

Impact Assessment

Assessment of: Proposal to close Kingswear Primary (Academy) School

Service: Planning, Transportation and Environment

Head of Service: Jamie Hulland

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Assessment carried out by (job title): Shona Meek, Senior School Organisation Officer

1. Description of project / service / activity / policy under review

The Department for Education has received an 'in principle' decision to close Kingswear (Academy) Primary School from the minister, in mutual agreement with the Academy Trust, Education South West.

2. Reason for change / review

Kingswear Primary School is a small rural academy school within the Multi Academy Trust of Education South West. There are no children on roll at Kingswear Primary School and there have been no children on roll since the end of term July 2023. A review of area health authority data which provides the number of 0-4 year olds living in the school's catchment area shows very low numbers of pre-school aged children. In the District Council's Joint Local Plan, there is one allocated site at Noss on Dart Marina, within the parish of Kingswear for 126 dwellings. However, the walking distance from the proposed development to Kingswear is 1.6 miles and is considered unlikely to be suitable for safe walking. The planning application does not seek to provide any on site affordable housing. The location for affordable housing development is considered to be unsuitable to provide properties of this tenure. The access to services which you would normally expect to be provided on site or within a short distance to a general housing development such as schools, shops and bus routes are not accommodated for in this location.

3. Aims / objectives, limitations and options going forwards (summary)

As at the October 2022 census there were 12 children on roll at Kingswear Primary School. The school was last inspected in 2017 and continued to be a good school. With such a small and decreasing number on children it was increasingly difficult to deliver a broad and balanced curriculum. The Trust felt that the school could not provide a high quality education to such a small number of pupils spread across year groups. With such low numbers on roll which were not forecast to improve, it was felt that the school was unsustainable. There were no children on roll as at the beginning of the academic year September 2023-24.

4. People affected, diversity profile and analysis of needs

The school is designated co-educational for the age range 5-11. As there are no pupils currently on roll at the school there is no direct impact to current children and families. There is an impact in terms of future provision for children and families who live or may live in the future in the Kingswear catchment area who will not be able to attend a primary school that is local to them.

Local schools have and will be affected by this proposal but this may be considered a beneficial impact as other schools nearby will see increased pupil numbers and a more sustainable network of schools in the local area. Staff (teaching and non teaching) have also been affected by the proposal.

5. Stakeholders, their interest and potential impacts

Children and families living in or close to Kingswear, or children and families who may move to the area, or those who start a family, may have considered a place at their local primary school and will be affected by this proposal. Staff (teaching and non teaching) have been affected by the factors that have led to the proposal.

Former pupils on roll have been affected by the factors that have led to this proposal as pupils have chosen to attend new schools which will have resulted in pupils adapting to a new school, a new route to school, a new uniform, new teachers and support staff, a new learning environment and changed friendship groups.

There were 12 children on roll of Kingswear Primary School as at the October 2022 census: 5 of which were in Year 6 and due to transition to secondary school in September 2023. Of the remaining 7 children, who moved to another primary school before a formal closure of Kingswear Primary, all have transitioned to local Ofsted Good schools.

There is sufficient capacity in local schools to accommodate future known cohorts of pre-school aged children living in the Kingswear catchment area.

The distances to nearby schools are as follows:

Avoiding Ferry	Route includes ferry	Distance from Kingswear Primary School
25 miles	2.0 miles	Dartmouth Academy Primary
25 miles	2.1 miles	St John The Baptist RC Primary
26 miles	4.7 miles	Stoke Fleming Community Primary
8.5 miles	n/a	Stoke Gabriel Primary
12 miles	n/a	The Grove School
12 miles	n/a	Totnes St John's C of E Primary School
4.6 miles	n/a	Brixham C of E Primary School (Torbay)
4 miles	n/a	Eden Park Primary School Academy (Torbay)

4.1 miles	n/a	St Margaret Clitheroe Catholic Primary (Torbay)
6.5 miles	n/a	Furzeham Primary and Nursery School (Torbay)
4.4 miles	n/a	Galmpton C of E Primary School

Families whose children left Kingswear Primary School have been impacted by additional travel costs and travel time. The closure of Kingswear Primary School will result in additional travel to school for pupils for whom Kingswear is currently their closest school. DCC's Cabinet will be asked to consider a recommendation on the proposed school catchment area which will inform future entitlement to school transport.

The community do not use the school for any community activities or groups and has not done so for many years. There are no services provided to the school by local businesses. The school acts as an employer in the local area. It is considered that because the school's number on roll has been low for a number of years and there are now no pupils on roll that the impact to any shops and local businesses benefiting from the footfall of parents and children is negligible.

Devon County Council recognises the economic, social and environmental benefits that a school brings to the local community. However, the main duty of a school is to provide quality education to its pupils and meet the statutory responsibilities of the Local Authority regarding school place planning. Unfortunately, with no pupils at the school and no likelihood of a sustainable roll, the school is not able to provide its core function nor is able to support the wider community.

6. Additional research used to inform this assessment

The relevant Department for Education (DfE) guidance 'Closure of an academy by mutual agreement' January 2023 has been considered in bringing this proposal forward.

Kingswear Primary is designated as a rural primary school. Under Section 15 of the Education and Inspections Act 2006, there is a presumption against the closure of rural schools. This does not mean that a rural school will never close, but the case for closure should be strong and a proposal must clearly be in the best interests of educational provision in the area. The matters to consider in closing a rural school have been fully considered by the Trust, the DfE and by the Local Authority. The likely effect on the local community, as well as the

availability and likely cost to the Local Authority of transport to other schools has been considered including the capacity of local schools. Consideration has been given to the travel distances to alternative schools as well as the standards and Ofsted rating for local schools.

Whilst the immediate effects of closure and transitioning to a new school can be stressful, the long-term effects can be beneficial to pupils in terms of educational and social development. Schools have unfortunately closed periodically across the county. The underlying benefit to the children will be to provide an educational offer that is educationally and financially sustainable.

7. Description of consultation process and outcomes

Once a substantive closure decision has been made by the Secretary of State, the academy trust will conduct a listening period. The listening period is an opportunity for stakeholders and interested parties to be provided with information as to why the school is closing and how it is proposed the closure process will operate. Likewise, it is an opportunity for stakeholders and interested parties to submit their views on how the school closure process can be best managed.

Details of the listening period will be widely circulated and promoted by the Trust.

Devon County Council is asked to agree to the closure as Kingswear Primary is classed as a rural school. This will be discussed at a full meeting of Devon County Council's Cabinet as it is a key decision. This is scheduled for the 8 May 2024. Prior to the Cabinet meeting, Devon County Council held an informal consultation period, seeking stakeholders and other interested parties views on the proposed closure, as well as seeking any comments on future arrangements for the school catchment area for transport eligibility purposes should the school close. The informal consultation was widely circulated to Torbay Council, Education South West Academy Trust, District Council, Parish Council, Union representatives, MP, all schools and specifically schools within the local learning community in respect of the catchment area, local early years providers, all County Councillors and equality groups. It was also promoted on DCC's Have Your Say consultation website and through social media.

There have only been 10 responses to the consultation, of which: 7 objections, 1 with concerns and 2 comments. A further two objections were received outside of the consultation period. Consultation responses in full can be made available for Members to view on request prior to the Cabinet meeting.

The main points raised have been:

Education

- Uncertainty over the school's future and communications from the Trust led to parents withdrawing their children from school.
- Flexi schooling should have been explored.
- Academy's decision to close the Pre-School affected future pupil numbers. Parents have now started a playgroup with good attendance.
- Inconsistent staffing, fluctuating numbers and rumours led to a falling roll.
- Academy concept is failing, a holistic approach to education has been lost. Focus has shifted to measurable academic attainments and financial prudence.
- Parents were told to find other schools for their children and prospective new pupils were told their children were not suitable and discouraged from applying.

Community

- With the demographic residency in Kingswear not being young families the school was being used by people who wanted a small school rather than by the Kingswear community itself in the main. Not viable for school to continue.
- Should be encouraging young families to live in the area and having a local school is key.
- Very few young families in the area because there aren't the local jobs to attract and house prices driven up by incomers.
- With few children in the village there does not seem to be the demand for a village school and it is hard to imagine a credible business case to reopen it.
- A small school is incredibly special and children thrived.
- Issues with the school site which were not conducive to learning: cramped, PE field some distance away from school site via unpaved roads, parking near school: safety concerns.
- School is uniquely placed to take full advantage of outdoor activities and use local businesses to teach skills that people living and working in Kingswear use – boat skills, basic engineering, sailing courses and marine conservation.
- Local community not given the opportunity to help save the school and kept in the dark.
- Homeworking is transforming lifestyles and Kingswear is again becoming more attractive to families.
- Village school is key to the integrity and continuity of village life.
- Impact of new homes being built in Dartmouth and Brixham/West of Torbay. Create more affordable housing.

Other

- Parents are having to pay a fortune to go on the ferry four times a day to get their children to school across to Dartmouth or Stoke Fleming.
- Disagreement to a statement in the Impact Assessment in respect of walking route from the allocated development at Noss Marina being considered unlikely to be suitable for safe walking.
- Future of school as a provision for SEND.
- Concern over what happens to the school building should it close.

In respect of education, Devon County Council officers have worked closely with Education South West Multi Academy Trust. In response to the consultation, the Trust has confirmed:-

- For the academic year 2022-23, a new headteacher was appointed to the school, along with 2 new members of staff, after staff left to work in larger schools.
- There were 13 children in the school. There were 2 classes, one class with children from Nursery to Year 4, the other, Years 5 and 6. Classes were split into smaller groups for teaching to ensure that they received the appropriate curriculum entitlement.
- During the course of the academic year further children left the school.
- Children received a full curriculum with some of their provision at two partner schools – science at Dartmouth and PE at Stoke Fleming. However, the Trust do not believe that we were best serving these children in their education.
- In June 2023, the headteacher and two members of staff obtained promotion in other schools.
- The Trust established leadership and teaching provision for September 2023, including some lessons at others Trust schools for the remaining children on roll and were clear with parents that the school would be open. However, a number of families indicated that they would be leaving the school, which in turn led to others leaving.
- Subsequently, for September 2023 there were no children on roll. However, the school remained ‘open’ with a teacher, learning support assistant, support staff structure and resources all budgeted for supported by reserves from across Education South West.

- There were 4 children in the Governor run Pre-School. The trust was not obligated to run early years provision. With one member of staff to teach the remaining 8 children on roll for September 2023, it would not have been appropriate, or legal or safe to place the Pre-school children into classes with the children on roll at the school. Therefore, the pre-school parents were informed that no early years provision would run from September because numbers were not viable. The parents then explored running a provision for these children at the parish hall. The school was not legally obligated to run early years provision but had started one at cost to the school in an effort to increase numbers. No numbers increased because there were not enough children in the area. The school gave good notice to parents that the pre-school would not be able to be run the next year.
- The Trust has confirmed that the school has historically invested heavily in marketing efforts beyond the Kingswear catchment area, including a virtual school video; fliers distributed to homes outside the local catchment boundaries; adverts; subsidising ferry costs; social media; open mornings; engaging in community events and fundraising, for example the Christmas market in December 2022; open afternoons; running early years, even though this is not a statutory part of the school.

In respect of flexi schooling, the Local Authority recognises the view from the DfE that all state funded school places are offered as full time places.

In terms of Community, the consultation recognises the very low numbers of children in the Village but also the important role schools play within rural communities. Devon County Council supports the principle of local schools for local children for community reasons and has a presumption against school closure unless on education grounds. The impact of housing development allocated in the Joint Local Plan for Dartmouth has been accounted for by the Local Authority in respect of school place planning. A review of cohorts and primary admission allocations shows there is no pressure on school places in Dartmouth or the wider Local Learning Community area. The impact on a community of a school closure cannot be underestimated but this has to be balanced against the educational and financial sustainability of the school.

In respect of Other comments, the Minister and Churchwardens of Kingswear hold the freehold for the school site and the future of the school site, should the school close, is not a matter for consideration by Devon County Council. The proposal for SEND provision was considered but the location of the school is not deemed suitable to support need across the County including potentially significant transport costs and long journeys for children and young people with SEND.

It is being recommended to Cabinet that primary age children living in the current Kingswear Primary School catchment area should be eligible for free school transport to Dartmouth Academy, regardless of distance.

Outside of the consultation, Officers have also reviewed activity on Devon County Council's corporate social media which primarily focused on matters highlighted above under 'Education' for which the Trust has provided a response.

8. Equality analysis

Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to: eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations.

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief. This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').
- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).
- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).
- The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:
 - Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
 - Proportionate (negative impacts are proportionate to the aims of the policy decision)
 - Fair

- Necessary
- Reasonable, and
- Those affected have been adequately consulted.

All statutory requirements have been met and a listening period will be held following any substantive decision.

The Secretary of State will consider the outcome of the listening period. It is the Secretary of State who will agree to terminate the Funding Agreement. As a rural academy school, the Local Authority is being asked to agree the closure and DCC's Cabinet will consider this at a future meeting of full Cabinet as a key decision.

<p>Characteristics</p>	<p>Potential or actual issues for this group.</p> <p>[Please refer to the Diversity Guide and See RED]</p>	<p>How will the project / service / policy / activity:</p> <ul style="list-style-type: none"> • eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. • advance equality (meet needs / ensure access, encourage participation, make adjustments for disabled people, 'close gaps'). • foster good relations between groups (tackled prejudice and promoted understanding), if relevant? <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the DCC Equality Policy?</p>
<p>All residents (include generic equality provisions)</p>	<p>There has been an impact to pupils, parents, staff, trustees and local community. Future families will be affected by this proposal.</p>	<p>There are no children currently on roll at the school. Children will be allocated a local school place fairly in accordance with the School Admissions Code. The future catchment arrangements for the purposes of school transport eligibility will be considered by Devon County Council's Cabinet.</p>
<p>Age</p>	<p>5-11.</p>	<p>N/A. Protected characteristic of age applies to everyone over the age of 18.</p>
<p>Disability (incl. sensory, mobility, mental health, learning disability, neurodiversity, long term ill health) and carers of disabled people</p>		<p>There are no children on roll with special educational needs or an Education, Health and Care Plan.</p>
<p>Culture and ethnicity: nationality/national origin, ethnic origin/race, skin colour, religion and belief</p>		<p>Documents produced during Devon County Council's informal consultation will be made accessible to all on request.</p>

<p>Characteristics</p>	<p>Potential or actual issues for this group.</p> <p>[Please refer to the Diversity Guide and See RED]</p>	<p>How will the project / service / policy / activity:</p> <ul style="list-style-type: none"> • eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. • advance equality (meet needs / ensure access, encourage participation, make adjustments for disabled people, 'close gaps'). • foster good relations between groups (tackled prejudice and promoted understanding), if relevant? <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the DCC Equality Policy?</p>
<p>Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity (including women's right to breastfeed)</p>	<p>N/A</p>	<p>Children and their families will be treated equitably should the school close. Children will be allocated a local school place fairly in accordance with the School Admissions Code of Practice.</p>
<p>Sexual orientation and marriage/civil partnership</p>	<p>N/A</p>	

Characteristics	Potential or actual issues for this group. [Please refer to the Diversity Guide and See RED]	How will the project / service / policy / activity: <ul style="list-style-type: none"> eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage, where necessary. advance equality (meet needs / ensure access, encourage participation, make adjustments for disabled people, 'close gaps'). foster good relations between groups (tackled prejudice and promoted understanding), if relevant? <p>In what way do you consider any negative consequences to be reasonable and proportionate in order to achieve a legitimate aim?</p> <p>Are you complying with the DCC Equality Policy?</p>
Other relevant socio-economic factors such as family size/single people/lone parents, income/deprivation, housing, education and skills, literacy, sub-cultures, 'digital exclusion', access to transport options, rural/urban	The Education Infrastructure Plan supports sustainable, high quality provision that maximises accessibility, meets local needs and recognises the needs generated by planned development in specific localities, tackles inequalities for vulnerable pupils but also recognises the needs of a changing population, employment and growth opportunities . It supports local schools for local children thus minimising the reliance on school transport and environmental impact. There will be increased vehicular usage as a result of this proposal.	

9. Human rights considerations:

Devon County Council has a statutory duty to provide sufficient education places for early years, primary and secondary education. As outlined above, there are sufficient local school places. The local authority would try to meet parents and carers preferences wherever possible but cannot guarantee to do so. The Local Authority considers that all pupils already impacted, and who may be impacted in the future by this proposal, would be enabled to receive a good quality of education.

10. Supporting independence, wellbeing and resilience. Give consideration to the groups listed above and how they may have different needs:

In what way can you support and create opportunities for people and communities (of place and interest) to be independent, empowered and resourceful?

N/A

In what way can you help people to be safe, protected from harm, and with good health and wellbeing?

Pupils are fully supported in their transition to any new school.

In what way can you help people to be connected, and involved in community activities?

N/A

11. Environmental analysis

An impact assessment should give due regard to the following activities in order to ensure we meet a range of environmental legal duties. The policy or practice does not require the identification of environmental impacts using this Impact Assessment process because it is subject to (please mark X in the relevant box below and proceed to the 4c, otherwise complete the environmental analysis table):

Devon County Council's Environmental Review Process	
Planning Permission	
Environmental Impact Assessment	
Strategic Environmental Assessment	

	Describe any actual or potential negative consequences. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).
Reduce, reuse, recycle and compost:	N/A	
Conserve and enhance wildlife:	N/A	
Safeguard the distinctive characteristics, features and special qualities of Devon's landscape:	N/A	
Conserve and enhance Devon's cultural and historic heritage:		There has been no consideration of land ownership in bringing the proposal forward.
Minimise greenhouse gas emissions:	N/A	
Minimise pollution (including air, land, water, light and noise):		The Local Learning Community has been consulted on proposals for the new designated area for the area currently served by Kingswear Primary School. No responses were received. The outcome of this consultation and the LA recommendation will be reported to Cabinet.
Contribute to reducing water consumption:	N/A	

Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):		See above.
Other (please state below):	N/A	

	Describe any actual or potential negative consequences. (Consider how to mitigate against these).	Describe any actual or potential neutral or positive outcomes. (Consider how to improve as far as possible).
Impact on knowledge and skills:	In some rural areas there is a decline in pupil numbers and over the past few years there have been school closures. There is a presumption against closure unless there are clear educational reasons and the financial position of the school means standards cannot be maintained. We will work with our partners to seek extensive alternatives and consider transport implications, impact on the local community, future place planning, standards, forecast of future pupil numbers, access to community services and financial viability.	There is a presumption against the closure of rural schools. This does not mean that a rural school will never close, but the case for closure should be strong and a proposal must clearly be in the best interests of educational provision in the area. This proposal has been fully considered. There were concerns that delivery of a full and balanced curriculum would be increasingly difficult with such a small and decreasing number of children as well as children being taught across year groups. Social and emotional development would also be very challenging.
Impact on employment levels:	The economic benefits that a school brings to a community must be considered as beneficial side effects to the main duty of a school which is to provide a quality education to its pupils. Numbers on roll, budget deficits and academic standards must be the major considerations in any decision on the future of a school and, while a community may be impacted by a decision to close a school; this cannot be an overriding factor.	

Impact on local business:	With no children on roll and prior to this a very low number of children on roll it is felt that the impact on local businesses who may have benefitted from the footfall of parents and children will be negligible.	Negligible impact.
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12. Describe and linkages or conflicts between social, environmental and economic impacts (Combined Impacts):

There were concerns that delivery of a full and balanced curriculum would be very difficult with such a small and decreasing number of children. Teaching and learning will be very difficult for pupils with such a wide age group being taught together. Social and emotional development would also be very challenging. A decision not to close a school can also have a negative impact on pupils' progress and attainment.

13. How will the economic, social and environmental well-being of the relevant area be improved through what is being proposed? And how, in conducting the process of procurement, might that improvement be secured?

Devon County Council recognises the economic, social and environmental benefits that a school brings to the local community. However, the main duty of a school is to provide quality education to its pupils and meet the statutory responsibilities of the Local Authority regarding school place planning. Unfortunately, with no students at the school and no likelihood of a sustainable roll, the school is not able to provide its core function nor is able to support the wider community. It is felt that the case for closure is strong and in the best educational and social interests of the children.

14. How will impacts and actions be monitored?

In the event that a decision is taken to close the school, the Trust, the DfE and the Local Authority will work closely together to implement closure and undertake the practical arrangements in closing a school.