

## DETERMINATION

**Case reference: STP/000537**

**Proposal: To discontinue Dilwyn Church of England Primary School, Herefordshire**

**Proposer: Herefordshire County Council**

**Date of decision: 1 March 2011**

### **Determination**

**Under the powers conferred on me by Schedule 2 to the Education and Inspections Act 2006, I hereby approve the proposal to discontinue Dilwyn Church of England Primary School, Herefordshire on 31<sup>st</sup> August 2011.**

### **The referral**

1. On 19<sup>th</sup> January 2011, Herefordshire County Council (“the Council”) wrote to the Office of the Schools Adjudicator, referring its proposal made under section 15 of the Education and Inspections Act 2006 (“the Act”) for consideration under Schedule 2 of the Act. The proposal to close Dilwyn Church of England Primary School (“Dilwyn”), a voluntary controlled school, on 31<sup>st</sup> August 2011 had been confirmed by the Council’s Cabinet on 16<sup>th</sup> December 2010.

### **Jurisdiction**

2. The proposal has been referred to me for a decision to be made because of Dilwyn’s request, in its appeal letter of 14<sup>th</sup> January 2011, under paragraph 14 of schedule 2 to the Act for the matter to be referred to the Adjudicator.

3. I am satisfied that I have jurisdiction to determine the proposals in accordance with the Act and the Regulations made thereunder, namely the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007.

### **Procedures**

4. In considering this matter I have had regard to all relevant legislation and guidance.

5. I have considered all the papers put before me including:

the Council’s referral letter with prescribed information as set out in the

relevant regulations;

the Council's consultation document, papers recording the Council's processes of consultation and decision making, copies of the written responses to the consultation and the Council's analysis of these responses;

a copy of the published notice and the full proposal;

Dilwyn's objections to the proposal, an alternative proposal from St Mary's Roman Catholic High School, Lugwardine ("St Mary's"), both dated October 2010 and the evidence accompanying its letter of appeal of 14<sup>th</sup> January 2011;

Ofsted reports for Dilwyn and for Weobley Primary School ("Weobley"), the Department for Education's ("DfE") Performance Table for Weobley and similar data for Dilwyn.

replies from the Council to questions I posed;

additional data from Dilwyn and the Council relating to standards and attainment at Dilwyn and Weobley;

the 'Dilwyn Community Response' of April 2010 and 'Evidence of prospective parents' of October 2010;

a letter from St Mary's of 15<sup>th</sup> February 2011;

letters and emails of support for retaining Dilwyn from the National Association for Small Schools ("NASS"), the local Member of Parliament, Herefordshire Campaign to Protect Rural England and others with an interest in the outcome of the proposal; and

further letters from members of the local community, following the public meeting on 14<sup>th</sup> February, mostly opposing closure but in one case supporting closure; and a further letter from the Council, reiterating points made at the roundtable meeting I held.

6. I visited Dilwyn and Weobley on 14<sup>th</sup> February 2011, to view at first hand the accommodation at both schools and the environs of Dilwyn. I held a roundtable meeting on the same day, to gain a clearer understanding of various points from representatives of Dilwyn, the Council, St Mary's, the Church of England Diocese of Hereford ("the Diocese") and the Roman Catholic Archdiocese of Cardiff ("the Archdiocese"). I held a public meeting also on the same day, attended by representatives of the Council, Dilwyn and around 80 parents, pupils, governors, staff and local residents and others with an interest in the proposal. I have considered the information and representations put to me at those meetings, and the representations sent to me after the meetings.

## **The Proposal**

7. Dilwyn has places for 56 pupils, but in recent years has consistently had fewer than 36 pupils on roll (which is a trigger-point in Herefordshire for the review of a small school). The Council believes that it is in the interests of children and their education that Dilwyn should close, with places being provided for most pupils at Weobley Primary School.

### **Views on the Proposals**

8. The Council undertook a process of review of Dilwyn in February 2009, which proceeded in conjunction with the Diocese and the Archdiocese, both of which, the Council has said, supported its approach and the conclusions of the review. A period of formal consultation followed during 2010. Following the publication of the proposal on 9<sup>th</sup> September 2010 and the representations period, the Council's Cabinet decided on 25<sup>th</sup> November 2010 to close the school on 31<sup>st</sup> August 2011, which decision was confirmed on 16<sup>th</sup> December 2011, following a call-in process.

9. The Council has reported that there were nearly 180 responses in its consultation process. Among the responses, there were expressions of support for the continuance of Dilwyn from St Mary's Church Dilwyn, the Dilwyn Cedar Club, 23 parents of Dilwyn pupils (including 5 with pre-school children), 3 prospective parents, 8 staff and governors, 121 local residents (including 8 local parish councillors) and 6 former residents with connections with Dilwyn. Pupils at Dilwyn had been consulted and indicated a wish for it to remain. Consultation with local parents whose children attended other schools indicated a variety of reasons for choosing other schools, but no reason in terms of the threat to Dilwyn. Nearly two thirds of responses were from local residents who value and support Dilwyn. In relation to the specific options in the consultation, 51 favoured federation, 73 favoured Dilwyn continuing as at present, 4 favoured amalgamation and 5 favoured closure for the sake of educational provision and use of resources.

10. Dilwyn's appeal against closure was made on grounds which I have noted in full but am summarising as follows.

a. The sharp fall in roll was connected with the Council's intention to close the school, with quality of provision not among parents' reasons for choosing other schools. The reason no parents indicated the risk of closure as one such reason was that questions were not asked in these terms, and that there were other (listed) reasons for choosing other schools identified. The school is popular with families from beyond the catchment area, and federation with St Mary's would increase this popularity. ' . . . It is wrong in principle to close a school on an assumption that it will not in future have sufficient numbers.'

b. There was a presumption in favour of closure on the part of the Council before consultation began, Dilwyn was not represented at some relevant meetings that took place, and proper weight was not given to the statutory guidance presumption against closing rural schools or to the impact on the village community (which has already suffered the loss of post office and shop, and where the pub and church are not strongly supported).

- c. Many grades in Dilwyn's last Ofsted report were 'good', the Key Stage test results were on average better than those for Weobley and other local schools, and staff overcome the difficulties that arise from being a small school.
- d. Safeguarding of children is not a cause for concern: the problem indicated by a single unsatisfactory incident has been overcome, satisfactory procedures with Weobley are in place and a suitably experienced local team of volunteers is on hand.
- e. The addition of only a few pupils to the roll would restore financial viability and members of the local community have pledged over £16,000.
- f. The Council's Cabinet decision to close the school was probably taken on a 'whipped' basis, with a strong possibility that a free vote would have led to a different decision.

11. The NASS has drawn attention to a number of weaknesses it believes characterise the Council's case for closure, including: the close home, school and community links that exist at Dilwyn; the lack of account taken of the likely impact of closure on the local community; the relatively high standards achieved at Dilwyn; the arbitrary trigger for the Council reviewing small schools; the lack of a robust financial case for closure; a lack of adequate consultation and failure to consider fully the federation proposal; the need to give due weight to the presumption against closing rural schools; and a likely rise in the overall pupil population.

12. I shall consider these concerns as I consider the proposals as a whole, as I shall all the arguments put to me by the Council and other interested parties.

### **Consideration of Factors**

13. I believe the Council's processes of consultation to have been thorough. Dilwyn has suggested that the Council did not act fairly, in not asking an explicit question in its consultation to discover the incidence of parents sending their children to other schools because of the prospect of Dilwyn closing. However, my reading of the question in question finds it to be totally 'open', with as equal an opportunity for parents to answer in those terms as in any other way. The internal procedure adopted by the political parties in Council voting, about which Dilwyn has raised concern, is not a matter within my jurisdiction.

14. I have seen no evidence that there was a presumption in favour of closure on the part of the Council before consultation began, although I realise that some people may not be aware that consultation is bound to relate to a particular proposal, in this case to close Dilwyn. I have, however, seen much evidence that the Council, with the Diocese and in one case the Archdiocese, had been giving serious consideration to the alternative proposals of retention, amalgamation and federation. To the objection that Dilwyn was not represented at some relevant meetings that took place, the

Council has responded that Dilwyn representatives were invited to the meetings in question and were not able to attend; Dilwyn has not responded to the Council's response. I find that the Council did give proper attention to the presumption against closing rural schools (including the potential impact on the village community), as is indicated in the Cabinet papers and the proposal. This presumption against closure is a matter to which I will turn, below.

15. I have enquired about the basis for the Council's policy to review the position of schools whose rolls drop below 36. The exact rationale for a figure of 36 is now unclear, although it is thought that it related, when the policy was adopted, to budgetary implications. I shall therefore proceed to consider the proposal simply on its own merits and without reference (except as historical context) to this figure.

#### Standards and Diversity

16. The January 2010 Ofsted report described Dilwyn as 'a satisfactory school', with an explanation that, although attainment is above average, progress from pupils' above average starting points is satisfactory, and a further explanation that 'progress is satisfactory rather than better because the teaching and use of assessment are inconsistent'. Most individual grades throughout the report are of 'satisfactory'. A high proportion of parents indicated in their responses to Ofsted that they valued all aspects of what Dilwyn offered. The latest, 2007, denominational inspection report for Dilwyn indicated good distinctiveness and effectiveness as a church school. The Department for Education's Performance Table for Dilwyn indicates that the sample of children was too small to be safely published. However, data provided by the Council indicates a likelihood that, if Dilwyn's Key Stage 2 test results were calculated so as to produce data comparable with the DfE's Attainment Tables, they would be at least as high as the Herefordshire and England averages. This overall position is supported by additional data provided by Dilwyn, which show an average of 88% of pupils achieving Level 4 for English and Maths across the period 2006-2010.

17. The October 2010 Ofsted report for Weobley, the school to which the Council envisages most Dilwyn pupils would be transferred if Dilwyn were to close, described it as 'a good school', with pupils achieving well, all aspects of provision good and the school well led and managed. The Attainment Tables for Weobley indicate a consistent position below the Herefordshire and England averages and a consistent drop in attainment in the Key Stage 2 tests from 2008 to 2010. However, the later Ofsted report records a change of leadership and strong progress. A high proportion of parents indicated in their responses to Ofsted that they valued all aspects of what Weobley offered.

18. Taking particular note of the two 2010 Ofsted reports as well as the levels of attainment, the overall position that emerges is as follows. Dilwyn pupils attain to a good level in absolute terms, but in relative terms a less good level because of the higher starting point of its pupils and some inconsistent teaching, with the school mainly for this reason being deemed

‘satisfactory’. Weobley, on the other hand, is deemed ‘good’ because, although its pupils achieve less well on average, ‘attainment is below average on entry to the school’ and ‘teaching is consistently good’.

19. The Council has said that standards and opportunities for local children were the ‘prime focus of the decision’, and that it is satisfied that the proposal, if implemented, would contribute to those ends. Access would increase, it believes, to extended services, and opportunities for personal development and opportunities for children with particular needs. The Council believes that Dilwyn’s small size reduces opportunities for peer-group working and socialising, with mixed-age classes of necessity affecting the pace of learning. On the basis of the present records of Dilwyn and Weobley, the Council believes that pupils would be likely to benefit from the better and improving standards at Weobley, and from the opportunities presented within a larger school.

20. I do not find that on grounds of present standards alone there is sufficient reason for closing Dilwyn. However, although many small schools are good schools and produce high levels of attainment, I agree with the Council’s view that small schools are inevitably susceptible to untoward effects from changes and weaknesses in teaching and leadership which may occur over time. This will form part of my reasoning, alongside other matters I shall consider.

21. I have noted the discrepancy of view among the stakeholders as to the robustness of the provision at Dilwyn for the safeguarding of children. The support of local people is always to be welcomed. However, there will inevitably be greater risk to children in emergency situations when the number of adults actually on site is small. In terms of the ‘Every Child Matters’ principles, while recognising the good provision for children’s welfare at Dilwyn, I have no reason to think that that provision would not be equalled or exceeded at Weobley and other local schools if Dilwyn were to close. I have not been made aware of any particular issues connected with special educational needs that require consideration.

22. Although Dilwyn’s closure would remove a Church of England school, the Council believes that the local mix of faith and non-faith schools in the area would broadly be maintained. It has stated that, of all its 81 primary schools, 36 are Church of England and 3 Roman Catholic, and that, of the 7 schools in Dilwyn’s area that would remain, 5 are Church of England, one a community school and one a non-faith voluntary aided school. I have noted from the April 2010 Dilwyn community response that 82% of respondents to a local survey stated that Dilwyn’s Church of England character was important or very important to them. However, only 19% of the respondents were current or prospective Dilwyn parents, so it is difficult to assess how important the church nature of Dilwyn is for its actual and prospective parents. From a map that the Council provided I have noted that, although Weobley is not a Church of England school, Canon Pyon Primary School, the next nearest primary school to Dilwyn, is a Church of England School. I note that the Diocese is not opposing the proposed closure of Dilwyn. Although it is inevitably the case that any school closure, taken on its own, will affect the balance of provision, I accept the Council’s assertion that the overall balance

of provision will broadly be maintained. In any case, the advice in the guidance for decision makers issued by the Department for Education, that the closure of a faith school should not normally be approved if closure would result in a reduction of the proportion of denominational places in the area, does not apply if the school in question is severely undersubscribed. I find that to be the case with Dilwyn.

#### Need for places and admissions

23. The Council has reported that, with a capacity for 56 children, there were 31 pupils on roll in January 2010, of whom 12 came from outside the catchment area, that the majority of parents in the Dilwyn's catchment area send their children to other schools, and that implementing the proposal would enable more effective use of resources. The Council has noted that the parents of only 19 of the 53 children in Dilwyn's catchment area were sending their children to Dilwyn; and, despite suggestions that this may be accounted for by the threat of closure, has noted that the responses to consultation did not indicate such a connection. The Council has reported: that the number on roll was then 31; that there was surplus capacity 'within the cluster and neighbouring schools' of 146 places, amounting to 15%; that there was no expectation of a growth in the number of local children; and that Dilwyn was providing education for a minority of local children. By the time I asked for current figures in February 2011, the number of on roll at Dilwyn had dropped to 29, of whom 19 lived within the catchment area and most others within a shorter or equivalent distance from alternative schools (measured by straight line). Of the 56 eligible children living in the catchment area, 19 were attending Dilwyn, 18 Weobley, 10 Pembridge Primary School and the remainder, in ones and twos, other schools in the wider area. It is noteworthy that almost as many children from the catchment area already attend Weobley as attend Dilwyn. One respondent has sent the results of a recent, private survey of the parents of the 12 Dilwyn children who live outside the catchment area, indicating reasons for choosing Dilwyn that included the play group connection, the church school ethos, its being a small, rural and happy school, and the record of pupil attainment.

24. The Dilwyn Community Response of April 2010, while providing many reasons why Dilwyn should not close, did not demonstrate that the threat of closure was a reason why parents had not sent their children to Dilwyn. Nevertheless, Dilwyn has argued that the sharp fall in pupil number was precipitated by the school being named for possible closure and has secured evidence of 13 parents who were influenced by this factor in their decisions to place their children elsewhere (though the ages of their children have not been given). In October 2010, the local community received 16 forms from local families indicating that there were 21 potential future pupils for Dilwyn, including four from other schools, and 9, 1, 2 and 5 for the 2011 to 2014 intakes, respectively. In contrast with the local concern that parents had been deterred by the risk of closure from enrolling their children at Dilwyn, the Council, in its report to its Cabinet in July 2010, stated that Dilwyn's 'numbers have been declining over a sustained period, falling below 36 in the current year and all but one of the previous four years. In the November 2010 Cabinet report, the Council reported that in January 2007, Dilwyn had 43 pupils on roll,

and 36 in January 2008, which I note to be before the Council' current review process review began. I further understand that there were 26 pupils on roll at some point in 2006, and that in January 2009 there were 31. Dilwyn has provided me with its record of the roll between January 2008 and April 2009, which shows a progressive but modest decline from 36 to 28. Most significant, is the Council's record of numbers on roll, based on annual collection before and termly collection from spring 2007. The figures are as follows.

Spr 06	Spr 07	Sum 07	Aut 07	Spr 08	Sum 08	Aut 08	Spr 09	Sum 09	Aut 09	Spr 10	Sum 10	Aut 10	Spr 11
34	43	44	35	36	35	31	30	30	31	31	31	32	29

Discrepancies between the various sets of figures provided can probably be explained by different recording dates being used.

25. I find the argument that the review process itself caused depletion in pupil numbers at Dilwyn difficult to accept, particularly in view of the noticeable beginning to the decline in autumn 2007, and an even lower number of 26 at some point in 2006, which are before even the Council's previous, abortive review process was announced. It is important, too, to note by way of context that there are in fact 56 places available, and to note the proportions of surplus places that have existed throughout the period under consideration. It is certainly not unknown for parents to choose alternative schools when one is at risk. However, the pattern of choosing other schools appears to have begun before the review was announced, even though, of course, some parents may have anticipated a review from awareness of the Council's policy. In fact, most children are resilient to changes of school, even when moving schools on their own. In this case, a move to another school would have been with a peer group, and therefore not over-exacting for most children, and parents could therefore have signalled their confidence in Dilwyn by sending their children there, even with the suspicion or knowledge of a forthcoming review.

26. The Council's data show that pupil numbers in the local cluster of primary schools are likely to rise slightly from 827 in 2010 to 847 by 2014, but this is against a total primary capacity in the cluster of 973, indicating a predicted surplus of almost 13%. While this proportion of surplus capacity, though not desirable, might be considered acceptable, four of the eight schools in the cluster are forecast to have surpluses in 2014 of over 10%, with the two highest scoring being Dilwyn at 53.6% and Weobley at 31.0%. It is inevitable that these two schools should have attracted the Council's attention, and it is noteworthy that, on the Council's forecast, even if Dilwyn should close and all Dilwyn pupils transfer to (or in future be admitted to) Weobley, there is still likely to be a surplus of 18.6% at Weobley, which would still be the highest surplus proportion in the cluster.

27. The Council intends to offer the parents of displaced pupils places at Weobley Primary School, which the Council has said is around 2 miles from Dilwyn (although all parties now agree that the nearest distance by road is around 3 miles) and assistance for any parents who would prefer a Church of

England school. I have noted from data provided by the Council that although Weobley, identified by the Council as the main likely recipient for Dilwyn pupils if the proposal is approved, had 150 pupils on roll when the closure proposal was formulated, against a capacity of 210, the lower year groups consisted of around only 15, leaving sufficient capacity for Dilwyn pupils. Admissions to both Dilwyn and Weobley are controlled by the same admission arrangements. These give priority (after looked after children) to children living within the catchment area, and the Council intends, if Dilwyn closes, that Weobley's catchment area would be enlarged to include Dilwyn's present catchment area.

### Premises and Finance

28. My observations of the Dilwyn premises support the comments of the Council, that they are well maintained. In April 2010, Dilwyn held sufficient Devolved Formula Capital funding to meet the maintenance backlog. The Council has outlined deficiencies in the premises, including the library needing to be used as the hall and only being accessible through classrooms, one of the two classrooms being below the recommended size, and the playground (or perhaps the playing field?) being leased. My observation of the Weobley premises is of a relatively modern one-form-entry school, with a nursery alongside and good playground and playing field facilities. I enquired during my visit to Weobley about the present distribution of the present 159 pupils across the year groups and the potential effect of receiving additional pupils from Dilwyn. I am confident that the organisation that is envisaged would be appropriate, and that Weobley would be able to accommodate those Dilwyn pupils whose parents wished to enrol them there.

29. The Council has described the cost per pupil being educated at Dilwyn, which I calculate from the figures provided to be 59.5% higher than the average cost in Herefordshire's primary schools. Despite additional support on the basis of being a small school, a financial shortfall was envisaged for 2009-10. From financial data provided by the Council in response to my enquiry in February 2011, I note projected revenue expenditure for 2010-11 of £204,553, including overspending of £9,320; but a capital balance continuing of over £59,000. In its November 2010 Cabinet report, the Council noted that, although there would be no saving in the per-capita element in revenue funding as a result of closing Dilwyn, there would be a saving of around £60,000 per annum from other elements in Dilwyn's allocation, which could be available for other schools in the total delegated budget. Against this would have to be set around £22,000 per annum for additional transport costs. The forecast deficit in the revenue budget is a matter of concern, since, without a sudden upturn in the pupil admissions, it is difficult to see how the pattern could be continued and remedied. I have heard that £16,000 or more has been pledged as local donations. However, I have no evidence of the reliability of the pledges or of whether donations would continue at this level in future years. So, despite the generosity of local people, I must discount the pledged income from my consideration. Following my visit to Dilwyn I heard from the Council that a reduced Government budget settlement for the Council's schools has resulted in a local proposal which would have the effect of reducing the small school protection for Dilwyn by 25%, which, although

being offset by the minimum funding guarantee for a few years, would be constitute an additional financial difficulty for Dilwyn in the longer term.

### Staffing issues

30. The Council and the Diocese are concerned that Dilwyn, due to its size, does not have the capacity to improve the standard of teaching, judged by Ofsted on two consecutive occasions to be 'satisfactory'. They are concerned also at potential difficulties in recruitment and retention of staff, at workloads, at the limited opportunity for Dilwyn to pay for supply cover and enable staff to take part in professional development, and at the risk to adequate safeguarding of children (with staff having to be drawn in emergencies from Weobley High School, which is 3 miles away).

### Alternative possibility of federation

31. The Council has reported that consideration has been given: to retaining Dilwyn as at present, which it and the Diocese have concluded is not viable; to amalgamation with another school, for which it and the Diocese believe there are no advantages and little support; and federation with another school or schools. Although several federation options were considered during 2008, 2009 and 2010, the option that has survived is that of federation with St Mary's which all parties agree is 15 miles away. It may be that, with a strong Christian spirit of ecumenical co-operation, some priority might be given to Dilwyn pupils for admission to St Mary's. However, I have not been presented with any evidence as to how many parents would be likely to choose Dilwyn on that basis, particularly in view of the travelling distance involved. The Council, the Diocese and the Archdiocese have concluded that such a federation would not adequately address the educational and financial issues that were highlighted during the review of Dilwyn, or the issue of pupil numbers. Furthermore, the Council has reported it has received an expression of concern from the other schools in the Weobley cluster at the prospect of a continuation of the surplus capacity, particularly if Dilwyn pupils were given some preference for admission to St Mary's, and at the prospect of a federation with a high school outside the cluster (rather than with Weobley High School, within the cluster). Extending opportunity for Dilwyn pupils and staff on the basis of the federation would entail additional pupil and staff travel, with no evidence that any increase of the Dilwyn pupil number would result, or that there would be significant savings in revenue costs.

32. The prospect of a possible federation is not likely often to constitute sole grounds for a decision-maker to retain a school proposed for closure. The adjudicator does not have the power to determine that a federation should be created, since the initiative lies with the governing bodies of the schools concerned. It is regrettable that, if the proposed federation is viable, it has not already been implemented by the two governing bodies, on the basis of a pattern of working co-operation between the two schools. On enquiry, it appeared to me that the grounds for federation that has been considered are weak, in that a very limited amount of collaboration (and no curriculum development) has taken place between the two schools and no conclusion reached as to how the deficit budget position at Dilwyn might be managed.

The fact of the matter is that the two governing bodies have not gone ahead with the federation that they claim is viable, as they could have done at some point during the last two years. For these reasons, it would therefore not be prudent for me to make a decision to retain Dilwyn solely on the basis of a federation proposal that might not in the end be implemented. The possibility of federation will therefore not figure significantly in my decision making.

#### Presumption against closing rural schools, community considerations and travel issues

33. Under the guidance for decision makers, there is to be a presumption against the closure of rural schools (such as Dilwyn), and indeed I have noted the strong local feeling against the closure of Dilwyn on these and other community-related grounds. The Council says it has noted the previous closure of the local shop and post office. Local concerns include the possibility that Dilwyn Cedar Hall, the village hall adjacent to Dilwyn, might be at risk from the loss of income to a lesser extent from school use and to a greater extent from use by the pre-school group that has developed strong links with Dilwyn and might itself be at risk if Dilwyn were to close. I have not heard that the school premises are to any significant degree used for community activities. Any loss to the community, were Dilwyn to close, would to a large extent be mitigated by the continuing presence of the adjacent village hall. The Council has given assurances that, if the Dilwyn Cedar Hall were in financial difficulties, it would consider giving support from its community buildings grant scheme. Although the Council has stopped short of promising protection for the pre-school group that meets in the village hall, it has recognised its duty to ensure that sufficient pre-school provision is made.

34. Concern has been expressed within the local community that closing Dilwyn might cause fewer younger families to remain in the village, would remove a major participant in village events, and might cause a decline in church attendance at special services. I was able to walk along most of the roads radiating from the Dilwyn village green, and observe the considerable mix of houses, some of which are more likely to house younger families than others. I recognise the reality of the risks to the village community that have been identified. However, with the vibrancy of and commitment to community life of which I have become aware, and the delightful visual nature of Dilwyn village, I believe there to be strong possibility that family moves from the village might be limited and the nature of the community preserved.

35. The Council and Dilwyn have agreed that Weobley is approximately 3 miles from Dilwyn by road and that the walking route between the two schools is classed as hazardous. The Council has noted that some Dilwyn pupils at present walk to school, though most travel by car, but that preference for sustainable travel has to be considered in the context of the sustainability of Dilwyn and the quality of future educational provision. The Council has undertaken to provide transport for pupils on the roll of and living in the catchment area of Dilwyn to the nearest primary school or nearest Church of England primary school if that journey is further than the journey to Dilwyn. This is likely to be achieved by a mix of minibus provision and allowances towards the cost of private car usage, and would be extended to parents of

present Dilwyn children (and of other children who might otherwise have attended Dilwyn) for their primary school years. It envisages a cost of around £22,000 per annum (out of a total Council expenditure of around £5 million per annum on home-to-school transport due to its rural character). While it is never desirable to increase the use of motor vehicles, I agree with the Council that this is sometimes inevitable, and do not find that an average distance of around 3 miles is excessive.

36. The Council has said that, while Dilwyn provides some after-school activities and 'signposts' parents to other schools for other provision, Weobley offers a breakfast club, after-school care and a wide range of after-school activities. On that basis, I believe that greater extended school opportunities would exist at Weobley than do at Dilwyn.

## **Conclusion**

37. References have been made in correspondence to the previous Government's aim 'to create a schools system shaped by parents', and I have no reason to suppose that the present Government would not also support that aim. There is no doubt in my mind that the overwhelming majority of Dilwyn parents, and probably that of local residents, supports retention of Dilwyn. However, the aim, as fully stated in the decision makers' guidance, is 'to create a schools system shaped by parents which delivers excellence and equity'. The parents of 12 current children have opted for Dilwyn in preference to schools nearer their homes. However, parents of a larger number who live in Dilwyn have, by sending their children elsewhere – with whatever additional motivation – already expressed a preference for a local system that does not necessarily include Dilwyn. So the parental view of the matter is by no means united. In terms of a system that 'delivers excellent and equity', the Council's and the Diocese's concerns for quality of provision in the longer term remain are concerns that I share.

38. I recognise that small schools can be at risk from changes to, and varying quality of, teaching, leadership and management, that can have disproportionately distinct effects within small schools. I recognise too that the social and educational opportunities for children are bound to be wider in larger schools and staff areas of responsibility less diverse. The Council has emphasised its view that Dilwyn's capacity to improve beyond its 'satisfactory' Ofsted grade is limited, largely due to its size. I believe that larger schools offer greater security for consistently good educational provision and wider opportunities for children. My observation of Weobley is that it enjoys good premises and facilities, an orderly ethos where all children are valued, and wider curriculum and out-of-school opportunities than can be provided at Dilwyn.

39. The Council on the one hand, and Dilwyn and its community on the other hand, have different views as to whether a decline in the number of pupils on roll precipitated the review that led to the closure proposal, or the other way round. In my view, having considered the chronology of events and the accounts I have been given, the probability is that the beginning of decline preceded the review, and was initially a reflection of an overall decline in pupil

numbers in the area, together, perhaps, with a preference of some parents for larger schools. In any case, the emphasis must be on the present situation and forecasts for the future. It may be that a small number of additional pupils would attend Dilwyn if it were retained (maybe then entering a federation). However, such small and conjectural numbers are an uncertain basis for school planning. Even with such additional small numbers, it is likely that Dilwyn would still be far from full to capacity. The additional revenue costs that are incurred, particularly in very small schools, are a burden on the budget allocated to the Council solely for distribution to its schools, and thus reduce the allocations that are made to other schools, to the detriment of all children's education.

40. I am conscious of the presumption against the closure of rural schools, and the additional requirements for such schools to be closed. I am conscious too of the desire of some parents for Dilwyn to continue in being. These factors have weighed significantly in my consideration. However, it is important to balance these factors against the relative vulnerability of small schools, the additional costs that are to the detriment of other schools and, above all, the surplus places that are likely to continue to exist at Dilwyn. In no way must my decision be taken as an adverse comment on the present quality of provision, on the efforts of staff, governors and parents at Dilwyn, or on the loss to the local community that will undoubtedly occur from closure. I regret the closure of any school, of a church school and of a village school. However, I have decided that, on balance, it is in the interests of good educational provision generally that Dilwyn should close, and am so deciding.

### **Determination**

41. Under the powers conferred on me by Schedule 2 to the Education and Inspections Act 2006, I hereby approve the proposal to discontinue Dilwyn Church of England Primary School, Herefordshire on 31<sup>st</sup> August 2011.

Signed:

Schools Adjudicator: Canon Richard Lindley

Dated: 1 March 2011