

Report to: **Lead Member for Education and Inclusion, Special Educational Needs and Disability**

Date: **14 November 2023**

By: **Director of Children's Services**

Title of report: **Holy Cross Church of England Primary School**

Purpose of report: **To determine the statutory proposal to discontinue Holy Cross Church of England Primary School on 31 December 2023.**

---

## **RECOMMENDATIONS:**

**The Lead Member is recommended to approve the closure of Holy Cross Church of England Primary School on 31 December 2023.**

---

### **1. Background**

1.1 Holy Cross Church of England Primary School ("Holy Cross") is a voluntary aided (VA) school located in Uckfield. It has a Published Admission Number (PAN) of 30 and capacity for 210 pupils from Reception to Year 6.

1.2 On 22 May 2023, the Lead Member for Education and Inclusion, Special Educational Needs and Disability ("the Lead Member") gave approval for East Sussex County Council ("the local authority") to consult on a proposal to discontinue (close) Holy Cross. The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013 ("the Regulations") set out the reasons for closing a maintained school. These include, but are not limited to, where:

- there are surplus places elsewhere in the local area which can accommodate displaced pupils and there is no predicted demand for the school in the medium to long term;
- it is to be amalgamated with another school;
- it has been judged inadequate by Ofsted and the Secretary of State has revoked the academy order;
- it is no longer considered viable;
- it is being replaced by a new school.

1.3 The decision to consult was taken in the context of the many challenges the school has faced in recent years in relation to leadership, retention of staff, quality of provision, low pupil numbers and surplus places in the local area. Despite significant support from both the local authority and the Diocese of Chichester ("the diocese"), these challenges remain. As a result, the school is considered extremely vulnerable. The key challenges were set out in the [report to the Lead Member for Education and Inclusion, Special Educational Needs and Disability on 22 May 2023](#).

1.4 On 11 September 2023, the Lead Member considered a report on the outcome of the consultation and approved the publication of a statutory proposal to close the school on 31 December 2023. The outcome of the consultation was set out in the [report to the Lead Member for Education and Inclusion, Special Educational Needs and Disability on 11 September 2023](#).

### **2. Statutory closure process**

2.1 In accordance with Section 15 of the Education and Inspections Act 2006 ("the EIA 2006"), as amended by the Education Act 2011, and the Regulations, a statutory proposal was published on the local authority's website on 22 September 2023 and sent to stakeholders. A brief notice containing the website address of the full proposal and details on how interested parties could object to, or comment on, the proposal, was published in the Sussex Express and posted on the gates to the school's premises. A copy of the statutory proposal can be viewed in the Cabinet and Members' rooms at County Hall.

2.2 By the end of the representation period on 19 October 2023, two responses had been received. One, from the diocese, supports the proposal and one, from a member of the school community, is against

it as they are concerned about housing growth in the town, the impact on children’s mental health and because of the history of the school. The representations are available to view in the Cabinet and Members’ rooms at County Hall.

2.3 In accordance with the EIA 2006 and the Regulations, the local authority, as the responsible body, is required to determine the statutory proposal within two months of the end of the representation period. In doing so, the Lead Member, as decision maker, must give due regard to the factors set out in the following sections.

### 3. Pupil numbers and admissions

3.1 As referenced in 1.1 above, Holy Cross has a PAN of 30 and capacity for 210 pupils from Reception to Year 6 (ages 4-11). It is a co-educational school for boys and girls. As a VA school, the governing board is the admissions authority for the school, with responsibility for determining its admissions arrangements.

3.2 At the May 2023 School Census, Holy Cross had 26 children on roll. There were 184 (88%) surplus places.

Table 1: Pupil numbers at Holy Cross Church of England Primary School, May 2023

Pupil numbers and surplus places	PAN	Capacity	2022/23 NOR								Surplus places	% Surplus places
			Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total		
Holy Cross Church of England Primary School	30	210	1	1	5	4	7	0	8	26	184	88%

Source: May 2023 School Census

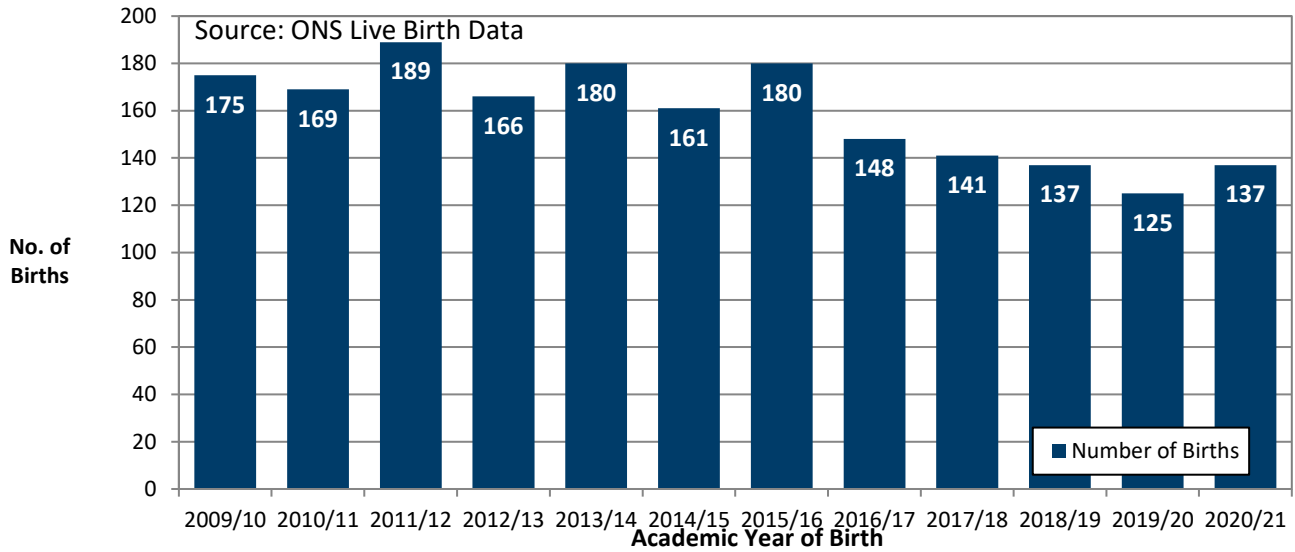
3.3 In the period since the closure consultation was launched, the number on roll at Holy Cross has fallen further. At the time of writing, there were 11 children on roll, with 199 (95%) surplus places.

3.4 At full capacity, Holy Cross would be expected to organise across seven classes. As a result of its falling pupil numbers, the school reorganised its class structure from the beginning of the 2022/23 academic year. Having started the year with three classes, it subsequently moved to two classes, for Reception to Year 2 and Years 3 to 6. Due to the subsequent further fall in pupil numbers, the school is running one class for pupils from all age groups in the current academic year, with tailored learning opportunities for pupils.

### 4. Demand for places and displaced pupils

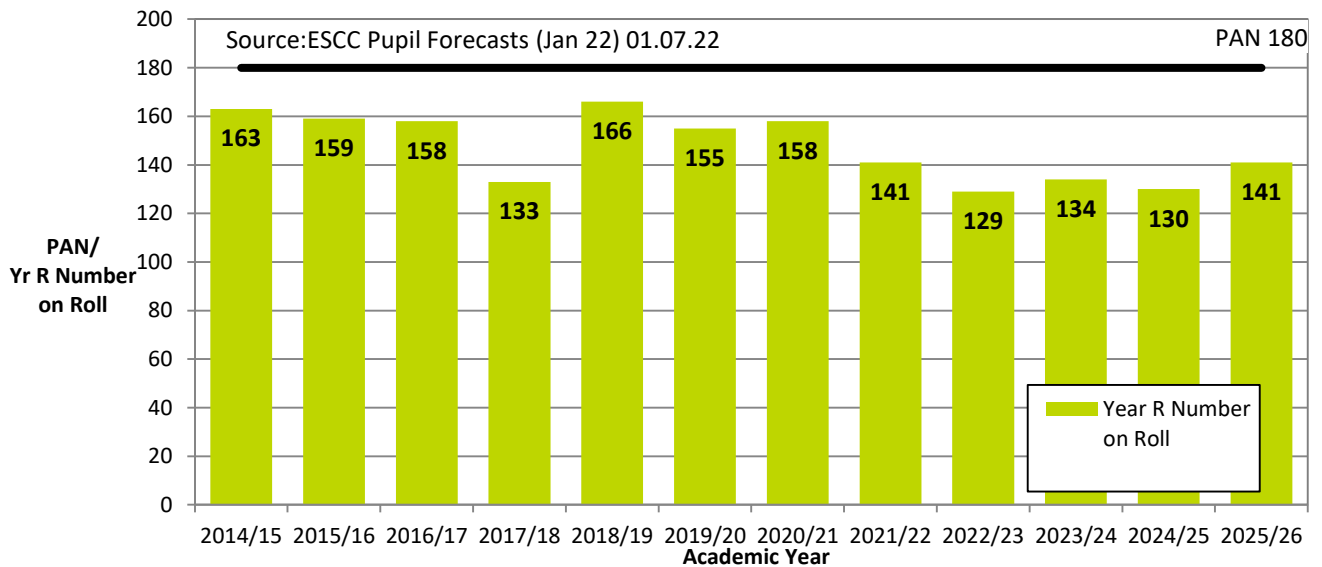
4.1 As described in the [School Organisation Plan 2022 to 2026](#), births in Uckfield have fallen significantly in recent years.

Table 2: Uckfield births



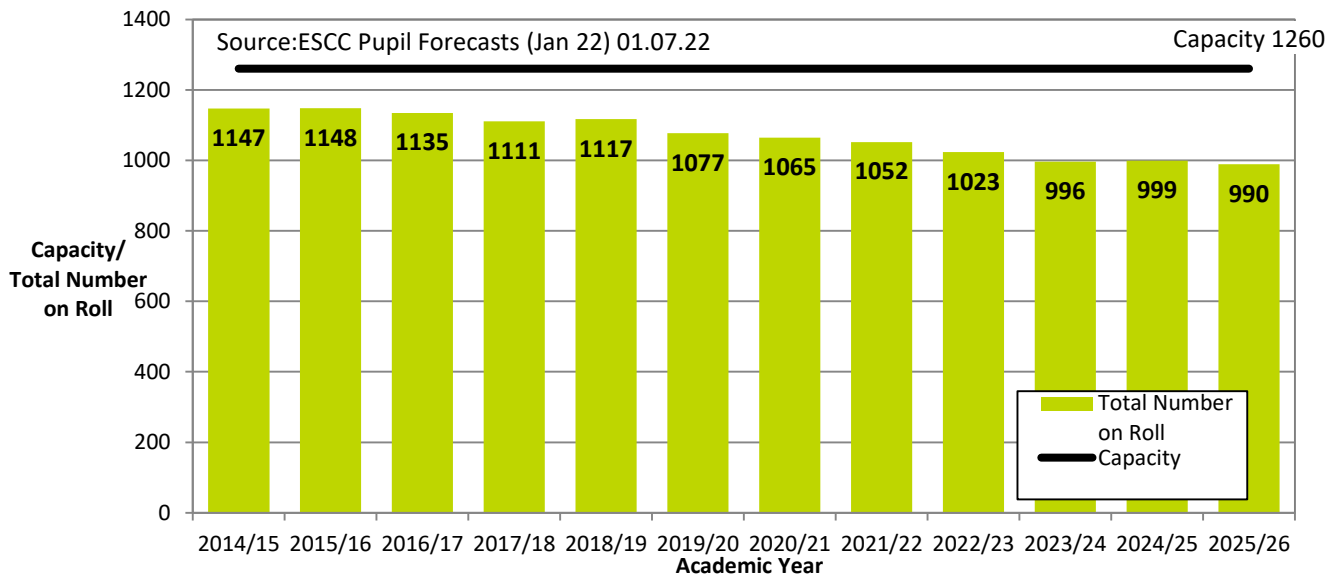
4.2 Based on birth and GP registration data, we expect Reception intakes in the town to remain low until at least 2025/26.

Table 3: Uckfield primary reception numbers



4.3 Lower intakes are leading to higher numbers of surplus places in the town, potentially rising to 21% by 2025/26.

Table 4: Uckfield total primary numbers



4.4 The local authority has undertaken an assessment of capacity in local schools using pupil number returns submitted by schools to the local authority in October 2023. This has enabled the local authority to assess the capacity of schools in the area to accommodate children displaced from Holy Cross in the event that it should close on 31 December 2023.

Table 5: Primary capacity and numbers on roll 2023/24

Uckfield primary schools	Primary capacity and primary total number on roll							
	Year R	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
Year group capacity of schools excluding Holy Cross	150	150	150	150	150	150	150	1,050
Year group NOR including Holy Cross	137	142	148	156	155	162	131	1,030
Difference	13	8	2	-6	-5	-12	19	

Source: School number returns October 2023

Uckfield schools: Harlands Primary School, Manor Primary School, Rocks Park Primary School, St Philip's Catholic Primary School.

4.5 As can be seen, there are forecast to be sufficient places in Reception and Years 1, 2 and 6, but insufficient places in Years 3, 4 and 5.

4.6 All of the children still on roll at Holy Cross are resident in Uckfield. Unlike Key Stage 1 there is no class size legislation at Key Stage 2 and schools regularly have classes in excess of their PAN in those year groups. As pupil numbers at Holy Cross are very small, it is the local authority's intention to work with receiving schools in the town to accommodate displaced children. In some instances, this would mean schools going over PAN in those year groups. The local authority would provide support to schools with this. The local authority does not believe it would be necessary or practicable to open up additional classes for such small numbers.

4.7 In the event that Holy Cross was to close, surplus capacity in the area would reduce to around 6% by 2025/26, based on table 4 above. This is in line with the recommendation in the National Audit Office report on Capital Funding for new school places published in 2013, which states:

*"It is considered that on average 5 per cent was the bare minimum needed for authorities to meet their statutory duty with operational flexibility, while enabling parents to have some choice of schools".*

4.8 Following the Lead Member decision on 11 September 2023, and given the limited time between a decision being taken and the potential closure date, the local authority invited parents and carers of children at Holy Cross to express a preference for a place at an alternative school in the event that the school should close on 31 December 2023. This provided families with appropriate time to consider which school they would like their child/ren to potentially attend from 1 January 2024. Parents and carers were asked to complete an admissions application form and to name up to three schools they would prefer their child/ren to attend. In the event that closure is agreed, parents and carers would be offered a school place either at one of their preferred schools named on the application form or, if this is not possible, at the nearest school to their child's home where a place is available. If the closure is agreed, the local authority would try to meet parents and carers preferences wherever possible but cannot guarantee to do so. The allocation of places would be made in line with the admissions policy as set out in the [school admissions booklet](#).

## **5. Impact on staff**

5.1 The proposal also affects members of staff at the school. In the event the decision is taken for the school to close, a formal consultation would begin with all members of staff, teaching and non-teaching, and trade union representatives in line with the local authority's Managing Change Policy. If the closure is agreed, the local authority would work alongside the school to ensure that all of the procedures for managing the change process outlined in the policy are followed. All staff would be entitled to be considered for redeployment to a suitable alternative post within the local authority for centrally managed roles. For school based advertised vacancies, the local authority would liaise with East Sussex maintained schools regarding the availability of staff at risk of redundancy from 31 December 2023, to seek the agreement of a school with a suitable vacancy to participate in the redeployment process in order to fill the vacancy.

## **6. Impact on the community**

6.1 It is recognised that the closure of Holy Cross would result in the loss of a community provision in the area. However, there would continue to be sufficient places in alternative schools in the area.

6.2 In the event that Holy Cross closes, surplus places in the area would reduce, thereby strengthening pupil numbers and the viability of other schools. All pupils would have continued access to good local provision; all other schools in Uckfield have an Ofsted rating of Good.

6.3 Concern was raised about the pressure that new housing developments in Uckfield will create on schools and that more school places will be needed, not less. The local authority's pupil forecasts take account of housing growth in the area based on information provided annually by Wealden District Council. Although unlikely to create pressure in the short term, the development of 1,000 new homes at Ridgewood Farm to the southwest of Uckfield is likely to generate a significant number of school age children in the medium to long term. Given the size of the development, it is important that there is a local primary school to serve it. For this reason, the local authority has an option agreement on land within the development site for a new school and will bring forward proposals at the appropriate time to establish provision in the area.

6.4 No external clubs or organisations hire the school premises out-of-hours.

6.5 The local authority and the diocese acknowledge that where a school closure is proposed it will have an impact on the local community. Good schools engage parents and carers in their children's education and reach out to the wider community for support, as well as providing community facilities. However, these must be considered as additional benefits to the main duty of a school which is to provide a quality education to its pupils. Numbers on roll, financial position and quality of education must be the considerations in any decision on the future of a school and, while a community may be impacted by a decision to close, this cannot be the overriding factor.

## **7. Rural primary schools**

7.1 Holy Cross is not designated as a rural primary school under the Department for Education's Designation of Rural Primary Schools (England) Order 2022. Therefore, the presumption against the closure of rural primary schools does not apply in this instance.

## **8. Balance of denominational provision**

8.1 Currently in Uckfield and the surrounding area there are 1,050 denominational places in seven schools and 840 non-denominational places in three schools. In the event that Holy Cross closes, the number of denominational places would reduce to 840 in six schools.

8.2 All non-denominational state funded schools in England must provide collective worship of “a broadly Christian character”. The Diocese of Chichester Diocesan Board of Education recognises “*that church schools serve the whole community and are not exclusive to worshipping families*”.

8.3 Parental preference would be considered where possible when allocating alternative school places to pupils at the school. However, parents do have the right to have their children excused from worship in any state funded school, whether non-denominational or faith based.

8.4 The six denominational schools in Uckfield and the surrounding area are:

- St Philip’s Catholic Primary School
- Bonners CE Primary School
- Buxted CE Primary School
- Fletching CE Primary School
- Framfield CE Primary School
- Little Horsted CE Primary School

8.5 The three non-denominational schools in Uckfield and the surrounding area are:

- Harlands Primary School
- Manor Primary School
- Rocks Park Primary School

## **9. Special educational needs and disability (SEND)**

9.1 There is no designated specialist provision for children with SEND at Holy Cross. Data for the school at the May 2023 School Census, showed that the percentage of SEND pupils identified by the school was 35% (9 out of 26). No pupils had an Education, Health, and Care Plan (EHCP). In comparison, the East Sussex average for SEND pupils in primary schools was 17.1%.

9.2 All schools have the same duties under the Equality Act 2010 and the Children and Families Act 2014 to identify and provide for pupils with SEND. As the barriers to learning that a child with SEND might experience change over time, the local authority expects provision at a school to adapt and change alongside these developments.

9.3 In the event that Holy Cross closes, the transition to new schools for the children would be managed very carefully with additional support to meet the identified needs of the children. The local authority recognises the additional challenges for staff, children, particularly those with SEND, and their families. It also recognises the potential impact on an individual’s mental health and wellbeing. For this reason, a team of professionals from the local authority (including the Education Psychology Service, SEN Practice and Standards and the Mental Health Support Team) are supporting the school and providing help to staff, children, and families.

## **10. Travel**

10.1 The distance from Holy Cross to local schools is set out below. These are measured by the shortest available route in each case.

Table 7: Distances from Holy Cross Church of England Primary School

School	Distance (miles)
<b>Uckfield schools</b>	
Harlands Primary School	1.0
Manor Primary School	0.81
Rocks Park Primary School	0.44
St Philip's Catholic Primary School	0.6
<b>Surrounding rural schools</b>	
Bonnors CE Primary School	1.99
Buxted CE Primary School	2.3
Fletching CE Primary School	3.77
Framfield CE Primary School	2.26
Little Horsted CE Primary School, Seaford	1.99

10.2 As can be seen, all Uckfield schools are within statutory walking distance from Holy Cross. Distances to the closest surrounding rural schools varies between just under two miles to just under 4 miles.

10.3 Free home to school transport would be provided for eligible pupils who meet the criteria set out in the local authority's school transport [policy](#).

## 11. Maintained nursery school

11.1 Holy Cross does not have a maintained nursery. A private nursery provider occupies part of the school building under the terms of a lease. Were the nursery to close because of the school closing, the local authority believes there would be sufficient early years places in the local area to meet demand.

## 12. Sixth form provision

12.1 As a primary school, there is no sixth form provision at Holy Cross. Therefore, no consideration should be given to this factor.

## 13. Alternatives to closure

13.1 The local authority and the diocese have supported the school to try to identify a long-term solution, without success. The low pupil numbers and the resulting significant impact this has on its budget means that the school is not an attractive proposition for school partners. This can be evidenced by some of the options that have been explored:

- Brokering a school improvement partnership with the Diocese of Chichester Academy Trust (DCAT) with a view to the school joining the multi academy trust. This proved unsuccessful as DCAT concluded that the school was not viable.
- Supporting the school to explore partnership with a local church school. This proved unsuccessful as the proposed partner school decided that there were too many challenges, including financial viability, to partner with the school.
- Supporting the school to explore joining another local federation. This proved unsuccessful as the proposed federation similarly decided that there were too many challenges, including financial viability, to partner with the school.
- The diocese has supported the governing board to explore academy trust options with all existing Diocese of Chichester academy trusts, however, all the trusts expressed concern about the school's financial viability and subsequent impact on their own trusts. The falling numbers on roll and the impact this has on the school's budget has meant that the school is simply not attractive to academy trusts or other school partners.

13.2 All alternative options to closure have therefore been considered. The local authority and the diocese believe there are no other viable options available to the school.

## **14. Equality Impact Assessment**

14.1 The Lead Member is required to have 'due regard' to the duties set out in Section 149 of the Equality Act 2010 (the Public Sector Equality Duty) in determining the proposal. An Equality Impact Assessment (EqIA) has been undertaken to identify any equality implications of the proposal and to address any concerns through appropriate mitigations. The local authority considers the proposal to be a proportionate response to the issues that have arisen at Holy Cross and is appropriate on the basis of concerns about the long-term viability of the school. It considers that all children impacted by the proposal, including those with protected characteristics, would be enabled to receive a good quality of education at an alternative school. All other schools in Uckfield have an Ofsted rating of 'Good'. The local authority would work with local schools to put in place effective transition arrangements for all children.

14.2 The local authority does not consider that any other groups who share the protected characteristics, including any parents and carers or members of the local community who use the school, should be more affected by the proposal than any other. All potential impacts have been assessed and appropriate mitigations set out in the EqIA. The EqIA is available to view in the Cabinet and Members' rooms at County Hall.

## **15. Conclusion and reasons for recommendations**

15.1 By the end of the representation period following the publication of the statutory proposal, two responses had been received, one in support of the proposal and one against it, as set out in 2.2 above. While recognising the nature of objection to the proposal, the local authority believes the case for the closure of Holy Cross is strong for the following reasons.

- The school has suffered from a lack of popularity in the local community for some years, which has led to falling pupil numbers going back over a decade.
- There are surplus school places in Uckfield. The local authority would work with local schools to ensure there are places available for children displaced from Holy Cross in the event it closes.
- The school has struggled to secure good outcomes for pupils over time.
- In recent years the school has experienced several changes of leadership and a significant turnover of teaching staff which has impacted on the quality and consistency of education.
- The diocese and the Interim Executive Board at the school are supportive of closure.

15.2 Having carefully considered the feedback received during the initial consultation and the subsequent representation period, the local authority has concluded that Holy Cross can no longer be considered viable.

15.3 The Regulations set out the options the decision-maker has when making a decision on a closure proposal. The decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with such modifications as they think desirable; or
- approve the proposal, with or without modification, as specified in regulation 16 of the Establishment and Discontinuance Regulations.

15.4 For the reasons set out in the report, the Lead Member is recommended to approve the closure of Holy Cross Church of England Primary School on 31 December 2023 without conditions being added or modifications made to the closure proposal.

**ALISON JEFFERY**  
**Director of Children's Services**

Contact Officer: Gary Langford  
Tel: 07584262521  
Email: [gary.langford@eastsussex.gov.uk](mailto:gary.langford@eastsussex.gov.uk)



LOCAL MEMBERS

Councillor Claire Dowling

Councillor Chris Dowling