's Business Plan

2. The Council's vision is to make Wiltshire a great place to live and work. This initiative specifically delivers increased wellbeing and/or safeguarding, by ensuring that resources are utilised effectively and efficiently, in coordination with partners and providers.

Main Considerations for the Council

3. Wiltshire Council recognises the government's presumption against the closure of village schools, and will only bring forward proposals to close a village school where it can be demonstrated that one or more of the criteria below can be met. Relevant criteria are italicised:

- 1) *There is only very limited demand for places at the school from children living within the designated area.*
- 2) *Surplus places at the school exceed 25%.*
- 3) Standards are low and there is little confidence in the likelihood of improvement.
- 4) Recruitment of a head teacher has not proved possible.
- 5) The necessary improvements to the school accommodation are either not possible or not cost effective.
- 6) *The school has a deficit budget without realistic prospects of recovery.*

4. For all schools with fewer than 90 pupils on roll, Wiltshire Council will actively encourage the governors of the school to consider further collaboration by joining a Multi Academy Trust, federation or amalgamation with one or more neighbouring schools.

5. In the present circumstances, Lypiatt Primary School meets the first, second and sixth criteria for closure in the list above. Note, in terms of local demand the school's admissions are restricted to service children living at the Cotswold centre.

Background

6. The process for decision making regarding school closures is set out in the Department for Education's statutory process as prescribed in the following legislation: The 'Education & Inspections Act 2006', as amended by the 'Education Act 2011'. The 'School Organisation (Establishment and Discontinuance) Regulations 2013' and in guidance published in April 2016 'Opening and Closing Maintained Schools'. The process consists of the following key stages:
 - I. Informal consultation for a recommended period of 6 weeks.
 - II. Cabinet considers the responses to the consultation and determines whether to proceed with publishing statutory notices together with a further period of statutory consultation.
 - III. Statutory notices published regarding the nature of the proposal and commencement of a statutory consultation period of 4 weeks.
 - IV. Cabinet considers the consultation responses and determines whether or not the school should be closed.
7. The informal consultation (I.) was conducted between 12th June and 25th July (6 weeks). On 26 September 2018, Cabinet considered the responses to the consultation and decided to take the next step in the statutory process to issue a Statutory Notice (II.). This notice was published on 18 October 2018 proposing to discontinue (close) Lypiatt Primary School, with effect from 31 March 2019 (III.). The final date for comments on, or objections to, the proposal was 23 November 2018. None were received. The final stage (IV.) is for Cabinet to consider all the consultation responses and determine whether or not the school should be closed and, if so, the final closing date.
8. Based on a Published Admission Number of seven per year the school has a capacity for 49 pupils. Pupil numbers at the school have always been low and subject to a high level of fluctuation. Over the last 7 years the highest number of pupils attending the school at a census time was 30 in May 2015, and the lowest was 3 pupils in January 2017. In January 2018 there were 4 pupils on roll. Table A below shows the pupil numbers on roll (NOR) from 2011 to 2018. The table shows a declining number of pupils on roll since the beginning of 2017. Based on the overall capacity of the school (49), the rate of surplus places has varied from 39% in May 2015 (lowest) to 91% in January 2018 (highest).

Table A: School Census Pupil Numbers from Jan 2011 to May 2018

Year	NOR (January)	NOR (May)	NOR (October)
2011	13	9	23
2012	11	24	15
2013	16	10	18

2014	13	16	16
2015	11	30	8
2016	4	8	16
2017	3	6	5
2018	4	10	12

9. The admissions team and school keep records of the total number of individual pupils offered places and attending the school, irrespective of their presence on those termly census days.

Table B shows the cumulative total number of attending pupils at some point for each academic year from 2011/12.

Academic Year	Pupils attending during the academic year (cumulative total)
2011-12	74
2012-13	44
2013-14	47
2014-15	52
2015-16	24
2016-17	29
2017-18	20

10. The low pupil numbers and high level of fluctuation has led to increasing levels of concern from staff, governors and Wiltshire Council about the financial viability of the school. The high staff / pupil ratios mean that children receive high levels of individual attention.
11. However, the key issue is that funding allocated through the local funding formula for schools, which mirrors the national funding formula, cannot sustain the school's current staff structure without creating a large deficit as there are insufficient pupil numbers at the school for it to attract viable levels of funding. In recent years, the school and Local Authority have worked hard to mitigate this through seeking and securing funding from other sources. Before the consultation to seek viable alternatives to closure started, the Ministry of Defence confirmed that no further support funding is available from them.
12. In 2018/19 the school benefits from the balance of the MOD Education Support Funding of £60k plus £37k from the Armed Forces Education Trust, which has enabled the school to operate at a deficit in terms of conventional funding. The in-year budget deficit in 2018/19 is £106k. However, the deficit is expected to rise to £180k by 2021/22, with a cumulative deficit of £540k by 2021/22. Given the size of the deficit, the only viable long term option is to close the school.
13. The pre-statutory consultation was conducted between 12 June and 25 July 2018. A summary of all feedback received during this period can be found below. Each consultation response received during the consultation is included in full as appendix A to this report. Also included (as Appendix B)

are the key issues raised during the public consultation meeting, held on 3rd July 2018.

Consultation Response Summaries

14. There were seven written responses received to the consultation

- 1 Corsham Town Councillor – Closure No, as the facility concerned is the only one in the country; I feel we should support the parents. We should give a service to the people who use the facilities who come at a difficult time regardless of the funding shortage.
- 2 Corsham Town Council - Closure No, as the school provides an essential service to single parents returning to the UK. Look for a Multi Academy Trust or Federation, e.g. with Corsham primary. There is concern over access to the Cotswold Services Centre to other schools, due to its isolated location. In addition, several of the existing schools are at capacity, which makes it difficult for Lypiatt pupils to join them. Families using the centre should be supported regardless of funding shortages. Every child matters.
- 3 Armed Forces Education Trust – Closure yes, but later. Closure viewed with dismay as the school provides specialist support to some of the most potentially vulnerable forces children. Closure seems to be at odds with the June 2018 publication of the ‘Kin and Country’ report by the Children’s Commissioner and Government stated intentions regarding the welfare of Armed Service families. However, the trust recognises the low pupil numbers and the decision to cease MOD Education Support Funding unfortunately makes a strong case for closure. The Trust recommends finding funding to complete the academic year to August 2019, to avoid unnecessary disruption to pupils’ learning. While the number of children at the Cotswolds centre is small, their needs are often complex – a mainstream primary school could understandably have difficulties supporting them. Recommend a single point of contact to facilitate the transition of the children into the education system and to provide specialist interventions where needed to prevent children from being further disadvantaged.
- 4 Chair of Governors, Lypiatt School – Closure yes - but later until August 2019 or until the repatriation of Service families from Germany to the UK is complete. It will be difficult to accommodate the pupils in nearby schools as they are currently full in many year groups. Threat of closure appears to directly contradict the Kin and Country report written by the Children’s Commissioner in June this year which recommends the need to minimize disruption to Service families and their children. Funding Deficit expected to fall as a result of rising pupil numbers. Bid made to MOD to cover any shortfall – awaiting response.
- 5 Pickwick Academy Trust CEO - Closure Yes, because the school is not financially sustainable using the current staffing model both now and in the future. However, the unique service offered by the school to vulnerable military families is valued in the area. Consideration should be

given to an alternative quality provision for children and their families while the military service move back to the UK.

6 Durrington Infants School - Closure Yes.

7 Army Welfare Service

There is a need to maintain this unique Defence welfare facility. Supporting the challenges faced by military families, and in particular vulnerable children, is an essential part of the welfare package that is required for the military community.

For the last few years Lypiatt has applied for and been awarded monies from the MOD's Educational Support Fund (ESF). 2017/18 was the last year ESF was available, so cutting a funding stream that would otherwise have prevented the school going into deficit. ESF is likely to be reinstated but the aim of the ESF is not to support enduring costs, therefore Lypiatt does not fit the criteria for this funding in the long term. ESF cannot be relied upon to fund the school in the long term and a more sustainable option needs to be sought.

Following this response, a decision was taken by the MOD to re-establish the ESF as discussed earlier in this report.

Tri-Service Funding. Wiltshire Council and the Army have been approached to fund the required shortfall but neither will support such a deficit. It is unclear as to whether Royal Navy and RAF have been approached for funding; this must be investigated. Other funding options such as Grant in Aid, Contract for the Supply of Services are not appropriate in part owing to financial constraints and also to education in the UK being the responsibility of the Department for Education.

CEA. The MoD provides Continuity of Education Allowance (CEA) at a cost of circa £80M/year. CEA caters for children that are generally in stable, happy and well catered for circumstances. Lypiatt School also provides a form of continuity of education but to a community that is stressed and almost entirely composed of vulnerable children. It is felt that it is counter intuitive not to fund the cohort that desperately needs cohesion, continuity and family structure. The potential for siblings to be split up and sent to separate schools, at the most difficult of times, does not fit the welfare model at all and breaks those basic tenets of when a family need each other the most.

15. Lypiatt Primary school is designated as a rural primary school as such by an order made for the purposes of section 15. There is a presumption against the closure of rural schools. In order to close a rural school the decision maker must ensure that the following issues have been considered:

a. Displaced pupils

The pupils attending the school would require places in local schools. Arrangements are being made to provide the additional places in local schools (Corsham Broadwood Primary, located 2.3 miles from Lypiatt is due to expand by 105 places in 2019). Pound Pill and Corsham Regis schools are under 2 miles and it is 2.3 miles to Broadwood.

The local area is well supported with a range of good quality Early Years provision. In the nearby village of Neston there is a sessional pre-school that takes children aged two to school age. Corsham, the nearest town to the Lypiatt Primary School has several nurseries. A new one is due to open shortly in the Springfield Campus. All schools in Corsham including the Corsham Broadwood Primary school have Early Years provision available on their school sites meaning that parents can chose to have their school age children and Early Years children all on one site.

b. The likely effect of the closure of the school on the local community

Lypiatt School is located on the site of the Services Cotswold Centre (SCC) near Corsham. SCC is a tri-service facility managed by Headquarters Army Welfare Service (AWS) and funded by Headquarters Support Commands (HQ Sp Comd) on behalf of the MOD. The centre provides secure, affordable temporary housing for Service families in need of short-term accommodation. Lypiatt School and early years centre is there for families with younger children (primary school age) who need to stay longer at the Cotswold Centre. Older children (secondary school age) currently attend Corsham Secondary School, which is nearby. The designated area of Lypiatt Primary School is only the Services Cotswold Centre (SCC). Although it is true that there will be significant army family movements until September 2019 for army basing, there is no direct linkage between those movements and the need for Lypiatt school. SSC and Lypiatt School is specifically for short-term transit accommodation for Service Personnel (SP), Civil Servants and their family for periods of up to six months pending placement elsewhere. SCC provides accommodation in circumstances such as: evacuation from overseas assignments; responding to family disruption e.g. estrangement or divorce; injured SP recuperation; between assignments, and; for those leaving the Services.

The number of families using the SCC is expected to fall significantly following the substantial draw down of soldiers from Germany in summer 2019, representing the majority of the UK's overseas deployment.

The Local Authority has a duty and responsibility to provide sufficient school places both in terms of mainstream and specialist provision to meet demand arising from all areas of the community including in response to inward migration. A programme of work has already been undertaken for the needs arising from the Army Basing programme.

c. Educational standards at the school and the likely effect on standards at neighbouring schools

In 2016, OFSTED assessed the school as Good. The inspectors reported that the small number of pupils, all children of service families, found stability, high-quality care and success during the typically short time they were at the School. The school created a strong family culture, which welcomed newcomers and placed the highest value on pupils' learning. Pupils, teachers, parents and governors were proud to be part of the school community. The whole school staff team worked together with the determination to provide the best possible welfare and learning environment and continually strived to make further improvements.

Places will be available in local schools (Corsham Broadwood Primary, located 2.3 miles from Lypiatt is due to expand by 105 places in 2019). Pound Pill and Corsham Regis schools are under 2 miles and it is 2.3 miles to Broadwood. The number of pupils who could be displaced from Lypiatt initially would be relatively small and expected to reduce further. It is therefore anticipated that there would not be a significant effect on standards at neighbouring schools.

Overall, there is consensus in the responses from the consultation was that Lypiatt school is not financially sustainable with the sources of funding currently available.

d. 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 effects of any such increase.

Should the decision be taken to close Corsham Lypiatt Primary School, provision has been made for ongoing transport costs of up to £5k per annum. Children will either walk to the nearest school or travel on school transport if the school is further than the statutory walking distance. Any increase in the use of motor vehicles resulting from the closure of the school will be modest due to the low number of pupils attending the school.

e. Alternatives to the closure of the school

The consultation explored the option for Lypiatt Primary School to join a Multi Academy Trust or Federation with a local School. However, for a funding or federation agreement to be approved, this would have required a radical staff restructure and redundancies to allow the partner to operate within the stated available resources. No proposal from another school or an Academy Trust was received that would allow the school to remain open.

Safeguarding Implications

16. There is a risk that young people would need to be transported to schools from their locality if there are no safe walking routes. In the case of Lypiatt's closure, pupils will attend one of the local schools. Both Pound Pill and

Corsham Regis are under 2 miles and it is 2.3 miles to Broadwood. So free transport would not be provided to Pound Pill or Regis and would only be provided to Broadwood for children aged 8+ if a space was applied for and refused after appeal for both the other schools during the normal admission round.

Public Health Implications

17. Lypiatt pupils will continue to benefit from a range of sports facilities including dedicated sports halls, primary activity halls, hard games courts and grass football/hockey pitches at their new school. The closure of Lypiatt school will not affect the opportunity for young people in the community to participate in sports and thereby promote healthy behaviours and practices in the population.

Corporate Procurement Implications

18. Since this proposal relates to the closure of Lypiatt school, there are no direct corporate procurement implications. Indirect corporate procurement implications include the already planned expansion of a local school and potential new transport routes from the Service Cotswolds Centre. Responsibility for approving related procurement activity rests with the Council's Corporate Procurement and Commissioning Board, arrangements will be compliant with European and domestic procurement legislation.

Equalities Impact of the Proposal

19. The Local Authority has a duty and responsibility to provide sufficient school places both in terms of mainstream and specialist provision to meet demand arising from all areas of the community including in response to inward migration. A programme of work has already been undertaken for the needs arising from the Army Basing programme. As a public body, the Council must take into account the Equality Act 2010, a consolidating Act which brings together previous Acts dealing with discrimination. Decisions must be reviewed for potential impact on persons with "protected characteristics". S.149 of the 2010 Act also lays down the Public Sector Equality Duty whereby from the 5 April 2011, local authorities and other organisations exercising public functions must have due regard to 3 key areas:
 - (a) Eliminate unlawful discrimination, harassment and victimisation.
 - (b) Advance equality of opportunity between those who share a relevant protected characteristic and those who don't; and
 - (c) Foster good relations between those who share a relevant protected characteristic and those who don't. The relevant "protected characteristics" are: age, disability, gender re-assignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
20. Although not a protected characteristic specified in the Equality Act 2010, members of the Armed Forces can be considered as vulnerable as one of the "other" groups of characteristics, and as such it should be acknowledged

that they may face disadvantage in accessing public services. The cohort of families affected by this decision are exclusively part of the Armed Forces. In the consultation, many stated that the unique service offered by the school to vulnerable military families is valued in the area. It is clear all stakeholders wish to work to minimise disruption to Service families and their children. In this context, Wiltshire Council would support any proposals to grant awarding bodies to establish alternative quality provision offering additional support to children and their families if the school closes.

Environmental and Climate Change Considerations

21. In all education-related capital investment schemes, officers continue to work with establishments to develop and enhance the learning environment taking account of sustainability and environmental impact, including the move towards reducing carbon emissions from schools for the benefit of pupils, staff and the community. In the eventuality that Lypiatt school remained open, the environmental impact of the school would be expected to remain high compared to other schools. This is based on the fact that Lypiatt school operates with a large surplus of capacity.

Risks that may arise if the proposed decision and related work is not taken

22. The risks of keeping Lypiatt Primary School open are primarily financial; see financial implications section below.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

23. A decision to close Lypiatt Primary School would require the potential redundancy of the school's staff. The pupils attending the school would require places in local schools. Arrangements are being made to provide the additional places in local schools (Corsham Broadwood Primary, located 2.3 miles from Lypiatt is due to expand by 105 places in 2019). Corsham Regis Primary Academy is also located 2.0 miles from Lypiatt school. Wiltshire Council will support any bid proposals from the receiving schools, seeking grant funding from the MOD or Army welfare organisations for supporting vulnerable pupils and their families.

Overview and Scrutiny Engagement

24. The Chairman and Vice Chairman of the Children's Select Committee were provided with a written briefing on the proposals for Lypiatt Primary School including closure. It was agreed that further scrutiny involvement was not required.

Financial Implications

25. If the proposal proceeds to closure by April 2019, there would be no direct impact (positive or negative) on the Council's long-term revenue budget since school revenue funding in the form of the Dedicated Schools Grant (DSG) is ring-fenced from all other Council revenue streams.

Should the decision be taken to close Corsham Lypiatt Primary School, there will be redundancy costs associated with this decision. There will also be possible ongoing transport costs of approximately £5k per annum.

These costs need to be seen in the context of an in-year budget deficit of £106k in 2018/19, rising to £180k by 2021/22, with a cumulative deficit of £540k by 2021/22 if the school remains open. Schools have delegated budgets, but if a school closes any deficit balance remains with the Council, which must meet the cost of writing-off the deficit from its general funds.

Surplus balances of closing schools are credited to the Council. The funding framework governing schools finance, which replaced Local Management of Schools, is based on the legislative provisions in sections 45-53 of the School Standards and Framework Act 1998. Under this legislation the Council is required to publish a Scheme of Financing for Schools. The scheme sets out the financial relationship between the authority and the maintained schools which it funds, including the respective roles and responsibilities of the authority and the schools. The scheme does not limit unreasonably the flexibility of schools to control and deploy their budgets, recognising the need for public monies are involved to be properly accounted for and recorded. The scheme includes provisions which are binding on both parties. Under the scheme, any deficits of expenditure against budget share (formula funding and other income due to the school) in any financial year will be charged against the school and will be deducted from the following year's budget share to establish the funding available to the school for the coming year. Schools cannot set a deficit budget without the prior agreement in writing of the authority. For clarity, a deficit budget is one where the gross expenditure in the budget plan exceeds the total of funding, income and the balance (surplus or deficit) brought forward from the previous year. This consent is given by the Section 151 officer - The scheme of delegation allows for deficit budgets, but only for three years, and no more than 20% of the school's budget share, up to a maximum of £750,000. In certain cases these provisions can and have been breached in Wiltshire, with the consent of the s151 Officer.

Following a recent review of the school's current budget, and forecast income and expenditure the cost of implementing the proposed options can be anticipated.

- a. 31 March 2019 (as published in the statutory notice)
The school has sufficient reserves to operate without a closing deficit
- b. Or modify to 31 August 2019 which is the final day of the academic year.
The school does not have sufficient reserves to operate without a closing deficit. The forecast deficit is estimated at £38,000. Strenuous efforts have been made to secure additional external funding. The MOD ESF had previously allocated a grant for the Lypiatt Early Years centre. A balance of £38k remains. The MOD has agreed for this balance to be redirected into the schools general fund to offset the anticipated deficit. The Governing Body have agreed to use their best endeavours to adhere to the budget forecast. The main advantage of an August closure is not

moving vulnerable pupils in the final term of the academic year, some of whom may be taking national tests.

Legal Implications

26. Under the Education and Inspections Act 2006 (as amended by the Education Act 2011), the closure of maintained schools, such as Lypiatt Primary School, is governed by The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 (“Establishment and Discontinuance Regulations”). When exercising functions under these regulations regard must be had to guidance published by the Department of Education (DoE), including ***Opening and closing maintained schools: Statutory guidance for proposers and decision-makers***, which sets out the statutory 5 step process. The procedure as set out in this report has followed that guidance.
27. The Cabinet, as the Local Authority decision maker, will need to have regard to a list of factors included in further guidance, namely, ***Guidance for decision-makers: Statutory guidance for decision-makers deciding prescribed alteration and establishment and discontinuance proposals (2016)***. Of specific relevance is *Section 5: Factors relevant to discontinuance (closure) proposals*. In addition, as this is a designated rural school, attention needs to be paid to the considerations set out at page 17 of the guidance, *Rural schools and the presumption against closure*.

A copy of these statutory guidance documents has been placed in the Cabinet Room or can be found at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/514556/16-04-06_FINAL_SO_Guidance_ED_Regs.pdf

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/514570/16-04-06_FINAL_SO_Guidance_DM.pdf

Conclusions

28.
 - 1) Pupil numbers have been low and highly variable, with the school operating at surplus capacity that has ranged from 30% to 90%.
 - 2) As a result, the school has been unable to attract sufficient funding through the local funding formula and has only continued to operate through assistance from MOD Education Support Funding (ESF) and other grants
 - 3) The decision by the above body to cease funding of the school will result in an unsustainable deficit that is expected to reach £540k by 2020/21.
 - 4) Considering the above, in the absence of funding that addresses the deficit, the only viable option is to close the school.

Recommendations

29. To approve the closure of Lypiatt Primary School.

30. To determine the date to discontinue (close) Corsham Lypiatt Primary School. The options are:
- a. 31 March 2019 (as published in the statutory notice)
 - b. Or modify to 31 August 2019 which is the final day of the academic year.

Delaying closure of the school would minimise disruption to pupils and ideally should take place at the end of the academic year 2018/19. The financial implications of each option are set out in para. 25 above.

31. Liaise with local stakeholders to place appropriate mechanisms in place to support pupils with the transition to their new schools.

Proposal

32. Subject to the Cabinet's approval to proceed with closure, the next steps are:
- a. To agree the closure date
 - b. To offer alternative places to children on roll for the term following the agreed closure date.
 - c. To put in place appropriate human resources arrangements for staff.
 - d. To put in place practical arrangements to ensure continuance of early years provision.
 - e. To implement the logistical requirements of discontinuing the school.

Reason for Proposal

32. Given the size of the forecast deficit and the absence of sustainable additional funding, the only viable option is to close the school in the long term.

Terence Herbert
Corporate Director – Children's Services

Report Author: Alan Stubbersfield
alan.stubbersfield@wiltshire.gov.uk
Tel: 01225 718695 Ext 18695

30 November 2018

Background Papers

The following documents have been relied on in the preparation of this report:

Wiltshire School Places Strategy 2017-2022

Appendix A - Consultation responses received

1. Response from a Corsham Town Councillor

Option B is supported (keep Lypiatt school open).

Why not a multi-academy trust? I think you (the LA) has decided to close it (the school) already.

As the facility concerned is the only one in the country; I feel we should support the parents. We should give a service to the people who use the facilities who come at a difficult time regardless of the funding shortage. Every child matters, but not in Wiltshire.

2. Response from Corsham Town Council

Option B is supported (keep Lypiatt school open).

Lypiatt Primary School provides an essential safe and caring environment for children who have experienced an unsettled period. Our proposal is for the school join a Multi Academy Trust or Federation such as Corsham Primary. This would, of course, require their agreement and co-operation but would provide a much better solution for Lypiatt pupils and those of the existing primary schools. There is concern over access and transport for residents of the Cotswold Services Centre to other schools, as it is in a somewhat isolated location. Whilst your report states that impact of Lypiatt pupils joining other schools is said to be marginal, it is nevertheless a negative impact on those existing schools and disruptive to existing pupils. Several of the existing schools are at capacity, so if pupils from Lypiatt are to join them, they would be taking away current capacity.

If necessary, the catchment area should be adjusted in a way which has the least negative impact on pupils of Lypiatt Primary School and on existing schools. This should consider accessibility and transport issues as well as educational, welfare and financial factors.

3. Response from Armed Forces Education Trust

Support Closure in the long term – *‘the Trust recognises that from a local education perspective, the recent fall in pupil numbers, even if only temporary, and the decision to cease the MOD Education Support Fund unfortunately make a strong case for closure.’*

I am writing on behalf of the Armed Forces Education Trust which currently provides 14% of the funding for Lypiatt School.

Given the objects of our Trust, which are to support children whose education is affected by parents’ service in the Armed Forces, we view the proposed closure of a school which provides specialist support to some of the most potentially vulnerable forces children with dismay.

It is particularly unfortunate that the consultation coincides with the publication in June of the “Kin and Country” report by the Children’s Commissioner, sponsored

by the MOD and strongly supported at the recent launch by the Minister of State, the Shadow Secretary of State for Defence and members of the Defence Select Committee.

The report recommends: "It is vital that children do not lose additional support when they move between areas...greater action is needed on the transfer of support when children move between local authorities and devolved nations". Clearly the same principle applies even more strongly to children moving to the UK from abroad.

Closure of Lypiatt Primary School would be directly counter to this recommendation and flies in the face of Government and MOD stated intentions regarding the welfare of Armed Service families and the spirit of the Military Covenant.

However, the Trust recognises that from a local education perspective, the recent fall in pupil numbers, even if only temporary, and the decision to cease the MOD Education Support Fund unfortunately make a strong case for closure.

Completing the academic year

Many of the children who arrive at Lypiatt Primary School have already suffered disruption and in some cases are in distressing family circumstances which risk compromising their education further as they obviously would be if the closure happens as proposed in April 2019 in the middle of the school year. We believe that every effort should be made to source bridging funding to allow the School to remain open until the end of the academic year in July 2019. The sum involved is small and should not be beyond the means of Wiltshire Council.

Supporting children in the future

While numbers of children of primary school age arriving at the Cotswold Centre may be small, their needs are often complex. They are unlikely to arrive conveniently between school years and may have education needs which will be exacerbated by a break in, or further disruption of, their early years of education. A mainstream primary school, with its own pressures and not geared specifically for the needs of such individuals, will understandably have difficulties supporting them.

It is therefore vital that:

1. A single point of contact, either an individual or a specific post, be identified within the local education system, or within the MOD welfare system at the Cotswold Centre, to take responsibility for children as they arrive at the Centre with the expertise and experience to facilitate their transition into the education system and identify and meet specific educational needs.
2. An appropriate funding stream be identified to provide specialist interventions where needed to ensure children arriving are not further disadvantaged.

The trust recognises the difficulties of finding funding, but a modest fund to support these vulnerable children would surely be the least that those responsible in both the military and education worlds could offer if and when the School closes.

While it would not be appropriate for the Trust to provide total funding, it would be open to consider contributing to such a fund if it were to be established under suitable accountable management.

We look forward to hearing your comments, particularly on the last two proposals.

Brigadier Alan Behagg
Chair, Armed Forces Education Trust

4. Response from governors of Lypiatt school

Support Closure in the long term

The Governors of The Lypiatt School do not support the closure of the school in the short term and recommend that it remain open until at least August 2019 or until the repatriation and housing of Service families from Germany to the UK is complete.

Closure in April 2019 is the very worst option both in the wider context of the Services withdrawal from Germany and the hugely detrimental impact it will have on the children attending the school. Whilst planning for the withdrawal is well underway there has to be a contingency to support those families who fall outside the net. The Services Cotswold Center and the Lypiatt School provide that contingency, closure at this time would be both unwise and harsh for these Service children at a critical stage in their education. May is a key month for KS1 SAT's and year six national curriculum tests. Continuity of education is essential, closure in April will force vulnerable children into new schools three weeks before their tests.

Whilst we acknowledge that numbers attending the school over the last few years have been declining we predict this trend to change significantly over the coming months as the withdrawal accelerates. This is already happening, school numbers have increased from seven in June this year to twenty nine today, a 400% increase. It is fair to expect this trend to continue for some months even beyond April 2019. Finding local schools for such numbers will create a real problem particularly in light of your statement that 'many of the nearby schools are currently full in many year groups'.

The timing of this consultation and threat of closure is to say the least unfortunate as it appears to directly contradict the Kin and Country report written by the Children's Commissioner in June this year which recommends the need to minimize disruption to Service families and their children. To close the only school in the country at this time which provides unique and special support to vulnerable Service children returning to the UK would be wholly inappropriate.

School Funding.

Whilst our predicted school budget shows a deficit of £73.5K for one term, until August 2019, we expect this to be significantly reduced. We have £38K carried forward from the Education Support Fund (money already awarded and in the

bank but not set against the deficit). Furthermore the deficit is based on five pupils being on roll at the October census. If as expected these numbers are far greater the actual deficit will again be significantly reduced.

We have bid on the MOD to cover any shortfall but still await their response which is expected shortly. In light of this and the offer by the Armed Forces Education Trust (AFET) to contribute to a support fund we request that no decision be made pending the MOD's response.

Signed
JM Wyatt OBE
Chair of Governors, the Lypiatt School

5. Response from CEO of Pickwick Academy Trust

Support school Closure. From the consultation document it seems the school is not financially sustainable using the current staffing model both now and in the future. For this reason I see no other option than to close the school.

However, having worked in the Corsham area for many years I fully appreciate the unique service the school provides for vulnerable military families. While closure seems to be the only option on the table at the moment serious consideration needs to be made to ensure alternative quality provision is provided for the children and their families while military families move back to the UK.

6. Response from Durrington Infants School

Support school Closure.

7. Response from Army Welfare Service

The school is only open to children residing at SCC and provides excellent support through delivering immediate and vital educational support when families need it most, often at times of considerable distress. The staff are uniquely experienced in addressing the challenges faced by Service families and in particular families who are often under significant emotional stress. Many of the children only attend the school for short periods of time, but in that time the school is adept at responding quickly to the needs of the individual – a provision that the local state schools would find extremely difficult to match.

Funding

As a maintained school, WCC funding for Lypiatt is based heavily around pupil numbers together with some core funding. Due to the reliance on pupil numbers to set the school funding, Lypiatt is disadvantaged - pupil numbers from the October census determine funding for the following academic year. This works well for the vast majority of schools who have a stable population but clearly does not for a school like Lypiatt; the 'on the day' numbers massively impact the census, as potentially, they could only have one or two pupils on the role that day. Such uncertainty means that the school often finds itself underfunded. Additionally, with a high turnover of pupils the funding is not appropriate to support the number of children coming and going throughout a school year.

Lypiatt has a shortfall of approximately £150,000 each year. For the last few years Lypiatt has applied for and been awarded monies from the MoD's Educational Support Fund (ESF). 2017/18 was the last year ESF was available, so cutting a funding stream to pick up the shortfall required. ESF is likely to be reinstated but the aim of the ESF is not to support enduring costs, therefore Lypiatt does not fit the criteria for this funding. ESF cannot be relied upon to fund the school and a more sustainable option needs to be sought.

Tri-Service Funding. WCC and the Army have been approached to fund the required shortfall but neither will support such a deficit. It is unclear as to whether RN and RAF have been approached for funding; this must be investigated. Other funding options such as Grant in Aid, Contract for the Supply of Services are not appropriate in part due to financial constraints and also due to education in the UK being the responsibility of the Department for Education.

CEA. The MoD provides Continuity of Education Allowance (CEA) at a cost of circa £80M/year. CEA caters for children that are generally in stable, happy and well catered for circumstances. Lypiatt School also provides a form of continuity of education but to an audience that is stressed and almost entirely comprised of vulnerable children. It is felt that it is counter intuitive not to fund the cohort that desperately need cohesion, continuity and family structure. The potential for siblings to be split up and sent to separate schools, at the most difficult of times, does not fit the welfare model at all and breaks those basic tenets of when a family need each other the most.

Welfare Delivery Due to there currently being a surplus of school places in the Corsham area, combined with the transient nature of the SCC residents, WCC are under no obligation to maintain the current levels of funding required. Should Lypiatt cease to exist they would meet their statutory obligation to provide school places by dispersing SCC children into spare places in other local schools. This could easily include sending siblings to different schools if sufficient places were not available at a specific school – the adverse impact on such vulnerable children is obvious.

Unique challenges for military families. The MoD commits financial and other resources to, among others, policing, fire, health and social work in the UK and yet these are all the responsibility of other government departments. We do this because the standards of service offered by the regular public services do not meet the unique needs of the MoD. Other local schools would meet the statutory requirement but they would not meet the bespoke needs that the MoD has and hence it is entirely appropriate that we should support the school and hence our personnel and families.

The recent publication of the '*Kin and Country*' report by the Children's Commissioner for England explores the lives and experiences of children who grow up in a military family. Sponsored by the MoD and strongly supported by the Minister of State, and members of the Defence Select Committee, the recommendations in the report include "*It is vital that children do not lose additional support when they move between areas greater action is, therefore, needed on the transfer of support when children move between local authorities and devolved nations*". Surely the concept behind these

recommendations is even more valid when supporting vulnerable children, such as those at SCC. Closure of Lypiatt would directly counter the recommendations in the report.

Past Closures/BFG Drawdown. Re-basing and closures have impacted the stability of education for many military children in recent years and will continue to do so; the closure of BFG will cause similar issues. The move back to the UK can be a difficult time for families; many families choose or have to use the facilities offered at SCC to support their family move. With the drawdown of BFG during 2019, SCC is likely to have an increase in families looking to take advantage of the SCC facilities.

Summary

There is a need to maintain this unique Defence welfare facility. Supporting the challenges faced by military families, and in particular vulnerable children, is an essential part of the welfare package that is required for the military community.

Appendix B - Notes from Lypiatt Primary School Consultation Meeting

Tuesday 3 July 2018, 5.30PM Springfield Centre, Corsham

Present. Carolyn Atkins (CA) - Head, Andy Newman (AN) - GMB, Martha de Bruxelles (MdB) GMB, Carole Vallyelly (CB) - GMB, Jayne Hartnell (JH) - Wilts, Grant Davis (GD) – Wilts, John Wyatt (JW) – CoG, Tom Lindsay (TL – Wilts

Issues Raised

AN – Pupil numbers and funding

GD explained the funding arrangements and the change from planned places in the past to a flat rate plus AWPUs based on October census. The new nationally derived formula does not provide the school with sufficient budget to sustain the current staffing levels. The MOD Education Support Fund has provided the shortfall. However, this source of funding has ceased.

CV - Concern about impact on other schools if Lypiatt is closed. CV closure is financially motivated – Sarah Church Labour Councillor in South Swindon had expressed concerns. CV reported strong support and sympathy for the school in the wider community around Corsham. Some had directly benefited from Lypiatt before settling in Corsham. The financial decision was regrettable.

JW agreed the financial situation was regrettable. He was lobbying the MOD to find funding. He believed the school had a key role to play during Army basing as safety net for any displaced families returning from overseas. Up to 60 homes were available at the Cotswold centre if needed. He was waiting for a response.

CA pointed out that the school's contribution was more than just education as it allowed families to look at their wider welfare needs. CA now 22 pupils in school with 5 more expected before the end of term.

MdM described how pupils with attachment disorder need significant additional support.

AN discussed the support GMB could offer in lobbying the MOD through parliamentary questions, writing to local councillors and MPs.

CA explained that pupils could be in school from 1 week to up to a year.

TL said he would report to cabinet any relevant information received up to the time of the meeting. TL explained the timeline

25 July 2018 consultation closes

August 2018 Feedback report prepared

September 2018 Cabinet Meeting

October 2018 Statutory Notice if applicable

December 2019 final decision by cabinet

Closure April 2019 or later determined by any additional funding

Meeting closed at 6.30pm