

Open Report on behalf of Debbie Barnes, Director of Children's Services

Report to:	Mrs P A Bradwell, Executive Councillor for Children's Services and Lifelong Learning
Date:	25 January 2013
Subject:	Proposal to expand Sutton Bridge Westmere Community Primary School (Final decision)
Decision Reference:	02087
Key decision?	Yes

Summary:

The proposal under consideration is to expand Sutton Bridge Westmere Community Primary School to ensure that there are enough primary school places to accommodate the increasing pupil numbers in Sutton Bridge. This report seeks to advise the Executive Councillor on making the final decision regarding the proposed expansion at Sutton Bridge Westmere Community Primary School.

It is the Local Authority's (LA) statutory duty to ensure that there are sufficient school places to accommodate all pupils of statutory school age in Lincolnshire. The LA believes that this proposal is the best available option to address the increasing pressure on primary school places in Sutton Bridge.

The LA has co-ordinated the consultation process following statutory guidelines [see the Department for Education (DfE) guide "Expanding a Mainstream School by Enlargement or Adding a Sixth Form" in Appendix A] and under the terms of the Education and Inspections Act (EIA) 2006 as updated by the Education Act 2011. The first stage of the consultation process ended on 8 October 2012 after which the decision was taken on 30 October 2012 to publish a Statutory Notice on 15 November 2012. This initiated a four week Representation Period up to 13 December 2012 when written objections and comments may be submitted. The process is now entering the final stage when the LA, as decision maker, must take the final decision regarding the proposal.

Recommendation(s):

That following the completion of the statutory process, in accordance with current legislation, the Executive Councillor for Children's Services and Lifelong Learning is recommended to take the final decision to approve the expansion of the capacity at Sutton Bridge Westmere Community Primary School with effect from 1 September 2013 as detailed in this report.

Alternatives Considered:

1. That the proposal to expand Sutton Bridge Westmere Community Primary School is rejected and the council retains the school as it currently is with consequently no increase in the number of school places in the area.

However, the above alternative would have the following disadvantages:

There would be insufficient primary school places available in Sutton Bridge and the LA would be unable to comply with its statutory duty within Sutton Bridge to ensure that there are sufficient school places for children of a statutory school age.

It would place increasing pressure on all primary schools in this area, where the numbers on roll are already high, leading to concerns over the consequent impact on the quality of education provided.

It could lead to either overcrowded schools and/or additional mobile classrooms (subject to planning approval) with insufficient infrastructure for the number of pupils being accommodated.

It would likely lead to children being offered places at villages outside of Sutton Bridge, with increasing transport costs and potential increased car usage and also concerns over the impact of this additional travelling time on the children concerned.

2. That the proposal to expand Sutton Bridge Westmere Community Primary School is rejected and the council retains the school as it currently is but looks to increase capacity at other primary schools in the surrounding area.

Other options in this area have been explored to increase capacity. All primary schools have been considered for potential expansion but none have been found to be as suitable due to reasons such as undersized sites, distance that pupils would have to travel, parental preference, impact on standards and the fact that other schools are of suitable sizes for the areas they serve.

LA officers, therefore, consider that Sutton Bridge Westmere Community Primary School is the most appropriate primary school in the area for expansion and this has the full support of the headteacher and governing body.

Reasons for Recommendation:

- To enable the LA to meet its statutory obligation to ensure that there are sufficient school places in the area for all children of statutory school age.
- To ensure that the provision of school places is planned so as to promote high educational standards, enable fair access to educational opportunity for every child and promote the fulfilment of each child's potential. The County

Council believes that this proposal reinforces the priorities in the Children and Young People's Plan (CYPP) and provides the best solution to meeting the long term educational and social needs of the children in the area to ensure that children have the best possible chance of fulfilling their potential. This proposal will both enhance the quality of local provision and sustain local provision.

- The proposal will assist in meeting parental preference. The Government has made it clear that the wishes of parents should be taken into account in planning and managing school estates. DfE guidance states that places should be allocated where parents want them and that successful and popular schools be allowed to grow.
- To avoid overcrowding and placing increased pressure on all primary schools in the area as this would likely lead to a negative impact on the quality of education provided.
- To avoid increased transport costs, the negative impact of extra travelling time on children and extra car usage which would be likely to follow if it were necessary for children to take up school places in the villages outside of Sutton Bridge.
- Officers have already investigated the potential alternatives. Following consideration of the area, the existing schools and the increasing pressure on primary school places the LA considers the proposal to expand Sutton Bridge Westmere Community Primary School to be the best available solution to meet the needs of the children and parents of Sutton Bridge with the resources available and to address the expected shortage of primary school places in the area.

1. Background

National birth rates, mostly concentrated in more urban areas, have been steadily rising in recent years. This increased birth rate, combined in some areas with inward migration and housing development, is now starting to have an impact at primary school age putting significant pressure on primary schools across the country where there is a shortage of Reception places. The Sutton Bridge community will experience a shortage of available places if capacity at the local school is not increased.

NHS birth data for the Sutton Bridge area shows that on average over the next 4 years the number of children that will be requiring a primary school place is up to 15 more each year than it has been for the last 7 years. There is expected to be a long term requirement for more places. A permanent sustainable solution is needed to accommodate these extra children to avoid overcrowding and/or transporting 4 year old children to alternative schools outside of their local community.

Having additional classes and more children on roll at the school will also have financial benefits for the school. This may potentially provide the opportunity to

enhance teaching provision and career opportunities for staff which in turn will benefit the learning experience of the children.

The current Published Admission Number (PAN) for each year group is 30. The school have admitted above the usual intake of 30 to provide 45 Reception places for September 2012 by bringing a former classroom back into use within their existing accommodation. This proposal being consulted on is to permanently expand the capacity based on PAN at the school from 210 to 315 and so be able to take up to 45 children for all future intakes by building additional classrooms and facilities. This will increase the PAN from 30 to 45 initially only for the Reception intake in 2013 with the PAN for all other years remaining at 30. The increased intake to 45 will then be phased in with each subsequent intake up to 2018 to help ensure that pupil numbers at other local schools are maintained. It will also allow the school to effectively manage staffing and teaching structures.

Following statutory consultation, if the expansion proposal is approved, it is proposed that building work to add necessary additional accommodation will begin during the academic year 2012/13 (subject to planning permission being granted) and will be completed in readiness for the start of term in September 2013. This would be managed to cause minimal disruption to the school during term time making the best use of school holidays where possible.

The necessary planning application process is dealt with and consulted on separately.

Reaching the decision – Preliminary Considerations

The requirements for decision making relating to the expansion of maintained mainstream schools are set out in the guide “Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form” published by the DfE. A copy is attached as Appendix A.

The guide sets out certain checks that the decision maker should follow before proceeding to take a decision. These are addressed below:

- (i) Is any information missing? It is considered that there is no information missing and that the Executive Councillor has before her the information that is required to enable a decision to be reached.
- (ii) Is the proposal related to other published proposals? The answer to this is no.
- (iii) Do the published notices comply with statutory requirements and has the statutory consultation been carried out prior to the publication of the notices? The statutory notice was published in accordance with section 19(1) of the EIA 2006. Consultation must, and has, included all parties specified within the relevant sections of the EIA 2006 including children, staff, parents/carers, the Diocese and other interested parties listed in Appendix B.

Factors to be considered by Decision Makers

In reaching a decision the Executive Councillor must have regard to statutory guidance issued by the Secretary of State as detailed in the attached guide in Appendix A and referred to in the following paragraphs. The Complete Proposal (attached as Appendix C) also includes information which must be considered together with feedback from consultees received throughout the entire process.

A System Shaped by Parents

The Government's aim is to create a schools system shaped by parents which delivers excellence and equity by implementing a dynamic system in which weak schools that need to be closed are closed quickly and replaced by new ones where necessary and the best schools are able to expand and spread their ethos and success.

The Executive Councillor must take into account the extent to which the proposal is consistent with the LA's duty to respond to representations from parents about the provision of schools. There were no submissions received from parents in the Representation Period. Of the total of 5 written valid responses received in the consultation period, 4 were from parents with 3 in favour and 1 neither for nor against.

Sutton Bridge Westmere Community Primary School is a popular school which is consistently oversubscribed as indicated by the numbers of first preference applications received (32 in 2010, 34 in 2011 and 47 in 2012) for the 30 places available in the Reception class.

The LA has, therefore, put forward the current proposal as the best and preferred option to meet these criteria.

Standards

The Executive Councillor should be satisfied that the proposal will contribute to raising local standards of provision and will lead to improved attainment for children and young people paying particular attention to the effect on groups that under-perform with the aim of narrowing attainment gaps.

The latest Ofsted report, following an inspection in January 2010, rated the school's overall effectiveness as "satisfactory". However, the report stated that "*under the ambitious leadership of the new headteacher, the school has found a clear way forward. The current priorities are strongly focused on securing improvement in pupils' academic skills as well as their personal development and in the quality of teaching. As a result, the school is beginning to show steady gains*".

The LA believes that this proposal is the best option to maintain and improve standards of attainment and promote the fulfilment of each child's potential. It will also alleviate pressures on teaching staff which may otherwise be caused by

increasing numbers on roll and overcrowded classrooms so avoiding any consequent negative impact on the quality of teaching.

Diversity

The Government's aim is to create a more diverse school system offering excellence and choice so that every child receives an excellent education whatever their background and wherever they live. The Executive Councillor should consider how the proposal will affect local diversity taking account of the range of schools in the area and the impact on the aspirations of parents, and whether the proposal will help raise local standards and narrow attainment gaps. The LA believes that this proposal will maintain and also be likely lead to both improved standards and an enhanced quality of education for current and future children in the area whilst maintaining diversity.

Every Child Achieving their Potential

The Executive Councillor should consider how the proposal will help every child and young person achieve their potential. The LA believes that the proposal will meet this criterion by not only maintaining the range of extended services, the opportunities for personal development, access to academic and applied learning training, measures to address barriers to participation and support for children and young people with particular needs (eg looked after children or children with special educational needs and disabilities) but also by providing the platform for these to improve.

Equal Opportunity Issues

The Executive Councillor should consider whether there are any sex, race or disability discrimination issues that arise out of the proposed expansion. There needs to be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area while ensuring that such opportunities are open to all. There are no sex, race or disability discrimination issues arising from this proposal. The LA will continue to be committed to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area while ensuring that such opportunities are open to all.

Need for Places – Creating Additional Places and the Expansion of Successful and Popular Schools

When considering a proposal to expand an existing school the Executive Councillor should consider whether there is a need for expansion and take care not to create unnecessary surplus capacity. As detailed above Sutton Bridge is one of the urban pressure points in Lincolnshire where there will be a shortage of available places if capacity is not increased. Based on information from the Office of National Statistics, combined with local NHS birth data there is expected to be a requirement of up to 15 additional places per year group in the area with a long term requirement for yet further additional places.

The Government is committed to ensuring that every parent can choose an excellent school for their child and therefore the wishes of parents should be taken into account in the planning and management of school estates. There is a presumption that proposals to expand successful and popular schools should be approved and only be turned down if there is compelling objective evidence that such expansion would have a damaging effect on standards overall in the area. The LA believes that not only will there be no damaging effect on standards but that this proposal will provide the platform for standards to improve.

The majority of parents, who completed a questionnaire or spoke with inspectors during the last Ofsted inspection, have a positive view of the school and are happy with their child's experience at the school. Sutton Bridge Westmere Community Primary School is popular with parents and is consistently oversubscribed as confirmed earlier in this report.

Before approving the proposal the LA must ensure that the admission arrangements of the schools will fully meet the provisions of the School Admissions Code. The proposed increase to the PAN at the school will be processed in accordance with the School Admissions Code to determine admission arrangements for the academic year commencing September 2013.

Travel and Accessibility for All

The Executive Councillor should be satisfied that facilities are accessible by being located close to those who will use them and that proposed changes do not adversely impact on disadvantaged groups. Proposals should not have the effect of unreasonably extending journey times or increasing transport costs or result in too many children being prevented from travelling sustainably due to unsuitable routes. The proposal should be considered on the basis of how it will support and contribute to the Council's duty to promote the use of sustainable travel and transport to school.

Concerns have been raised regarding potential access and traffic issues that could be caused by this expansion proposal. The LA understands that an increase in the number of pupils attending a school may have an impact on the local road network and access. However, the majority of additional pupils are likely to come from within a suitable walking or cycling distance from the school. Also the LA would look to mitigate any negative impact by considering improvement to the infrastructure together with the implementation of a travel plan and would have to meet stringent requirements at the planning application stage. Any planning queries will be dealt with through a separate planning consultation as part of the planning application process. The LA is committed to promoting the use of sustainable travel and transport to school.

The County Council home-to-school transport policy will continue to apply – this provides free home-to-school transport for pupils to their nearest designated school (if it is more than 2 miles away for primary aged pupils) but it is expected that most pupils will live within a two mile radius of the school.

Funding and Land

For any expansion proposals the Executive Councillor should be satisfied that any land, premises or capital required to implement the proposals will be available. The expansion proposal will not require the use of any new or additional site. The project is included in the 2012/2013 Capital Programme therefore, should this proposal to expand be approved, capital investment will be provided and any revenue implications will be financed by the Dedicated Schools Grant.

Following an expansion proposal school premises must continue to meet the requirements of The Education (School Premises) Regulations 1999 including minimum areas of team playing fields to which the school should have access. Under the current proposal for expansion at Sutton Bridge Westmere Community Primary School these requirements will be met. Both the site size and the outdoor hard play area required to provide sufficient suitable play space are well above the minimum required for a 315 place primary school.

Special Educational Needs (SEN) Provision

The Executive Councillor should consider the impact of the proposal on the Special Educational Needs provision taking into consideration statutory guidance and be assured that the proposal is designed to improve on existing arrangements and enable all children to fulfil their potential.

The following key factors must be considered in order to meet the requirement to demonstrate likely improvements in provision:

- a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy;
- b) improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
- c) improved access to suitable accommodation; and
- d) improved supply of suitable places.

If the expansion proposal is approved there is likely to be no impact with regard to SEN provision other than an opportunity to improve the provision within the school. The LA will continue to ensure suitable provision for all children with special educational needs and consideration of their needs will take place should there be any relocation of pupils to an alternative part of the existing site and physical access will be assured should a need be presented. The LA will continue to look to make improvements in the standard, quality and/or range of the education provision for children with SEN and so meet the Special Educational Needs Test.

Views of Interested Parties

The Executive Councillor should consider the views of all those affected by, or who have an interest in, the proposal. This includes statutory objections and comments submitted during both the consultation phase and the Representation Period. The Executive Councillor should not simply take account of the numbers of people

expressing a particular view when considering representations made but should give the greatest weight to representations from those stakeholders most likely to be directly affected by the proposal. All representations, especially from the direct stakeholders, must be considered by the Executive Councillor in relation to this proposal prior to the decision being taken. All responses to the consultation period have been received and made available to the Executive Councillor (in Appendix D) and are also referred to later in the Consultation section of this report. A petition was presented in the Representation Period against the proposal which was signed by 44 local residents. (Redacted copy in Appendix E). This expressed concerns about traffic, safety and access issues arising out of the potential increased volume of traffic caused by the expansion of the school. In addition there was a response received from the local County Councillor who also expressed similar concerns regarding access but supported the principle of expanding the school.

The Decision

In considering the proposal the Executive Councillor can

- reject the proposal
- approve the proposal
- approve the proposal with a modification (e.g. the implementation date) or
- approve the proposal subject to meeting a specific condition

It is not recommended that the Executive Councillor lays down any specific conditions and therefore the 'Alternatives Considered' section at the start of this report simply deals with the rejection or approval of the proposal.

Reasons must be given for the decision taken including the main factors and criteria whether the proposal is accepted or rejected.

2. Conclusion

The final decision is required from the Executive Councillor to determine whether to approve the expansion of Sutton Bridge Westmere Community Primary School as detailed in this report with an implementation date of 1 September 2013. The factors to consider in making this decision are within this report and all valid written responses received during consultation must be considered (summarised in Appendix D).

The LA believes this proposal to be in the best interests of local children and local parents as well as educational provision in the area and it supports the council's aim of ensuring that as many children as possible can reach their full potential. It also enables the LA to fulfil its statutory duty of ensuring that there are sufficient places to accommodate all pupils of statutory school age in Lincolnshire. The advantages of implementing this proposal are detailed earlier in this report in the "Reasons for Recommendations" section.

3. Legal Comments:

The legal issues to be taken into account in the making of this decision, which is within the remit of the Executive Councillor, are fully set out in the report.

4. Resource Comments:

A decision to expand the capacity at Sutton Bridge Westmere Community Primary School with effect from 1 September 2013 will require funding from the 'basic need' element of the capital programme. Any on-going revenue costs will be funded from the Dedicated Schools Grant.

5. Consultation

In order for the school to expand the LA must follow the necessary statutory legal processes as required by the Secretary of State in accordance with the EIA 2006, the Education Act 2011 and the guidance of the DfE regarding expansion (Appendix A)

Under these guidelines the LA must ensure that sufficient time and information are provided for people to understand and form a view on the proposal and make a response. The consultation documentation must set out the problem that is being addressed and invite comment on one or more solutions. The LA must explain the decision making process and take all reasonable steps to draw the consultation to the attention of all those who might be interested and take into account their views.

The Education Act 2002 states the requirement for current pupils to be consulted and this was further extended by subsequent legislation to also include all pre-school children over the age of 3. The Headteacher has consulted with the children currently attending the school through school assemblies. This has produced a very positive response and the children are generally excited about the proposal. The EIA 2006 specifically includes as interested parties the registered parents of registered pupils at the school and also the appropriate District and Parish Councils for the area. The list of interested parties was compiled according to statutory guidelines comprising as wide a range of consultees as practicable and included parents, the Chief Executive of the District Council, the Parish Clerk of the relevant Parish Councils as well as individual councillors as appropriate.

A letter, (Appendix F) incorporating relevant information and reasons for the proposal, was sent out to interested parties (listed in Appendix B) on 10 September 2012 to commence a four week period of consultation. Individual meetings were offered to parents to meet with representatives of the LA at the school to ask questions and raise any concerns. However, no appointments were taken up. There was the opportunity to provide a response to the consultation by letter, email

or by returning the response form (Appendix G) attached to the consultation document by 8 October 2012. Copies of the letter commencing consultation and the response form were also published on the County Council website under the webpage Current Consultations on www.lincolnshire.gov.uk/provisionplanning

The written responses received during consultation have been provided to the Executive Councillor for consideration and further details are confirmed in this report in Appendix D. To briefly summarise, however, there were 5 valid responses in total with **none** against, 4 supporting the proposal, and 1 expressing a view neither in favour nor against the proposal. Of the total responses 4 were from parents with 3 in favour and 1 neither for nor against.

Following the completion of the consultation period all feedback was considered with a full report (which is referred to in the Background Papers section below and will also be re-considered along with this report) by the Executive Councillor and a decision was taken on 30 October to proceed to Statutory Notice. A statutory 4 week Representation Period was entered into on 15 November 2012 commencing with the publication of the Statutory Notice (Appendix H) in the local press, at the school gates and within the local community. The Complete Proposal, available in paper and electronic format (Appendix C) to which the Statutory Notice refers, was sent to interested parties as detailed in the statutory guidance and was also published on the website www.lincolnshire.gov.uk/provisionplanning. The Representation Period provides a further opportunity for people and organisations to express their views and ensure that they are taken into account when the final decision is taken. A petition was presented in the Representation Period against the proposal which was signed by 44 local residents. (Redacted copy in Appendix E). This expressed concerns about traffic, safety and access issues arising out of potential increased volume of traffic caused by the expansion of the school. In addition there was a response received from the local County Councillor who also expressed similar concerns regarding access but supported the principle of expanding the school.

Under current legislation the LA is the decision maker for the proposal and is co-ordinating the statutory process before making a decision at the end of the process in January 2013. The LA must be able to show that all relevant issues raised are taken into consideration in the decision making process. Points raised can be considered unpersuasive but must not be ignored altogether.

The last stage of the statutory process would be the implementation of the proposal with the expansion of Sutton Bridge Westmere Community Primary School with effect from 1 September 2013 if it is decided to proceed.

Information regarding this proposal has been updated and made available through the County Council website since official consultation began on 10 September 2012. The local and district councillors have been involved in the consultation on this proposal and the Executive Councillor for Children's Services and Lifelong Learning has been engaged throughout the entire process.

a) Has Local Member Been Consulted?

Yes. The local member has been made aware of the proposal to expand Sutton Bridge Westmere Community Primary School.

b) Has Executive Councillor Been Consulted?

Yes. The Executive Councillor has been involved in the discussions regarding the proposal to expand Sutton Bridge Westmere Community Primary School.

c) Scrutiny Comments

The Children and Young People Scrutiny Committee will consider the expansion proposal at its meeting on 11 January 2013. Comments from this meeting will be presented to the Executive Councillor to inform her final decision which is due to be taken on 25 January 2013.

d) Policy Proofing Actions Required

An Impact Analysis has been completed and is attached in full as Appendix I. In summary the analysis undertaken indicates that there is some potential for negative impact but that this is far outweighed by the benefits of the proposal. The potential negative has been considered by the LA as follows:-

- Building work will be managed to cause minimal disruption to pupils within term time.
- The LA would look to mitigate any negative impact on the local road network and access by considering potential improvement to the infrastructure. The stringent requirements at the planning application stage would include the active involvement of the Highways Department as well as a detailed travel plan.

Apart from its obligations to consider the statutory guidance referred to the Council has obligations under the Equality Act 2010 which must be taken into account by the Executive Councillor when coming to a decision.

The Council must, in the exercise of its functions, have due regard to the need to:

- (1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it: Equality Act 2010 s 149(1). The relevant protected characteristics are age; disability; gender reassignment; pregnancy & maternity; race; religion or belief; sex; sexual orientation: s 149(7).

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of

persons who do not share it.

The Council believes that this proposal will not lead to any discrimination and that in recommending the proposal the Council is having due regard to its obligations under The Equality Act.

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	DfE guide "Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form"
Appendix B	List of Interested Parties
Appendix C	Complete Proposal
Appendix D	Summary of written responses in consultation period
Appendix E	Petition received in Representation Period (redacted)
Appendix F	Letter to commence consultation
Appendix G	Consultation response form
Appendix H	Statutory Notice
Appendix I	Impact analysis

7. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Proposed expansion of Sutton Bridge Westmere Community Primary School (decision to go to Statutory Notice)	Lincolnshire County Council Committee Records Reference 02086 02 November 2012

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Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form

A Guide for Local Authorities and Governing Bodies

For further information:

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EXPANDING A MAINTAINED MAINSTREAM SCHOOL BY ENLARGING OR ADDING A SIXTH FORM - A GUIDE FOR LOCAL AUTHORITIES AND GOVERNING BODIES

Contents – click on page number to follow link to relevant section:

Introduction (Paragraphs 1-25)	1
Who is this Guide for? (Paragraphs 4-5)	2
School Organisation Planning Requirements (Paragraphs 6-8)	3
The Secretary of State’s Role (Paragraphs 9-10)	4
When are expansion proposals required? (Paragraphs 11-17)	4
Enlargement	4
Alteration of upper age limit – Addition of a sixth form	6
Increase in number of pupils (now falls under the School Admissions Code)	7
Overview of Process (Paragraph 18)	7
Who Can Make Proposals to Expand a School? (Paragraph 19)	8
Where to Start? (Paragraph 20)	8
Capital Funding (Paragraphs 21-24)	8
Amalgamations/Mergers (Paragraph 25)	9
Stage 1 – Consultation (Paragraphs 1.1-1.7)	11
Conduct of Consultation (Paragraphs 1.5-1.7)	12
Stage 2 – Publication (Paragraphs 2.1-2.11)	14
Related Proposals (Paragraph 2.5)	15
Implementation date (Paragraph 2.6)	15
Explanatory Note (Paragraph 2.7)	15
Invalid Notice (Paragraph 2.8)	16
Who must be sent copies of proposals? (Paragraphs 2.9-2.10)	16
Compulsory Purchase Orders (Paragraph 2.11)	17
Stage 3 – Representations (Paragraphs 3.1-3.2)	18
Stage 4 – Decision (Paragraphs 4.1-4.80)	19
Who Will Decide the Proposals? (Paragraphs 4.1-4.4)	19
Who Can Appeal Against an LA Decision? (Paragraphs 4.5-4.6)	19
Checks on Receipt of Statutory Proposals (Paragraph 4.7)	20
Does the Published Notice Comply with Statutory Requirements? (Paragraph 4.8)	20
Has the Statutory Consultation Been Carried Out Prior to the Publication of the Notice? (Paragraph 4.9)	20
Are the Proposals Related to Other Published Proposals? (Paragraphs 4.10-4.14)	21
Statutory Guidance – Factors to be Considered by Decision Makers (Paragraphs 4.15-4.16)	22
EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT	22

A System Shaped by Parents (Paragraphs 4.17-4.18)	22
Standards (Paragraphs 4.19-4.20)	23
Diversity (Paragraphs 4.21-4.23)	23
Every Child Matters (Paragraph 4.24)	23
SCHOOL CHARACTERISTICS	24
Boarding Provision (Paragraphs 4.25-4.26)	24
Equal Opportunity Issues (Paragraphs 4.27)	25
NEED FOR PLACES	25
Creating Additional Places (Paragraphs 4.28-4.30)	25
Expansion of Successful and Popular Schools (Paragraph 4.31-4.34)	25
Travel and Accessibility for All (Paragraphs 4.35-4.36)	26
16-19 Provision (Paragraphs 4.37-4.39)	27
Addition of post-16 provision by “high performing” schools (Paragraphs 4.40-4.51)	28
Conflicting Sixth Form Reorganisation Proposals (Paragraph 4.52)	30
16-19 Provision ‘Competitions’ (Paragraphs 4.53-4.56)	30
FUNDING AND LAND	31
Capital (Paragraphs 4.57-4.59)	31
Capital Receipts (Paragraphs 4.60-4.62)	31
New Site or Playing Fields (Paragraph 4.63)	32
Land Tenure Arrangements (Paragraph 4.64)	33
School Playing Fields (Paragraph 4.65)	33
SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION	34
Initial Considerations (Paragraphs 4.66-4.67)	34
The Special Educational Needs Improvement Test (Paragraph 4.68)	35
Key Factors (Paragraphs 4.69-4.72)	35
OTHER ISSUES	36
Views of Interested Parties (Paragraphs 4.73)	36
Types of Decision (Paragraph 4.74)	37
Conditional Approval (Paragraphs 4.75-4.76)	37
Decisions (Paragraphs 4.77-4.79)	39
Can proposals be withdrawn? (Paragraph 4.80)	40
Stage 5 – Implementation (Paragraphs 5.1-5.13)	41
Can Proposals Be Modified? (Paragraphs 5.4-5.6)	41
Revocation (Paragraphs 5-7-5.13)	42
Annex A	45

INTRODUCTION

EXPANDING A MAINTAINED MAINSTREAM SCHOOL BY ENLARGING OR ADDING A SIXTH FORM - A GUIDE FOR LOCAL AUTHORITIES AND GOVERNING BODIES

(Covering Enlarging a School and Adding a Sixth Form, also known as 'excepted expansions')

Introduction (Paragraphs 1-25)

1. This guide provides information on the procedures established by The Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended by The School Organisation and Governance (Amendment)(England) Regulations 2007 which came into force on 21 January 2008 and The School Organisation and Governance (Amendment)(England) Regulations 2009 which came into force on 1 September 2009). For your convenience, a consolidated version of the Prescribed Alteration Regulations and the two sets of Amending Regulations can be found at: www.dcsf.gov.uk/schoolorg/guidance.cfm?id=29. The relevant provisions of the EIA 2006 came into effect on 25 May 2007.

2. This guide contains both statutory guidance (i.e. guidance to which local authorities (LAs) and governing bodies have a statutory duty to have regard) and non-statutory guidance, on the process for "expanding" a school. Throughout this guide any reference to "expand" (i.e. or "expanding"/ "expansion"/"excepted expansion") covers the following "prescribed alterations":

- Enlargement to premises - enlarging the physical capacity of a school; and
- Alteration of upper age limit - raising the school's upper age limit to add a sixth form.

NOTE: For more detailed information on when proposals are required and why 'Increase in number of pupils' (increasing a school's admission number by 27 or more pupils) no longer falls under School Organisation regulations, see paragraphs 11 to 17 below.

Although both "Enlargement" and "Adding a sixth Form" are prescribed alterations, they are dealt with separately from other prescribed alterations, because there are significant differences e.g. who can publish the proposals, the length of the representation period and who can appeal to the schools adjudicator.

Altering the upper age range of a school, other than to add a sixth form e.g. lowering the upper age to remove a sixth form, changing from an infant to a primary school (from 3/5-7 to 3/5-11), or raising the upper age of a middle deemed secondary, also fall under "Alteration of upper age limit" within

INTRODUCTION

Regulations, but are dealt with in “Making Changes to a Maintained Mainstream School (Other than Expansion, Foundation, Discontinuance & Establishment Proposals)” - www.education.gov.uk/schools/leadership/schoolorganisation

The statutory guidance sections are indicated by shading, the word **must** in bold refers to a requirement in legislation, whilst the word **should** in bold is a recommendation.

3. If you have any comments on the content or layout of this guide, please send these to the School Choice & Operations Team at: school.organisationproposals@education.gsi.gov.uk) making sure that you identify the title of the guide and quote the page and paragraph numbers where relevant.

Who is this Guide for? (Paragraphs 4-5)

4. This guide is for those considering publishing proposals to expand a school under section 19 of EIA 2006, referred to as “proposers” (i.e. the LA or the governing body), those deciding proposals, referred to as the “Decision Maker” (i.e. the LA or the schools adjudicator) and also for information for those affected by proposals for the expansion of a school.

5. Separate guides are available from the School Organisation website for:

- Becoming a Foundation or “Trust” school (changing category to foundation; a foundation school acquiring a foundation (i.e. a Trust); a Trust school acquiring a majority of foundation governors on the governing body) – “Changing School Category to Foundation” and “Trust School Proposals” - www.education.gov.uk/schools/leadership/schoolorganisation
- Opening a new school – “Establishing a new maintained mainstream school” - www.education.gov.uk/schools/leadership/schoolorganisation;
- Ceasing to maintain a school – “Closing a Maintained Mainstream School” - www.education.gov.uk/schools/leadership/schoolorganisation; and
- Making other prescribed alterations to a maintained school (e.g. change of age range other than adding a sixth form, add SEN, transfer of site) – “Making Changes to a Maintained Mainstream School (Other than Expansion, Foundation, Discontinuance & Establishment Proposals)” - www.education.gov.uk/schools/leadership/schoolorganisation..

INTRODUCTION

School Organisation Planning Requirements (Paragraphs 6-8)

6. LAs are under a **statutory duty** to ensure that there are sufficient school places in their area, promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. They **must** also ensure that there are sufficient schools in their area, promote diversity and increase parental choice.

7. Parents can make representations about the supply of school places and LAs have a **statutory duty** to respond to these representations. Further statutory guidance on this duty is available in "Duty to Respond to Parental Representations about the Provision of Schools" which is on the School Organisation website at: www.education.gov.uk/schools/leadership/schoolorganisation

8. Currently, LAs **must** publish a Children and Young People's Plan (CYPP) as the single strategic overarching plan for all services affecting children and young people which also includes reference to strategic planning for school places. It is for LAs, in partnership with other stakeholders, to plan for the provision of places. LAs **should** also explore the scope for collaborating with neighbouring authorities when planning the provision of schools. In particular, LAs are encouraged to work together to consider how to meet the needs of parents seeking a particular type of school for their children in cases where there is insufficient demand for such a school within the area of an individual LA.

Responsibility for CYPPs is passing to The Children's Trust Board for each area and from 1 April 2011 each will be required to have a new 'jointly owned' CYPP in place.

Children's Trusts are the sum total of co-operation arrangements and partnerships between organisations with a role in improving outcomes for children and young people in each area. The Trust is not in itself a separate legal entity; each partner retains its own functions and responsibilities within the partnership framework. However, the Apprenticeships, Skills, Children and Learning Act 2009 strengthens Children's Trusts by requiring all local authorities to have a Children's Trust Board in place by April 2010. It also extends the number of statutory "relevant partners" who will be represented on the Board to include schools (including Academies), colleges, Job Centre Plus and the management committees of short stay schools (formerly PRUs).

In each local authority area the Children's Trust Board will be responsible for preparing and monitoring the implementation of the CYPP. This will give ownership of the plan to the partnership – whereas at present the CYPP is the responsibility of the local authority alone.

INTRODUCTION

The Secretary of State's Role (Paragraphs 9-10)

9. The Secretary of State has the power to issue guidance to which the Decision Maker **must** have regard when deciding proposals. This should ensure that proposals and consultation responses and representations received from stakeholders are considered in a consistent way and that Ministers' key priorities for raising standards and transforming education are taken into account when decisions are taken. When drawing up their proposals, proposers are strongly advised to look at the factors which the Decision Maker **must** take into account when considering their proposals (see [Stage 4](#)).

10. The Secretary of State does not decide statutory proposals relating to schools, except where proposals have been published by the Learning and Skills Council (LSC)¹ under Section 113A of the Learning and Skills Act 2000 (as inserted by Section 72 of the Education Act 2002), for changes to 16-19 provision in schools.

When are expansion proposals required? (Paragraphs 11-17)

11. Schedules 2 and 4 of The School Organisation (Prescribed Alterations to maintained Schools)(England) Regulations 2007 (as amended) set out the alterations that can be made by governing bodies and LAs. The following sets out the changes covered by this guide:

Enlargement to premises

12. Statutory proposals are required for a proposed enlargement of the premises of the school which would increase the capacity of the school by **both**:-

- a. more than 30 pupils; **and**
- b. by 25% or 200 pupils (whichever is the lesser).

The capacity of the school is the number of pupil places it can accommodate; it is the responsibility of the LA to assess the net capacity of all maintained mainstream schools in the Authority. The guidance document "Assessing the Net Capacity of Schools" .

Examples of when you would and would not need to publish 'enlargement' proposals are as follows:

¹ References throughout this document to the LSC only apply up to April 2010. The Apprenticeships, Skills, Children and Learning Act (ASCL) Act 2009 will transfer the responsibilities of the LSC in respect of 16-19 education and training to LAs, supported by the Young People's Learning Agency. This guidance will be revised by April 2010 to take account of these changes.

INTRODUCTION

If you are increasing a 750 net capacity secondary school (5 form of entry - 30 pupils per class, 5 classes per year group, 5 year groups) by 1 form of entry (30x5=150 pupils) = an increase to a net capacity of 900 pupils. **No** proposals would be required, as although the increase is by 'more than 30' pupils, it is less than '200', and also less than '25%' of the current capacity (i.e. by less than 187).

You could increase a 50 net capacity rural primary school by up to 29 pupils **without** having to publish statutory proposals, because although it is by more than '25%' (12), it is still less than 30.

If you were adding 300 places to a school, it is **both** 'more than 30' **and** '200' (it may or may not be more than '25%'), so you **would** need to follow the statutory process to enlarge the school.

If you had a 1 form of entry primary (30x7=210) and increased it by 105 to 1.5 forms of entry (45x7=315), that **is** 'more than 30', less than '200', but **more than** '25%' (52), so again, the statutory process **would** need to be followed to enlarge the school.

13. Proposals may be required for some cumulative expansions and you **must** therefore look back and take into account any other enlargements that were made without the need for statutory proposals. You **must** therefore:-

- add any enlargements made:-
 - o in the 5 year period that precedes the proposed expansion date; or
 - o since the last approved statutory proposal to enlarge the school (within this 5 year period).
- exclude any temporary enlargements (i.e. where the enlargement was in place for less than 3 years); and
- add the making permanent of any temporary enlargement.

This is to ensure that 'creeping enlargements' trigger the statutory process to be undertaken if a school's capacity has previously been enlarged, but not significantly enough to require statutory proposals to be published, but when looking back up to 5 years, the latest enlargement (which may in itself be less than 30 pupils and/or by less than 200 pupils or 25%) does trigger the requirement to publish proposals e.g. a primary school with one form of entry slowly increases its capacity:

2006 – school's capacity was 210 (30x7)

2007 – school's capacity was increased to 245 (35x7) – this is an increase of

INTRODUCTION

'more than 30', but less than '25%' (52 pupils), so no proposals were required.

2010 – the school's capacity is to be increased by a further 35 pupils (5 per year group), to 280 (40x7) – if you only looked back to 2007, no proposals would be published, as although it is an increase of 'more than 30', it is less than '25%' (61 pupils) of the school's current 245 capacity. However, looking back 5 years, it is clear that in effect, the school's capacity would have increased by 70 pupils, and therefore the statutory process **must** now be followed.

This ensures that schools wishing to enlarge significantly (whether that be in one go or over a period of 5 years), can only do so after following the statutory process, which includes consulting with anybody that may be affected by the proposals (parents, pupils, local schools etc.).

Where the proposed enlargement proposal will be dependent upon an increase in the school's admission number being agreed (see paragraph 15 below), the enlargement proposal **should** be approved conditionally upon the decision of the schools adjudicator to approve any related change in admission numbers (see paragraph 4.75 (g)).

Alteration of upper age limit – Addition of a sixth form

(This is not about raising the school leaving age. From 2013 all young people will be required to continue in some form of education or training post-16. We are increasing the minimum age at which young people can leave learning in two stages, to the end of the academic year in which they turn 17 from 2013 and until their 18th birthday from 2015.)

14. **For proposers (LAs and governing bodies) other than governing bodies of community schools**, statutory proposals are required for the alteration of the upper age limit (the highest age of pupils for whom education is normally provided at the school) by a year or more, to provide a new sixth form except where:

- the school is to provide education for pupils over compulsory school age who are repeating a course of education completed before they reach compulsory school age (e.g. re-sitting GCSEs);
- the school is to provide part-time further education for pupils aged over compulsory school age, or full-time further education for persons aged 19 or over (i.e. under section 80(1) of SSFA 1998); or
- the alteration is a temporary one which will be in place for no more than 2 years.

15. **For governing bodies of community schools**, statutory proposals are required for the alteration of the upper age limit (the highest age of pupils for whom education is normally provided at the school) so as to provide sixth form

INTRODUCTION

education except where:

- the school is to provide part-time further education for pupils aged over compulsory school age, or full-time further education for persons aged 19 or over (i.e. under section 80(1) of SSFA 1998).

NOTE: You would need to publish 'addition of a sixth form' proposals if you were changing the upper age range of a school from 16 to 18/19, however, if you were adding a 200 place sixth form to a school, it is **both** more than 30 **and** 200 or more pupils, so you would **also** need to follow the statutory process to enlarge the school.

If you are changing the upper age range of the school in addition to adding a sixth form e.g. changing the age range of a middle deemed secondary school from 8-13 to 11-18, you **should** also refer to the "Making Changes to a Maintained Mainstream School (Other than Expansion, Foundation, Discontinuance & Establishment Proposals)" - www.education.gov.uk/schools/leadership/schoolorganisation – guidance, which covers changing the age range of a school other than by adding a sixth form.

Increase in number of pupils (now falls under the School Admissions Code)

16. The School Organisation and Governance (Amendment) (England) Regulations 2009, which came into force on 1 September 2009, remove the statutory requirement to publish proposals under school organisation legislation when increasing the number of pupils in any relevant age group² to be admitted to a maintained mainstream school by 27 or more, although any corresponding enlargement to the school premises may of course require statutory proposals (see paragraphs 12 and 13 above). Any proposed increase in the admission number **must** now be processed in accordance with the School Admissions Code. Any relevant statutory proposals that were published prior to 1 September 2009 **should** be concluded under the previous statutory process arrangements.

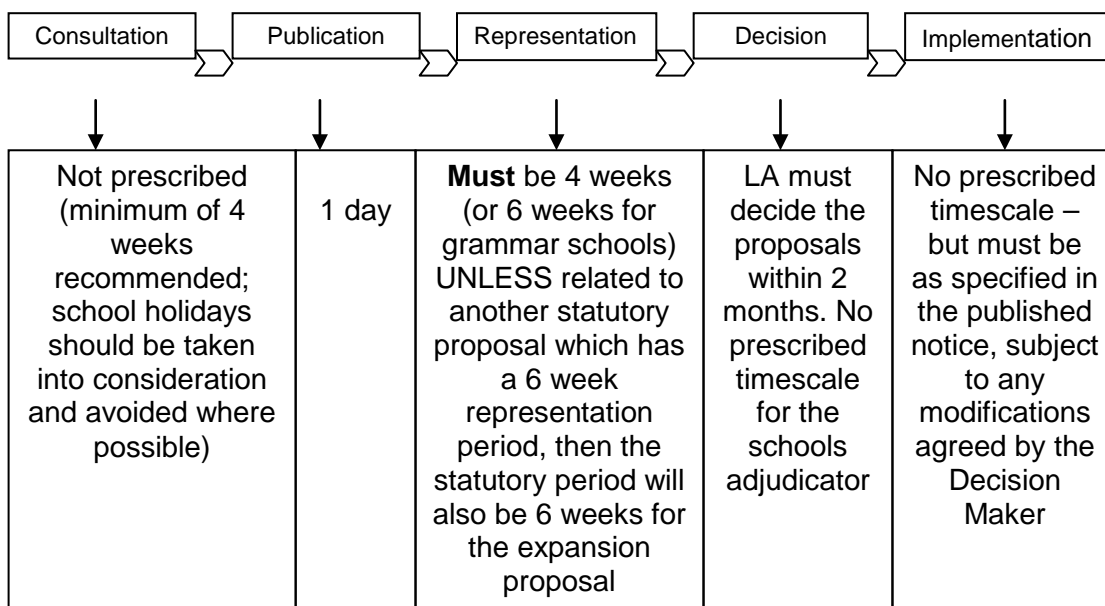
17. Sections 1.20 and 1.21 of The School Admissions Code - explain that if an admission authority wishes to increase a school's published admission number (PAN), they can propose to do so during the consultation and determination of admission arrangements for all schools in the area, or, if it is after the admission arrangements have been determined, as a result of a major change in circumstance, they **must** refer a variation to the Schools Adjudicator.

Overview of Process (Paragraph 18)

² A "relevant age group" is defined in law as "an age group in which pupils are or will normally be admitted" to the school in question (section 142 of the School Standards and Framework Act 1998). It may be necessary for a school to have more than one admission number eg. where a secondary school operates a sixth form and admits children from other schools at age 16, an admission number will be required for Year 12 as well as for the main year or years in which children join the lower school, e.g. Year 7.

INTRODUCTION

18. There are 5 statutory stages for a statutory proposal for an excepted expansion:



Who Can Make Proposals to Expand a School? (Paragraph 19)

19. An LA can publish proposals to expand any category (community, voluntary aided, voluntary controlled, foundation (including Trust), community special and foundation special) of maintained school. The governing body of a maintained school may also publish proposals to expand their own school.

Where to Start? (Paragraph 20)

20. Before commencing formal consultation, the LA or governing body **should** ensure they understand the statutory process that **must** be followed, the factors that are likely to be considered by the Decision Maker and that they have a sufficiently strong case and supporting evidence for their proposals. Published proposals cannot be considered unless the capital funding for their implementation is in place (perhaps conditionally on the proposals being agreed). See 21 below.

Capital Funding (Paragraphs 21-24)

21. Where proposals require capital resources for their implementation the funding for the proposals **should** be in place when the proposals are decided (see paragraph [4.57](#) of the decision maker's guidance section. Where proposers require capital funding to implement their proposals, they **should** secure this before publishing proposals. For the provision of additional sixth form places, the local LSC **should** be contacted for information on the 16-19 capital fund which it

INTRODUCTION

currently administers³.

22. In accordance with the Government's position that there **should** be no increase in academic selection, the expansion of grammar schools, and selective places at partially selective schools, are excluded from any capital incentive schemes.

Other expansions

23. All LAs are allocated capital funding over each spending review period to support their investment in school buildings. Where an LA identifies the need to make changes to local school provision, as part of a Building Schools for the Future (BSF) project, the funding will be provided through the BSF programme. Details of capital funding for the project in respect of all schools will be decided in discussions between the LA, the Department and Partnerships for Schools and will be included in the Final Business Case which the Department agrees. This may include the contribution by the LA (or schools or other stakeholders such as dioceses) to BSF funding of receipts from land made available through school reorganisation. For voluntary aided schools, government funding will normally be at 100% of the approved capital costs.

24. Where capital work is proposed for a community, foundation (including Trust) or voluntary controlled school other than as part of BSF, the proposers **should** secure a capital allocation from the LA. The LA **should** consider how they can prioritise this need in their asset management planning for the formulaic capital funding they receive, and for other resources which are available to them. Similarly proposers in respect of voluntary aided schools will need to get a commitment of grant through the LA, with the rate of grant support normally being 90% of the expenditure. The governing body will be responsible for funding the remaining 10% (unless an LA uses its power to assist).

Amalgamations/Mergers (Paragraph 25)

25. There are two ways to 'merge' or 'amalgamate' two or more existing schools:

a. The LA or GB (depending on school category) can publish proposals to close two (or more) schools and the LA or a proposer other than the LA (e.g. Diocese, faith or parent group, Trust) depending on category, can publish proposals to open a new school, either through a competition (under section 7 of EIA 2006), or after receiving exemption from the Secretary of State* (under section 10 of the EIA 2006). This results in a new school number being issued for the new school.

³ The 16-19 capital fund for 2010-11 is currently under review to ensure best use of funds in the light of current and future demand on the fund.

INTRODUCTION

b. The LA and/or GB (depending on school category) can publish proposals to close one school (or more) and proposals to enlarge/change the age range/transfer site etc of an existing school, to accommodate the displaced pupils. The remaining school would retain its original school number, as it is not a new school, even if its education phase has changed.

*All section 10 exemption applications are considered on their individual merits. However there is a 'presumption for approval' for infant/junior amalgamations, faith school reorganisations and new schools proposed by proposers other than the LA, because Ministers have indicated, during debates in Parliament, that they may be prepared to give consent to requests under these criteria, for publication of proposals without holding a competition. See Section B of the “Establishing a Maintained Mainstream School” guide for further information (www.education.gov.uk/schools/leadership/schoolorganisation).

STAGE 1 - CONSULTATION

Stage 1 – Consultation (Paragraphs 1.1-1.7)

1.1 The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (“the Regulations”) (as amended) provide that those bringing forward statutory proposals to expand a school **must** consult interested parties, and in doing so **must** have regard to the Secretary of State’s guidance. The statutory guidance for this purpose is contained in paragraphs 1.2 to 1.4 below. Where an LA or governing body carries out any preliminary (informal) consultation to consider a range of options, and/or principles, for a possible reorganisation, this would not be regarded as the statutory (formal) period of consultation as required by regulations. The statutory consultation would need to cover the specific expansion of the school in question.

1.2 The Secretary of State requires those bringing forward proposals to consult all interested parties (see paragraph 1.3 below). In doing so they **should**:

- allow adequate time;
- provide sufficient information for those being consulted to form a considered view on the matters on which they are being consulted;
- make clear how their views can be made known; and
- be able to demonstrate how they have taken into account the views expressed during consultation in reaching any subsequent decision as to the publication of proposals.

1.3 The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended) require proposers to consult the following interested parties:

- the governing body of any school which is the subject of proposals (if the LA are publishing proposals);
- the LA that maintains the school (if the governing body is publishing the proposals);
- families of pupils, teachers and other staff at the school;
- any LA likely to be affected by the proposals, in particular neighbouring authorities where there may be significant cross-border movement of pupils;
- the governing bodies, teachers and other staff of any other school that may be affected;

STAGE 1 - CONSULTATION

- families of any pupils at any other school who may be affected by the proposals including where appropriate families of pupils at feeder primary schools;
- any trade unions who represent staff at the school; and representatives of any trade union of any other staff at schools who may be affected by the proposals;
- (if proposals involve, or are likely to affect a school which has a particular religious character) the appropriate diocesan authorities or the relevant faith group in relation to the school;
- the trustees of the school (if any);
- (if the proposals affect the provision of full-time 14-19 education) the Learning and Skills Council (LSC);
- MPs whose constituencies include the schools that are the subject of the proposals or whose constituents are likely to be affected by the proposals;
- the local district or parish council where the school that is the subject of the proposals is situated;
- any other interested party, for example, the Early Years Development and Childcare Partnership (or any local partnership that exists in place of an EYDCP) where proposals affect early years provision, or those who benefit from a contractual arrangement giving them the use of the premises; and
- such other persons as appear to the proposers to be appropriate.

1.4 Under Section 176 of the Education Act 2002 LAs and governing bodies are also under a duty to consult pupils on any proposed changes to local school organisation that may affect them.

Conduct of Consultation (Paragraphs 1.5-1.7)

1.5 **How** statutory consultation is carried out is not prescribed in regulations and it is for the proposers to determine the nature of the consultation including, for example, whether to hold public meetings. Although regulations do not specify the consultation's duration, the Department strongly advises that the proposers **should** allow at least 4 weeks for consultation on enlargement proposals. This will allow consultees an opportunity to consider what is being proposed and to submit their comments. Proposers **should** avoid consulting on proposals during school holidays, where possible.

STAGE 1 - CONSULTATION

1.6 At the end of the consultation the proposer **should** consider the views expressed during that period before reaching any final decision on whether to publish statutory proposals. Where, in the course of consultation, a new option emerges which the proposer wishes to consider, it will probably be appropriate to consult afresh on this option before proceeding to publish statutory notices.

1.7 If the need for the enlargement or sixth form arises from an area wide reorganisation e.g. as a result of long-term LA planning, any related proposals **should** be consulted on at the same time. Notices for related proposals **should** be published at the same time and specified as “related” so that they are decided together (see paragraph 2.5).

Remember:

Do	Don't
Consult all interested parties	Consult during school holidays (where possible)
Provide sufficient time and sufficient information	Use language which could be misleading, e.g. We <u>will</u> expand the school – instead, use ‘propose to’.
Think about the most appropriate consultation method	
Consider feedback and views	
Consider alternative options	
Explain the decision making process	

STAGE 2 - PUBLICATION

Stage 2 – Publication (Paragraphs 2.1-2.11)

2.1 LAs can publish expansion proposals for any category of maintained school within the LA. Governing bodies of any category of maintained school can publish proposals to expand their own school. Proposals **should** be published within a reasonable timeframe following consultation so that the proposals are informed by up-to-date feedback. Proposals **should** therefore be published within 12 months of consultation being concluded.

2.2 Proposals **must** contain the information specified in The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended). The regulations specify that part of the information (as set out in Regulation 28, Part 2 of Schedules 3 and 5), is published in a statutory notice (see paragraphs 2.3-2.4 below), and the complete proposal (as set out in Part 1 of Schedules 3 and 5), **must** be sent to a range of copy recipients (see paragraphs 2.9-2.10). [Annex A](#) can be used to prepare the complete proposal; the notice builder tool (see paragraph 2.4) can be used to prepare the draft statutory notice.

2.3 A statutory notice containing specified information (as set out in Regulation 28, Part 2 of Schedules 3 and 5) **must** be published in a local newspaper, and also posted at the main entrance to the school (or all the entrances if there is more than one) and at some other conspicuous place in the area served by the school (e.g. the local library, community centre or post office etc). The 'date of publication' is regarded as being the date on which the last of the above conditions is met. Proposers may circulate a notice more widely in order to ensure that all those substantially affected have the opportunity to comment.

NOTE: When publishing a statutory notice to add a sixth form, when completing the section on admission numbers, it may be necessary for a school to have more than one admission number e.g. where a secondary school operates a sixth form and admits children from other schools at age 16, an admission number will be required for Year 12 as well as for the main year or years in which children join the lower school, e.g. Year 7.

Paragraph 1.43 of the School Admissions Code states that an admission number need only be set for a school sixth form when it is a normal point of entry to the school i.e. the school sets out to admit external candidates to its sixth form, rather than just deal with ad-hoc applications. The published admission number **must** relate only to those being admitted to the school for the first time, and should be based on an estimate of the minimum number of external candidates likely to be admitted, although it would be acceptable to exceed this if demand for available courses can be met.

This means that the admission numbers must not include children transferring from earlier age groups, e.g. if a school has an admission number of 120, of

STAGE 2 - PUBLICATION

which the majority are expected to continue on into the sixth form, but the sixth form will cater for 150 in Year 12, the admission number for Year 12 would be 30. If all 120 pupils from Year 11 do not continue into the sixth form, the school can accept applications over the 30, from external applicants, to fill the available spaces.

2.4 To help proposers prepare their statutory notice, the School Organisation website includes an online Notice Builder tool which will help ensure that the statutory notice complies with the Regulations and offers an opportunity for the notice to be checked by the School Organisation & Competitions Unit of the DCSF. Proposers are strongly advised to use this facility. The Notice Builder can be found at www.education.gov.uk/schools/leadership/schoolorganisation. To gain access the proposer needs to register for the “Members’ Area” on the website but this is free of charge. A template for the complete proposal is provided automatically by the Notice Builder when the draft statutory notice is finalised, alternatively the template can be found in “Standard Forms” in the Members’ Area of the website.

Related Proposals (Paragraph 2.5)

2.5 Where proposals are interdependent (linked) they **should** be identified as “related”, either by being published in a single notice or the link to the other proposals made clear in each notice. Where proposals by the LA are “related” to proposals by governing bodies or other proposers (e.g. where an entire area is to be reorganised) the LA and governors or proposers may publish a single notice but this **must** make it clear who is making which proposals, under their respective powers, and there **should** be separate signatures for each relevant section. Where proposals are not “related”, they **should not** be published on the same notice unless the notice makes it very clear that the proposals are not “related”.

Implementation date (Paragraph 2.6)

2.6 There is no maximum limit on the time between the publication of a proposal and its proposed date of implementation but circumstances may change significantly if too long a period elapses. In general, therefore - with the possible exception of BSF or major authority-wide reorganisation proposals which may have to be phased in over a long period – the implementation date for the proposals (stated in the statutory notice) **should** be within 3 years of their publication. Proposers may be expected to show good reason if they propose a longer timescale. If the proposals are approved, they **must** then be implemented by the proposed implementation date, subject to any modifications made by the Decision Maker.

Explanatory Note (Paragraph 2.7)

2.7 If the full effect of the proposals is not apparent to the general public from

STAGE 2 - PUBLICATION

the statutory notice, it may be supplemented by an explanatory note or background statement, but this **should** be clearly distinguishable from the formal proposals as it does not form a statutory part of the notice. Ideally, whilst complying with regulations, the statutory notice **should** be as concise as possible, so that it is easily understood (this will also help keep publication costs to a minimum), with more detailed information contained in the complete proposal.

Invalid Notice (Paragraph 2.8)

2.8 Where a published notice has not been properly formulated in accordance with the regulations, the notice may be judged invalid and therefore ineligible to be determined by the LA or schools adjudicator. In these circumstances the proposer **should** publish a revised notice making it clear that this replaces the first notice and that the statutory period for representations will run from the publication date of the revised notice (and whether or not any representations already received will still be considered by the Decision Maker). If the issue is very minor, e.g. a typo, a published addendum may suffice, in which case, the representation period would not need to change.

Who must be sent copies of proposals? (Paragraphs 2.9-2.10)

2.9 The proposer **must, within one week of the date of publication**, send a full copy of the complete proposal, to:

- the LA (if the governing body published the proposals);
- the school's governing body (if the LA published the proposals);
and

within one week of the receipt of the request, send a full copy of the complete proposal, to:

- any person who requests a copy; and

if the notice includes "related" proposed school closures, **on the date of publication**:

- if the governing body are the proposers of the school closure(s), they **must** submit a copy of their complete proposal to the LA that maintains the school (it would also be helpful to submit a copy of the statutory notice);
- if the LA are the proposers of the school closure(s), they **must** submit a copy of their complete proposal to the governing body of the school proposed for closure (it would also be helpful to submit a copy of the statutory notice).

STAGE 2 - PUBLICATION

2.10 The proposers **must** also send to the Secretary of State (i.e. to SOCU, DCSF, Mowden Hall, Darlington DL3 9BG or via email to school.organisationproposals@education.gsi.gov.uk) **within a week of publication:**

- a complete copy of the proposal, excluding all documentation relating to the consultation; and
- a copy of the statutory notice that appeared in the local newspaper, showing the date of publication.

Compulsory Purchase Orders (Paragraph 2.11)

2.11 Where an LA needs to acquire land compulsorily in conjunction with any statutory proposals, the LA **should not** make the compulsory purchase order until proposals have been approved conditionally on the acquisition of the site. The Secretary of State will not consider confirming and sealing an order until proposals have been approved.

STAGE 3 - REPRESENTATIONS

Stage 3 – Representations (Paragraphs 3.1-3.2)

3.1 Once proposals are published there follows a statutory representation period during which comments on the proposals can be made. These **must** be sent to the LA. Any person can submit representations, which can be objections as well as expressions of support for the proposals. The representation period is the final opportunity for people and organisations to express their views about the proposals and ensure that they will be taken into account by the Decision Maker.

3.2 The representation period is specified in legislation and **must not** be altered e.g. cannot be shortened or extended to fit in with scheduled meetings or to take into account school holidays – meetings will need to be rescheduled and every effort **should** be made to advise stakeholders during the consultation period when the notice is likely to be published. The representation period for statutory notices for enlargements and the addition of a sixth form is prescribed as **4 weeks except** where:

- a. the proposal is “related” to another proposal which has a 6 week representation period, then the excepted expansion proposal **must** also have a **6** week representation period (this is a change introduced by the 2009 Amendment Regulations); or
- b. the proposed change is to a grammar school, where the representation period **must** be **6** weeks.

STAGE 4 - DECISION

Stage 4 – Decision (Paragraphs 4.1-4.80)

Who Will Decide the Proposals? (Paragraphs 4.1-4.4)

4.1 Decisions on school organisation proposals are taken by the LA or by the schools adjudicator. In this chapter both are covered by the form of words “Decision Maker” which applies equally to both.

4.2 Section 21 of the EIA 2006 provides for regulations to set out who **must** decide proposals for any prescribed alterations (i.e. including expansions). The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (SI:2007 No. 1289) (as amended) make detailed provision for the consideration of prescribed alteration proposals (see in particular Schedules 3 and 5). Decisions on expansions will be taken by the LA with some rights of appeal to the schools adjudicator. Only if the prescribed alteration proposals are “related” to other proposals that fall to be decided by the schools adjudicator, will the LA not be the decision maker in the first instance.

4.3 If the LA fail to decide proposals within 2 months of the end of the representation period the LA **must** forward proposals, and any received representations (i.e. not withdrawn in writing), to the schools adjudicator for decision. They **must** forward the proposals within one week from the end of the 2 month period.

4.4 The Department does not prescribe the process by which an LA carries out their decision-making function (e.g. full Cabinet or delegation to Cabinet member or officials). This is a matter for the LA to determine but the requirement to have regard to statutory guidance (see paragraph 4.15 below) applies equally to the body or individual that takes the decision.

Who Can Appeal Against an LA Decision? (Paragraphs 4.5-4.6)

4.5 The following bodies may appeal against an LA decision on school expansion proposals:

- the local Church of England diocese;
- the bishop of the local Roman Catholic diocese;
- the LSC where the school provides education for pupils aged 14 and over;
- the governing body of a community school that is proposed for expansion; and
- the governors and trustees of a foundation (including Trust) or voluntary school that is proposed for expansion.

STAGE 4 - DECISION

4.6 Any appeals **must** be submitted to the LA within 4 weeks of the notification of the LA's decision. On receipt of an appeal the LA **must** then send the proposals, and the representations received (together with any comments made on these representations by the proposers), to the schools adjudicator within 1 week of the receipt of the appeal. The LA **should** also send a copy of the minutes of the LA's meeting or other record of the decision and any relevant papers. Where the proposals are "related" to other proposals, all the "related" proposals **must** also be sent to the schools adjudicator.

Checks on Receipt of Statutory Proposals (Paragraph 4.7)

4.7 There are 4 key issues which the Decision Maker **should** consider before judging the respective factors and merits of the statutory proposals:

- Is any information missing? If so, the Decision Maker **should** write immediately to the proposer specifying a date by which the information **should** be provided;
- Does the published notice comply with statutory requirements? (see paragraph 4.8 below);
- Has the statutory consultation been carried out prior to the publication of the notice? (see paragraph 4.9 below);
- Are the proposals "related" to other published proposals? (see paragraphs 4.10 to 4.14 below).

Does the Published Notice Comply with Statutory Requirements? (Paragraph 4.8)

4.8 The Decision Maker **should** consider whether the notice is valid as soon as a copy is received. Where a published notice does not comply with statutory requirements - as set out in The School Organisation (Prescribed Alterations)(England) Regulations 2007 (SI:2007 - 1289) (as amended) - it may be judged invalid and the Decision Maker **should** consider whether they can decide the proposals.

Has the Statutory Consultation Been Carried Out Prior to the Publication of the Notice? (Paragraph 4.9)

4.9 Details of the consultation **must** be included in the proposals. The Decision Maker **should** be satisfied that the consultation meets statutory requirements (see Stage 1 paragraphs [1.2](#)–[1.4](#)). If some parties submit objections on the basis that consultation was not adequate, the Decision Maker may wish to take legal advice on the points raised. If the requirements have not been met, the Decision Maker may judge the proposals to be invalid and needs to consider whether they can decide the proposals. Alternatively the Decision

STAGE 4 - DECISION

Maker may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposals as a whole.

Are the Proposals Related to Other Published Proposals? (Paragraphs 4.10-4.14)

4.10 Paragraph 35 of Schedule 3, and Paragraph 35 of Schedule 5, to The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended) provides that any proposals that are “related” to particular proposals (e.g. for a new school; school closure; prescribed alterations to existing schools i.e. change of age range, acquisition of a Trust, addition of boarding, etc; or proposals by the LSC to deal with inadequate 16-19 provision) **must** be considered together. This does not include proposals that fall outside of School Organisation Prescribed Alteration or Establishment and Discontinuance regulations e.g. removal of a Trust, opening of an Academy, federation proposals. Paragraphs 4.11-4.14 provide statutory guidance on whether proposals **should** be regarded as “related”.

4.11 Generally, proposals **should** be regarded as “related” if they are included on the same notice (unless the notice makes it clear that the proposals are not “related”). Proposals **should** be regarded as “related” if the notice makes a reference to a link to other proposals (published under School Organisation and Trust regulations). If the statutory notices do not confirm a link, but it is clear that a decision on one of the proposals would be likely to directly affect the outcome or consideration of the other, the proposals **should** be regarded as “related”.

4.12 Where proposals are “related”, the decisions **should** be compatible e.g. if one set of proposals is for the removal of provision, and another is for the establishment or enlargement of provision for displaced pupils, both **should** be approved or rejected.

4.13 Where proposals for an expansion of a school are “related” to proposals published by the local LSC⁴ which are to be decided by the Secretary of State, the Decision Maker **must** defer taking a decision until the Secretary of State has taken a decision on the LSC proposals. This applies where the proposals before the Decision Maker concern:

- the school that is the subject of the LSC proposals;
- any other secondary school, maintained by the same LA that maintains a school that is the subject of the LSC proposals; or

⁴ References throughout this document to the LSC only apply up to April 2010. The Apprenticeships, Skills, Children and Learning Act (ASCL) Act 2009 will transfer the responsibilities of the LSC in respect of 16-19 education and training to LAs, supported by the Young People's Learning Agency. This guidance will be revised by April 2010 to take account of these changes.

STAGE 4 - DECISION

- any other secondary school in the same LA area as any FE college which is the subject of the LSC proposals.

4.14 The proposals will be regarded as “related” if their implementation would prevent or undermine effective implementation of the LSC proposals.

Statutory Guidance – Factors to be Considered by Decision Makers (Paragraphs 4.15-4.16)

4.15 Regulation 8 of The Regulations provides that both the LA and schools adjudicator **must** have regard to guidance issued by the Secretary of State when they take a decision on proposals. Paragraphs 4.17 to 4.73 below contain the statutory guidance.

4.16 The following factors **should not** be taken to be exhaustive. Their importance will vary, depending on the type and circumstances of the proposals. All proposals **should** be considered on their individual merits.

EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT

A System Shaped by Parents (Paragraphs 4.17-4.18)

4.17 The Government's aim, as set out in the Five Year Strategy for Education and Learners and the Schools White Paper Higher Standards, Better Schools For All, is to create a schools system shaped by parents which delivers excellence and equity. In particular, the Government wishes to see a dynamic system in which:

- weak schools that need to be closed are closed quickly and replaced by new ones where necessary; and
- the best schools are able to expand and spread their ethos and success.

4.18 The EIA 2006 amends the Education Act 1996 to place duties on LAs to secure diversity in the provision of schools and to increase opportunities for parental choice when planning the provision of schools in their areas. In addition, LAs are under a specific duty to respond to representations from parents about the provision of schools, including requests to establish new schools or make changes to existing schools. The Government's aim is to secure a more diverse and dynamic schools system which is shaped by parents. The Decision Maker **should** take into account the extent to which the proposals are consistent with the new duties on LAs.

STAGE 4 - DECISION

Standards (Paragraphs 4.19-4.20)

4.19 The Government wishes to encourage changes to local school provision which will boost standards and opportunities for young people, whilst matching school place supply as closely as possible to pupils' and parents' needs and wishes.

4.20 Decision Makers **should** be satisfied that proposals for a school expansion will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They **should** pay particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

Diversity (Paragraphs 4.21-4.23)

4.21 Decision Makers **should** be satisfied that when proposals lead to children (who attend provision recognised by the LA as being reserved for pupils with special educational needs) being displaced, any alternative provision will meet the statutory SEN improvement test (see paragraphs 4.69-4.72).

4.22 The Government's aim is to transform our school system so that every child receives an excellent education – whatever their background and wherever they live. A vital part of the Government's vision is to create a more diverse school system offering excellence and choice, where each school has a strong ethos and sense of mission and acts as a centre of excellence or specialist provision.

4.23 Decision Makers **should** consider how proposals will contribute to local diversity. They **should** consider the range of schools in the relevant area of the LA and whether the expansion of the school will meet the aspirations of parents, help raise local standards and narrow attainment gaps.

Every Child Matters (Paragraph 4.24)

4.24 The Decision Maker **should** consider how proposals will help every child and young person achieve their potential in accordance with "Every Child Matters" principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being. This **should** include considering how the school will provide a wide range of extended services, opportunities for personal development, access to academic and applied learning training, measures to address barriers to participation and support for children and young people with particular needs, e.g. looked after children or children with special educational needs (SEN) and disabilities.

STAGE 4 - DECISION

SCHOOL CHARACTERISTICS

Boarding Provision (Paragraphs 4.25-4.26)

4.25 In making a decision on proposals that include the expansion of boarding provision, the Decision Maker **should** consider whether or not there would be a detrimental effect on the sustainability of boarding at another state maintained boarding school within one hour's travelling distance of the proposed school.

4.26 In making a decision on proposals for expansion of boarding places the Decision Maker **should** consider:-

- a. the extent to which boarding places are over subscribed at the school and any state maintained boarding school within an hour's travelling distance of the school at which the expansion is proposed;
- b. the extent to which the accommodation at the school can provide additional boarding places;
- c. any recommendations made in the previous CSCI/Ofsted reports which would suggest that existing boarding provision in the school failed significantly to meet the National Minimum Standards for Boarding Schools;
- d. the extent to which the school has made appropriate provision to admit other categories of pupils other than those for which it currently caters (e.g. taking pupils of the opposite sex or sixth formers) if they form part of the expansion;
- e. any impact of the expansion on the continuity of education of boarders currently in the school;
- f. the extent to which the expansion of boarding places will help placements of pupils with an identified boarding need; and
- g. the impact of the expansion on a state maintained boarding school within one hour's travelling distance from the school which may be undersubscribed.

STAGE 4 - DECISION

Equal Opportunity Issues (Paragraphs 4.27)

4.27 The Decision Maker **should** consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example, that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there needs to be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

NEED FOR PLACES

Creating Additional Places (Paragraphs 4.28-4.30)

4.28 The Decision Maker **should** consider whether there is a need for the expansion and **should** consider the evidence presented for the expansion such as planned housing development or demand for provision. The Decision Maker **should** take into account not only the existence of spare capacity in neighbouring schools, but also the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for places in the school proposed for expansion. The existence of surplus capacity in neighbouring less popular or successful schools **should not** in itself prevent the addition of new places.

4.29 Where the school has a religious character, or follows a particular philosophy, the Decision Maker **should** be satisfied that there is satisfactory evidence of sufficient demand for places for the expanded school to be sustainable.

4.30 Where proposals will add to surplus capacity but there is a strong case for approval on parental preference and standards grounds, the presumption **should** be for approval. The LA in these cases will need to consider parallel action to remove the surplus capacity thereby created.

Expansion of Successful and Popular Schools (Paragraph 4.31-4.34)

4.31 The Government is committed to ensuring that every parent can choose an excellent school for their child. We have made clear that the wishes of parents **should** be taken into account in planning and managing school estates. Places **should** be allocated where parents want them, and as such, it **should** be easier for successful and popular primary and secondary schools to grow to meet parental demand. For the purposes of this guidance, the Secretary of State is not proposing any single definition of a successful and popular school. It is for the Decision Maker to decide whether a school is successful and popular, however, the following indicators **should** all be taken into account:

- a. the school's performance;

STAGE 4 - DECISION

- i. in terms of absolute results in key stage assessments and public examinations;
 - ii. by comparison with other schools in similar circumstances (both in the same LA and other LAs);
 - iii. in terms of value added;
 - iv. in terms of improvement over time in key stage results and public examinations.
- b. the numbers of applications for places;
- i. the Decision Maker should also take account of any other relevant evidence put forward by schools.

4.32 The strong presumption is that proposals to expand successful and popular schools **should** be approved. In line with the Government's long standing policy that there **should** be no increase in selection by academic ability, this presumption does not apply to grammar schools or to proposals for the expansion of selective places at partially selective schools.

4.33 The existence of surplus capacity in neighbouring less popular schools **should not** in itself be sufficient to prevent this expansion, but if appropriate, in the light of local concerns, the Decision Maker **should** ask the LA how they plan to tackle any consequences for other schools. The Decision Maker **should** only turn down proposals for successful and popular schools to expand if there is compelling objective evidence that expansion would have a damaging effect on standards overall in an area, which cannot be avoided by LA action.

4.34 Before approving proposals the Decision Maker **should** confirm that the admission arrangements of schools proposed for expansion fully meet the provisions of the School Admissions Code. Although the Decision Maker may not modify proposed admission arrangements, the proposer **should** be informed that proposals with unsatisfactory admission arrangements are unlikely to be approved, and given the opportunity to revise them in line with the Code of Practice. Where the LA, rather than the governing body, is the admissions authority, we will expect the authority to take action to bring the admission arrangements in to line with the School Admissions Code.

Travel and Accessibility for All (Paragraphs 4.35-4.36)

4.35 In considering proposals for the reorganisation of schools, Decision Makers **should** satisfy themselves that accessibility planning has been properly taken into account. Facilities are to be accessible by those concerned, by being located close to those who will use them, and the proposed changes **should not**

STAGE 4 - DECISION

adversely impact on disadvantaged groups.

4.36 In deciding statutory proposals, the Decision Maker **should** bear in mind that proposals **should not** have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc.

16-19 Provision (Paragraphs 4.37-4.39)

4.37 The pattern of 16-19 provision differs across the country. Many different configurations of school and college provision deliver effective 14-19 education and training. An effective 14-19 organisation has a number of key features:

- standards and quality: the provision available **should** be of a high standard – as demonstrated by high levels of achievement and good completion rates;
- progression: there **should** be good progression routes for all learners in the area, so that every young person has a choice of the full range of options within the 14-19 entitlement, with institutions collaborating as necessary to make this offer. All routes **should** make provision for the pastoral, management and learning needs of the 14-19 age group;
- participation: there are high levels of participation in the local area; and,
- learner satisfaction: young people consider that there is provision for their varied needs, aspirations and aptitudes in a range of settings across the area.

4.38 Where standards and participation rates are variable, or where there is little choice, meaning that opportunity at 16 relies on where a young person went to school, the case for reorganisation, or allowing high quality providers to expand, is strong.

4.39 Where standards and participation rates are consistently high, collaboration is strong and learners express satisfaction that they have sufficient choice, the case for a different pattern of provision is less strong. The Decision Maker therefore will need to take account of the pattern of 16-19 provision in the area and the implications of approving new provision.

STAGE 4 - DECISION

Addition of post-16 provision by “high performing” schools

(Paragraphs 4.40-4.51)

4.40 The Government remains committed to the principle that high performing 11-16 schools **should** be allowed to add post-16 provision where there is parental and student demand, in order to extend quality and choice. But the context in which this principle will operate is changing. From April 2010, the Apprenticeships, Skills, Children and Learning Act 2009 will transfer the responsibility for 16-19 planning and funding from the LSC to LAs. LAs will be responsible for maintaining an effective and coherent system of 14-19 organisation which delivers the new entitlement – to a new curriculum and new qualifications, including all 17 Diploma lines from 2013 and an Apprenticeship place for those who meet the entry criteria - to all young people in their area. Collaboration will be a key feature of 14-19 provision.

4.41 So, while there is still a strong presumption of approval for proposals from high performing schools, that decision **should** now be informed by additional factors: the need for local collaboration; the viability of existing post-16 providers in the local area; and the improvement of standards at the school that is proposing to add post-16 provision. Only in exceptional circumstances* would these factors lead Decision Makers not to approve a proposal. If the Decision Maker were minded not to approve a proposal, he **should** first consider whether modification of the proposal would enable the proposer to comply with these conditions (see paragraph 4.49).

** Exceptional circumstances in which the Decision Maker might reject the proposal to add a sixth form to a presumption school would include if there is specific evidence that a new sixth form was of a scale that it would directly affect the viability of another neighbouring, high quality institution that itself was not large in comparison to other institutions of that type. Exceptional circumstances might also include a situation where there are a number of presumption schools in the same area at the same time and/or where there is clear evidence that the scale of the aggregate number of additional 16-18 places far exceeds local need and affordability and is therefore clearly poor value for money.*

4.42 There **should** be a strong presumption in favour of the approval of proposals for a new post-16 provision where:

- a. the school is a high performing specialist school that has opted for an applied learning specialism; or
- b. the school, whether specialist or not, meets the DCSF criteria for ‘high performing’ and does not require capital support.

4.43 The school **should** ensure that, in forwarding its proposals to the Decision Maker, it provides evidence that it meets one of the criteria at paragraph 4.42 above.

STAGE 4 - DECISION

4.44 Where a new sixth form is proposed by a specialist school that has met the 'high performing' criteria and which has opted for an applied learning specialism, capital funding may be available from the 16-19 Capital Fund.

4.45 This presumption will apply to proposals submitted to the Decision Maker within:

- a. two years from the date a school commences operation with applied learning specialist school status; or
- b. two years from the date a school is informed of its Ofsted Section 5 inspection results which would satisfy DfE criteria for 'high performing' status.

NOTE: 'submitted to the Decision Maker' above refers to when proposals and representations are with the Decision Maker, following the end of the representation period.

4.46 The increase in the period in which a school is eligible to expand its post-16 provision recognises the time required to embed the new presumption places within a local 14-19 delivery plan and for effective collaboration to take place.

4.47 New post-16 provision in schools **should**, as appropriate, operate in partnership with other local providers to ensure that young people have access to a wide range of learning opportunities. In assessing proposals from 'high performing' schools to add post-16 provision, Decision Makers **should** look for:

- a. evidence of local collaboration in drawing up the presumption proposal; and
- b. a statement of how the new places will fit within the 14-19 organisation in an area; and
- c. evidence that the exercise of the presumption is intended to lead to higher standards and better progression routes at the 'presumption' school.

4.48 If a school has acted in a collaborative way and has actively attempted to engage other partners in the local area, but it is clear that other institutions have declined to participate, that fact **should not** be a reason for declining to approve a proposal. The onus is on other providers to work with a school which qualifies for the presumption of approval for new post-16 provision.

4.49 The Decision Maker **should** only turn down proposals to add post-16 provision from schools eligible for the sixth form presumption if there is compelling and objective evidence that the expansion would undermine the viability of an existing high quality post-16 provider or providers. The fact that an existing school or college with large numbers of post-16 students might recruit a smaller number of students aged 16-19 is not, of itself, sufficient to meet this condition, where the "presumption" school can show that there is reasonable

STAGE 4 - DECISION

demand from students to attend the school after age 16.

4.50 The existence of surplus capacity in neighbouring schools or colleges that are not high performing **should not** be a reason to reject a post-16 presumption proposal. It is the responsibility of the LA to consider decommissioning poor quality provision as well as commissioning high quality provision. The LA should therefore plan to tackle any consequences of expansion proposals for other schools.

4.51 Before approving proposals the Decision Maker **should** confirm that the admission arrangements of schools proposed for expansion fully meet the provisions of the mandatory Schools Admissions Code. Although the Decision Maker may not modify proposed admission arrangements, the proposer **should** be informed that proposals with unsatisfactory admission arrangements are unlikely to be approved, and given the opportunity to revise them in line with the Code. Where the LA, rather than the governing body, is the admissions authority, we will expect the authority to take action to bring the admission arrangements into line with the School Admissions Code.

Conflicting Sixth Form Reorganisation Proposals (Paragraph 4.52)

4.52 Where the implementation of reorganisation proposals by the LSC⁵ conflict with other published proposals put to the Decision Maker for decision, the Decision Maker is prevented (by the School Organisation Proposals by the LSC for England Regulations 2003) from making a decision on the “related” proposals until the Secretary of State has decided the LSC proposals (see paragraphs 4.13 to 4.14 above).

16-19 Provision ‘Competitions’ (Paragraphs 4.53-4.56)

4.53 Non-statutory competitions for new 16-19 provision were introduced from January 2006. They are administered by the regional arm of the LSC, in line with the LSC’s current role as commissioner of 16-19 provision. The Government intends to transfer the responsibility for 16-19 provision from the LSC to LAs from 2010.⁶

4.54 The current arrangements for the establishment of new institutions by competition involves a two-stage approval process:

- a. the competition selection process;

⁵ References throughout this document to the LSC only apply up to April 2010. The ASCL Act 2009 will transfer the responsibilities of the LSC in respect of 16-19 education and training to LAs, supported by the Young People's Learning Agency. This guidance will be revised by April 2010 to take account of these changes.

⁶ The ASCL Act will remove the LSC and also the power of LAs to establish sixth form schools, whether by a competition or otherwise. Section 126 of the Act amends section 16 of the Education Act 1996 and sections 7,10 and 11 of EIA 2006.

STAGE 4 - DECISION

b. approval of the outcome by existing processes (e.g. Decision Maker approval of school/LA proposals and Secretary of State approval of college/LSC proposals, as required by law).

4.55 Competitors will be eligible to apply to the 16-19 Capital Fund. Where a competition is 'won' by a school, they **must** then publish statutory proposals and these **must** be considered by the Decision Maker on their merits.

4.56 Where proposals to establish sixth forms are received, and the local LSC is running a 16-19 competition, the Decision Maker **must** take account of the competition when considering the proposals.

FUNDING AND LAND

Capital (Paragraphs 4.57-4.59)

4.57 The Decision Maker **should** be satisfied that any land, premises or capital required to implement the proposals will be available. Normally, this will be some form of written confirmation from the source of funding on which the promoters rely (e.g. the LA, DCSF, or LSC). In the case of an LA, this **should** be from an authorised person within the LA, and provide detailed information on the funding, provision of land and premises etc.

4.58 Where proposers are relying on DCSF as a source of capital funding, there can be no assumption that the approval of proposals will trigger the release of capital funds from the Department, unless the Department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposals **should** be rejected, or consideration of them deferred until it is clear that the capital necessary to implement the proposals will be provided.

4.59 Proposals **should not** be approved conditionally upon funding being made available, subject to the following specific exceptions: For proposals being funded under the Private Finance Initiative (PFI) or through the BSF programme, the Decision Maker **should** be satisfied that funding has been agreed 'in principle', but the proposals **should** be approved conditionally on the entering into of the necessary agreements and the release of funding. A conditional approval will protect proposers so that they are not under a statutory duty to implement the proposals until the relevant contracts have been signed and/or funding is finally released.

Capital Receipts (Paragraphs 4.60-4.62)

4.60 Where the implementation of proposals may depend on capital receipts from the disposal of land used for the purposes of a school (i.e. including one proposed for closure in "related" proposals) the Decision Maker **should** confirm

STAGE 4 - DECISION

whether consent to the disposal of land is required, or an agreement is needed, for disposal of the land. Current requirements are:

- a. Community Schools – the Secretary of State’s consent is required under paragraph 2 of Schedule 35A to the Education Act 1996 and, in the case of playing field land, under section 77 of the Schools Standards and Framework Act 1998 (SSFA 1998).
- b. Foundation (including Trust) and Voluntary Schools:
 - i. playing field land – the governing body, foundation body or trustees will require the Secretary of State’s consent, under section 77 of the SSFA 1998, to dispose, or change the use of any playing field land that has been acquired and/or enhanced at public expense.
 - ii. non-playing field land or school buildings – the governing body, foundation body or trustees no longer require the Secretary of State’s consent to dispose of surplus non-playing field land or school buildings which have been acquired or enhanced in value by public funding. They will be required to notify the LA and seek local agreement of their proposals. Where there is no local agreement, the matter **should** be referred to the Schools Adjudicator to determine. (Details of the new arrangements can be found in the Department’s guidance “The Transfer and Disposal of School Land in England: A General Guide for Schools, Local Authorities and the Adjudicator”).

4.61 Where expansion proposals are dependent upon capital receipts of a discontinuing foundation or voluntary school the governing body is required to apply to the Secretary of State to exercise his various powers in respect of land held by them for the purposes of the school. Normally he would direct that the land be returned to the LA but he could direct that the land be transferred to the governing body of another maintained school (or the temporary governing body of a new school). Where the governing body fails to make such an application to the Secretary of State, and the school subsequently closes, all land held by them for the purposes of the discontinued school will, on dissolution of the governing body, transfer to the LA unless the Secretary of State has directed otherwise before the date of dissolution.

4.62 Where consent to the disposal of land is required, but has not been obtained, the Decision Maker **should** consider issuing a conditional approval for the statutory proposals so that the proposals gain full approval automatically when consent to the disposal is obtained (see paragraph 4.75).

New Site or Playing Fields (Paragraph 4.63)

4.63 Proposals dependent on the acquisition of an additional site or playing

STAGE 4 - DECISION

field may not receive full approval but **should** be approved conditionally upon the acquisition of a site or playing field.

Land Tenure Arrangements (Paragraph 4.64)

4.64 For the expansion of voluntary or foundation schools it is desirable that a trust, or the governing body if there is no foundation, holds the freehold interest in any additional site that is required for the expansion. Where the trustees of the voluntary or foundation school hold, or will hold, a leasehold interest in the additional site, the Decision Maker will need to be assured that the arrangements provide sufficient security for the school. In particular the leasehold interest **should** be for a substantial period – normally at least 50 years – and avoid clauses which would allow the leaseholder to evict the school before the termination of the lease. The Decision Maker **should** also be satisfied that a lease does not contain provisions which would obstruct the governing body or the headteacher in the exercise of their functions under the Education Acts, or place indirect pressures upon the funding bodies.

School Playing Fields (Paragraph 4.65)

4.65 The Education (School Premises) Regulations 1999 set out the standards for school premises, including minimum areas of team game playing fields to which schools **should** have access. The Decision Maker will need to be satisfied that either:

- a. the premises will meet minimum requirements of The Education (School Premises) Regulations 1999; or
- b. if the premises do not meet those requirements, the proposers have secured the Secretary of State's agreement in principle to grant a relaxation.

Where the Secretary of State has given 'in principle' agreement as at paragraph 4.60(b) above, the Decision Maker **should** consider issuing conditional approval so that when the Secretary of State gives his agreement, the proposals will automatically gain full approval.

SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION

Initial Considerations (Paragraphs 4.66-4.67)

4.66 SEN provision, in the context of School Organisation legislation and this guidance, is provision recognised by the LA as specifically reserved for pupils with special educational needs. When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change LAs **should** aim for a flexible range of provision and support that can respond to the special educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories of provision according to special educational need or disability. There are a number of initial considerations for LAs to take account of in relation to proposals for change. They **should** ensure that local proposals:

- a. take account of parental preferences for particular styles of provision or education settings;
- b. offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise) and regional and sub-regional provision; out of LA day and residential special provision;
- c. are consistent with the LA's Children and Young People's Plan;
- d. take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, including the National Curriculum, within a learning environment in which children can be healthy and stay safe;
- e. support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people;
- f. provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community;
- g. ensure appropriate provision for 14-19 year-olds, taking account of the role of local LSC funded institutions and their admissions policies; and
- h. ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs will require amendment and all parental rights must be ensured. Other interested partners, such as the Health Authority should be involved.

STAGE 4 - DECISION

4.67 Taking account of the considerations, as set out above, will provide assurance to local communities, children and parents that any reorganisation of SEN provision in their area is designed to improve on existing arrangements and enable all children to achieve the five Every Child Matters outcomes.

The Special Educational Needs Improvement Test (Paragraph 4.68)

4.68 When considering any reorganisation of provision that would be recognised by the LA as reserved for pupils with special educational needs, including that which might lead to some children being displaced through closures or alterations, LAs, and all other proposers for new schools or new provision, will need to demonstrate to parents, the local community and Decision Makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs. All consultation documents and reorganisation plans that LAs publish and all relevant documentation LAs and other proposers submit to Decision Makers **should** show how the key factors set out in paragraphs 4.69 to 4.72 below have been taken into account by applying the SEN improvement test. Proposals which do not credibly meet these requirements **should not** be approved and Decision Makers **should** take proper account of parental or independent representations which question the LA's own assessment in this regard.

Key Factors (Paragraphs 4.69-4.72)

4.69 When LAs are planning changes to their existing SEN provision, and in order to meet the requirement to demonstrate likely improvements in provision, they **should**:

- a. identify the details of the specific educational benefits that will flow from the proposals in terms of:
 - i. improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy;
 - ii. improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
 - iii. improved access to suitable accommodation; and
 - iv. improved supply of suitable places.
- b. LAs **should** also:

STAGE 4 - DECISION

- i. obtain a written statement that offers the opportunity for all providers of existing and proposed provision to set out their views on the changing pattern of provision seeking agreement where possible;
- ii. clearly state arrangements for alternative provision. A 'hope' or 'intention' to find places elsewhere is not acceptable. Wherever possible, the host or alternative schools should confirm in writing that they are willing to receive pupils, and have or will have all the facilities necessary to provide an appropriate curriculum;
- iii. specify the transport arrangements that will support appropriate access to the premises by reference to the LA's transport policy for SEN and disabled children; and
- iv. specify how the proposals will be funded and the planned staffing arrangements that will be put in place.

4.70 It is to be noted that any pupils displaced as a result of the closure of a BESD school (difficulties with behavioural, emotional and social development) **should not** be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need. PRUs are intended primarily for pupils who have been excluded, although LAs can and do use PRU provision for pupils out of school for other reasons such as illness and teenage pregnancies. There may of course be pupils who have statements identifying that they have BESD who have been placed appropriately in a PRU because they have been excluded; in such cases the statement **must** be amended to name the PRU, but PRUs **should not** be seen as an alternative long-term provision to special schools.

4.71 The requirement to demonstrate improvements and identify the specific educational benefits that flow from proposals for new or altered provision as set out in the key factors are for all those who bring forward proposals for new special schools or for special provision in mainstream schools including governors of foundation schools and foundation special schools. The proposer needs to consider all the factors listed above.

4.72 Decision Makers will need to be satisfied that the evidence with which they are provided shows that LAs and/or other proposers have taken account of the initial considerations and all the key factors in their planning and commissioning in order to meet the requirement to demonstrate that the reorganisation or new provision is likely to result in improvements to SEN provision.

OTHER ISSUES

Views of Interested Parties (Paragraphs 4.73)

4.73 The Decision Maker **should** consider the views of all those affected by the proposals or who have an interest in them including: pupils; families of pupils;

STAGE 4 - DECISION

staff; other schools and colleges; local residents; diocesan bodies and other providers; LAs; the LSC (where proposals affect 14-19 provision) and the Early Years Development and Childcare Partnership if one exists, or any local partnership or group that exists in place of an EYDCP (where proposals affect early years and/or childcare provision). This includes statutory objections and comments submitted during the representation period. The Decision Maker **should not** simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead the Decision Maker **should** give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals.

Types of Decision (Paragraph 4.74)

4.74 In considering proposals for the expansion of a school, the Decision Maker can decide to:

- reject the proposals;
- approve the proposals;
- approve the proposals with a modification (e.g. the implementation date); or
- approve the proposals subject to them meeting a specific condition (see paragraph 4.75 below).

Conditional Approval (Paragraphs 4.75-4.76)

4.75 The regulations provide for a conditional approval to be given where the Decision Maker is otherwise satisfied that the proposals can be approved, and approval can automatically follow an outstanding event. Conditional approval can only be granted in the limited circumstances specified in the regulations i.e. as follows:

- a. the grant of planning permission under Part 3 of the Town and Country Planning Act 1990;
- b. the acquisition of any site required for the implementation of the proposals;
- c. the acquisition of playing fields required for the implementation of the proposals;
- d. the securing of any necessary access to a site referred to in sub-paragraph (b) or playing fields referred to in sub-paragraph (c);
- e. the private finance credit approval given by the DCSF following the entering into a private finance contract by an LA;

STAGE 4 - DECISION

- f. the entering into an agreement for any necessary building project supported by the DCSF in connection with BSF programme;
- g. the agreement to any change to admission arrangements specified in the approval, relating to the school or any other school or schools (this allows the approval of proposals to enlarge the premises of a school to be conditional on the decision of adjudicators to approve any related change in admission numbers);
- h. the making of any scheme relating to any charity connected with the school;
- i. the formation of any federation (within the meaning of section 24(2) of the 2002 Act) of which it is intended that the proposed school should form part, or the fulfilling of any other condition relating to the school forming part of a federation;
- j. the Secretary of State giving approval under regulation 5(4) of the Education (Foundation Body) (England) Regulations 2000 to a proposal that a foundation body must be established and that the school must form part of a group for which a foundation must act;
- k. the Secretary of State making a declaration under regulation 22(3) of the Education (Foundation Body) (England) Regulations 2000 that the school should form part of a group for which a foundation body acts;
- ka. where the proposals are to alter the upper age limit of the school, the decision of the Secretary of State to establish a new FE college under s16 of the Further and Higher Education Act 1992;
- l. where the proposals in question depend upon any of the events specified in paragraphs (a) to (ka) occurring by a specified date in relation to proposals relating to any other school or proposed school, the occurrence of such an event; and
- m. where proposals are related to proposals for the establishment of new schools or discontinuance of schools, and those proposals depend on the occurrence of events specified in regulation 20 of the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007⁷ the occurrence of such an event.

4.76 The Decision Maker **must** set a date by which the condition **must** be met, but will be able to modify the date if the proposers confirm (preferably before the date expires), that the condition will be met later than originally thought. The condition-to-be-met-by date **must** be before the proposed implementation date of the proposal (which can also be modified if necessary). Therefore care **should**

⁷ S.I. 2007/1288.

STAGE 4 - DECISION

be taken when setting condition-to-be-met-by dates, particularly if proposals are “related” e.g. if a school is proposed to add a sixth form on 1st September one year, and enlarge on 1st September the following year, and the enlargement requires planning permission, the condition set **must** be met before the addition of a sixth form can be implemented (the earlier proposal). This is because as “related” proposals, they **should** both have the same decision, which in this case, would have been approval conditional upon planning permission being met. The proposer **should** inform the Decision Maker and the Department (SOCU, DCSF, Mowden Hall, Staindrop Road, Darlington DL3 9BG or by email to school.organisationproposals@education.gsi.gov.uk) of the date when a condition is modified or met in order for the Department’s records, and those of Edubase to be kept up to date. If a condition is not met by the date specified, the proposals **must** be referred back to the Decision Maker for fresh consideration.

Decisions (Paragraphs 4.77-4.79)

4.77 All decisions **must** give reasons for the decision, irrespective of whether the proposals were rejected or approved, indicating the main factors/criteria for the decision.

4.78 A copy of all decisions **must** be forwarded to:

- the LA or governing body who published the proposals;
- the trustees of the school (if any);
- the Secretary of State (via the School Organisation & Competitions Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by email to school.organisationproposals@education.gsi.gov.uk);
- where the school includes provision for 14-16 education or sixth form education, the LSC;
- the local CofE diocese;
- the bishop of the RC diocese;
- each objector except where a petition has been received. Where a petition is received a decision letter **must** be sent to the person who submitted the petition, or where this is unknown, the signatory whose name appears first on the petition; and
- where the school is a special school, the relevant primary care trust, an NHS trust or NHS foundation trust.

4.79 In addition, where proposals are decided by the LA, a copy of the decision **must** be sent to the Office of the Schools Adjudicator, Mowden Hall, Darlington

STAGE 4 - DECISION

DL3 9BG. Where proposals are decided by the schools adjudicator, a copy of the decision **must** be sent to the LA that it is proposed should maintain the school.

Can proposals be withdrawn? (Paragraph 4.80)

4.80 Proposals can be withdrawn at any point before a decision is taken. Written notice **must** be given to the LA, or governing body, if the proposals were published by the LA. Written notice **must** also be sent to the schools adjudicator (if proposals have been sent to him) and the Secretary of State – i.e. via the School Organisation & Competitions Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by email to school.organisationproposals@education.gsi.gov.uk. Written notice **must** also be placed at the main entrance to the school, or all the entrances if there are more than one.

STAGE 5 - IMPLEMENTATION

Stage 5 – Implementation (Paragraphs 5.1-5.13)

5.1 The proposers are under a **statutory duty** to implement any proposals which an LA or schools adjudicator has approved, by the approved implementation date. The proposals **must** be implemented as published, taking into account any modifications made by the Decision Maker. The following bodies are responsible for the implementation of proposals:

Type of School	Body that published proposals	Duty to implement
Community	LA	LA
Foundation	Proposers	LA and the proposers as set out in published proposals
	LA	LA
Voluntary Controlled	Proposers	LA and the proposers as set out in published proposals
Voluntary Aided	Proposers	Proposers but LA to provide playing fields

5.2 The LA **must** provide any additional school site that is required where proposals are approved for a foundation, Trust or voluntary controlled school and **must** convey their interest to the governing body or the trustees as appropriate, except where proposals state that the site will be provided by the proposers. Where proposals are approved for a voluntary aided school, the proposers **must** provide any additional school site that is required, although the LA may use its power to assist proposers by providing and conveying its interest in a site.

5.3 If the approval was subject to a condition being met by a specified date, proposers **should** ensure that they meet this. If it looks as though it might not be possible to meet the condition by the specified date, the proposals **must** be considered afresh by the Decision Maker that decided the proposals. The proposer **should** seek a modification to the condition **before** the date has passed.

Can Proposals Be Modified? (Paragraphs 5.4-5.6)

5.4 If it proves impossible to implement the proposals as approved, the proposers can seek a modification and **must** apply to the Decision Maker who decided the proposals. A modification **should** be made before the approved implementation date for the proposals is reached.

STAGE 5 - IMPLEMENTATION

5.5 The most common modification is to the implementation date. However, proposals cannot be modified to the extent new proposals are substituted for those that have been consulted upon and published. If proposers wish to make a significant change to proposals after they have been approved, they **must** publish “revocation” proposals to be relieved of the duty to implement the proposals (see paragraphs 5.7 to 5.11 below) and publish fresh proposals.

5.6 Before modifying proposals the Decision Maker **must** consult the proposers and the LA, if the LA did not publish the proposals. The proposals should not be modified in a way that would in effect substitute new proposals – this would run the risk of successful legal challenge in the courts. The Secretary of State (via the School Organisation & Competitions Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by email to school.organisationproposals@education.gsi.gov.uk) **must** be notified of any modification and the date it was approved, within one week of the proposal being modified.

Revocation (Paragraphs 5-7-5.13)

5.7 If proposers cannot implement approved proposals they **must** publish fresh proposals to be relieved of the duty to implement. Paragraph 41 of Schedules 3 and 5 of the School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended) provide that revocation proposals **must** contain the following information:

- a description of the original proposals as published;
- the date of the publication of the original proposals; and
- a statement as to why it is proposed that the duty to implement proposals should not apply in relation to the original proposals.

The proposals can be published as “related” proposals, if appropriate (following consultation). Templates for revocation notices can be found on the School Organisation website (www.education.gov.uk/schools/leadership/schoolorganisation) under ‘Standard Forms’ via the Members’ Area. You need to register to access this area; membership is free.

5.8 The notice **must** be published in a local newspaper circulating in the area served by the school, and also posted at the main entrance to the school (and all entrances if there are more than one) and at some other conspicuous place in the area served by the school. The proposals **must** provide for anyone to submit comments and objections on the proposals to the LA within 6 weeks of the proposals being published (regardless of the length of the original representation period). The proposers **must** forward a copy of the proposals to the LA/governing body within 1 week of publication. Proposers are advised to consult interested parties on the planned revocation proposals before publication although there is

STAGE 5 - IMPLEMENTATION

no statutory requirement to do so.

5.9 Revocation proposals **must** be decided by the LA, except where the original proposals were decided by the schools adjudicator (or School Organisation Committee), or if the schools adjudicator is required to decide any “related” proposals, in which case the LA **must** forward the proposals, and any comments and objections received, to the schools adjudicator within 2 weeks from the end of the representation period. If the LA are to decide proposals they **must** do so within 2 months from the end of the representation period and if not, **must** pass the proposals to the schools adjudicator within 1 week from the end of the 2 month period.

5.10 To approve the proposals the Decision Maker **must** be satisfied that implementation of the original proposals would be unreasonably difficult, or that circumstances have so altered since the original proposals were approved that their implementation would be inappropriate.

5.11 A copy of the decision **must** be forwarded to:

- the LA or governing body who published the proposals;
- the trustees of the school (if any);
- the Secretary of State (via the School Organisation & Competitions Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by email to school.organisationproposals@education.gsi.gov.uk);
- where the school includes provision for 14-16 education or sixth form education, the LSC;
- the local CofE diocese;
- the bishop of the RC diocese.

5.12 The following bodies have a right of appeal to the schools adjudicator if they disagree with the LA’s decision:

- The local Church of England diocese;
- The bishop of the local Roman Catholic diocese;
- The LSC where the school is to provide education for pupils aged 14 and over; and
- The governing body and trustees (if relevant) of the school.

STAGE 5 - IMPLEMENTATION

5.13 Appeals **must** be submitted to the LA within 4 weeks of the notification of the LA's decision. On receipt of an appeal the LA **must** then send the proposals and the representations (together with any comments made on these representations by the proposers) to the schools adjudicator within 1 week of the receipt of the appeal. The LA need to also send a copy of the minutes of the LA's meeting or other record of the decision and any relevant papers. Where the proposals are "related" to other proposals, all the "related" proposals **must** also be sent to the schools adjudicator.

ANNEX A

Annex A

PROPOSALS FOR PRESCRIBED ALTERATIONS OTHER THAN FOUNDATION PROPOSALS: Information to be included in a complete proposal

NB. If the School Organisation Notice Builder tool is used to create a draft statutory notice, a template for the complete proposal is provided automatically by the Notice Builder when the draft statutory notice is finalised, alternatively the template can be found in "Standard Forms" in the Members' Area of the website or you can enter the information required in the expandable boxes below.

Extract of Part 1 of Schedule 3 and Part 1 of Schedule 5 to The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended):

In respect of a Governing Body Proposal: School and governing body's details

1. The name, address and category of the school for which the governing body are publishing the proposals.

In respect of an LEA Proposal: School and local education authority details

1. The name, address and category of the school .

Implementation and any proposed stages for implementation

2. The date on which the proposals are planned to be implemented, and if they are to be implemented in stages, a description of what is planned for each stage, and the number of stages intended and the dates of each stage.

Objections and comments

3. A statement explaining the procedure for making representations, including —
- (a) the date prescribed in accordance with paragraph 29 of Schedule 3 (GB proposals)/Schedule 5 (LA proposals) of The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended), by which objections or comments should be sent to the local education authority; and

ANNEX A

- (b) the address of the authority to which objections or comments should be sent.

Alteration description

4. A description of the proposed alteration and in the case of special school proposals, a description of the current special needs provision.

School capacity

- 5.—(1) Where the alteration is an alteration falling within any of paragraphs 1 to 4, 8, 9 and 12-14 of Schedule 2 (GB proposals)/paragraphs 1-4, 7, 8, 18, 19 and 21 of Schedule 4 (LA proposals) to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended), the proposals must also include —

- (a) details of the current capacity of the school and, where the proposals will alter the capacity of the school, the proposed capacity of the school after the alteration;

- (b) details of the current number of pupils admitted to the school in each relevant age group, and where this number is to change, the proposed number of pupils to be admitted in each relevant age group in the first school year in which the proposals will have been implemented;

- (c) where it is intended that proposals should be implemented in stages, the number of pupils to be admitted to the school in the first school year in which each stage will have been implemented;

- (d) where the number of pupils in any relevant age group is lower than the indicated admission number for that relevant age group a statement to this effect and details of the indicated admission number in question.

ANNEX A

(2) Where the alteration is an alteration falling within any of paragraphs 1, 2, 9, 12 and 13 of Schedule 2 (GB proposals) /paragraphs 1, 2, 8, 18 and 19 of Schedule 4 (LA proposals) to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended), a statement of the number of pupils at the school at the time of the publication of the proposals.

Implementation

6. Where the proposals relate to a foundation or voluntary controlled school a statement as to whether the proposals are to be implemented by the local education authority or by the governing body, and, if the proposals are to be implemented by both, a statement as to the extent to which they are to be implemented by each body.

Additional Site

7.—(1) A statement as to whether any new or additional site will be required if proposals are implemented and if so the location of the site if the school is to occupy a split site.

(2) Where proposals relate to a foundation or voluntary school a statement as to who will provide any additional site required, together with details of the tenure (freehold or leasehold) on which the site of the school will be held, and if the site is to be held on a lease, details of the proposed lease.

Changes in boarding arrangements

8.—(1) Where the proposals are for the introduction or removal of boarding provision, or the alteration of existing boarding provision such as is mentioned in paragraph 8 or 21 of Schedule 2 (GB proposals)/7 or 14 of Schedule 4 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended) —

- (a) the number of pupils for whom it is intended that boarding provision will be made if the proposals are approved;

- (b) the arrangements for safeguarding the welfare of children at the school;

ANNEX A

- (c) the current number of pupils for whom boarding provision can be made and a description of the boarding provision; and

- (d) except where the proposals are to introduce boarding provision, a description of the existing boarding provision.

(2) Where the proposals are for the removal of boarding provisions or an alteration to reduce boarding provision such as is mentioned in paragraph 8 or 21 of Schedule 2 (GB proposals)/7 or 14 of Schedule 4 (LA proposals) to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended) —

- (a) the number of pupils for whom boarding provision will be removed if the proposals are approved; and

- (b) a statement as to the use to which the former boarding accommodation will be put if the proposals are approved.

Transfer to new site

9. Where the proposals are to transfer a school to a new site the following information—

- (a) the location of the proposed site (including details of whether the school is to occupy a single or split site), and including where appropriate the postal address;

- (b) the distance between the proposed and current site;

ANNEX A

(c) the reason for the choice of proposed site;

(d) the accessibility of the proposed site or sites;

(e) the proposed arrangements for transport of pupils to the school on its new site;
and

(f) a statement about other sustainable transport alternatives where pupils are not using transport provided, and how car use in the school area will be discouraged.

Objectives

10. The objectives of the proposals.

Consultation

11. Evidence of the consultation before the proposals were published including—

- (a) a list of persons who were consulted;
- (b) minutes of all public consultation meetings;
- (c) the views of the persons consulted;
- (d) a statement to the effect that all applicable statutory requirements in relation to the proposals to consult were complied with; and
- (e) copies of all consultation documents and a statement on how these documents were made available.

ANNEX A

Project costs

12. A statement of the estimated total capital cost of the proposals and the breakdown of the costs that are to be met by the governing body, the local education authority, and any other party.

13. A copy of confirmation from the Secretary of State, local education authority and the Learning and Skills Council for England (as the case may be) that funds will be made available (including costs to cover any necessary site purchase).

Age range

14. Where the proposals relate to a change in age range, the current age range for the school.

Early years provision

15. Where the proposals are to alter the lower age limit of a mainstream school so that it provides for pupils aged between 2 and 5—

- (a) details of the early years provision, including the number of full-time and part-time pupils, the number and length of sessions in each week, and the services for disabled children that will be offered;

- (b) how the school will integrate the early years provision with childcare services and how the proposals are consistent with the integration of early years provision for childcare;

- (c) evidence of parental demand for additional provision of early years provision;

ANNEX A

- (d) assessment of capacity, quality and sustainability of provision in schools and in establishments other than schools who deliver the Early Years Foundation Stage within 3 miles of the school; and

- (e) reasons why such schools and establishments who have spare capacity cannot make provision for any forecast increase in the number of such provision.

Changes to sixth form provision

16. (a) Where the proposals are to alter the upper age limit of the school so that the school provides sixth form education or additional sixth form education, a statement of how the proposals will—

- (i) improve the educational or training achievements;
- (ii) increase participation in education or training; and
- (iii) expand the range of educational or training opportunities for 16-19 year olds in the area;

- (b) A statement as to how the new places will fit within the 16-19 organisation in an area;

- (c) Evidence —

- (i) of the local collaboration in drawing up the proposals; and
- (ii) that the proposals are likely to lead to higher standards and better progression at the school;

- (d) The proposed number of sixth form places to be provided.

17. Where the proposals are to alter the upper age limit of the school so that the school ceases to provide sixth form education, a statement of the effect on the supply of 16-19 places in the area.

ANNEX A

Special educational needs

18. Where the proposals are to establish or change provision for special educational needs—

- (a) a description of the proposed types of learning difficulties in respect of which education will be provided and, where provision for special educational needs already exists, the current type of provision;

- (b) any additional specialist features will be provided;

- (c) the proposed numbers of pupils for which the provision is to be made;

- (d) details of how the provision will be funded;

- (e) a statement as to whether the education will be provided for children with special educational needs who are not registered pupils at the school to which the proposals relate;

- (f) a statement as to whether the expenses of the provision will be met from the school's delegated budget;

ANNEX A

- (g) the location of the provision if it is not to be established on the existing site of the school;

- (h) where the provision will replace existing educational provision for children with special educational needs, a statement as to how the local education authority believes that the new provision is likely to lead to improvement in the standard, quality and range of the educational provision for such children; and

- (i) the number of places reserved for children with special educational needs, and where this number is to change, the proposed number of such places.

19. Where the proposals are to discontinue provision for special educational needs—

- (a) details of alternative provision for pupils for whom the provision is currently made;

- (b) details of the number of pupils for whom provision is made that is recognised by the local education authority as reserved for children with special educational needs during each of the 4 school years preceding the current school year;

- (c) details of provision made outside the area of the local education authority for pupils whose needs will not be able to be met in the area of the authority as a result of the discontinuance of the provision; and

- (d) a statement as to how the proposer believes that the proposals are likely to lead to improvement in the standard, quality and range of the educational provision for such children.

ANNEX A

[]

20. Where the proposals will lead to alternative provision for children with special educational needs, as a result of the establishment, alteration or discontinuance of existing provision, the specific educational benefits that will flow from the proposals in terms of—

- (a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the local education authority's Accessibility Strategy;
- (b) improved access to specialist staff, both educational and other professionals, including any external support and outreach services;
- (c) improved access to suitable accommodation; and
- (d) improved supply of suitable places.

[]

Sex of pupils

21. Where the proposals are to make an alteration to provide that a school which was an establishment which admitted pupils of one sex only becomes an establishment which admits pupils of both sexes—

- (a) details of the likely effect which the alteration will have on the balance of the provision of single-sex education in the area;

- []
- (b) evidence of local demand for single-sex education; and

- []
- (c) details of any transitional period which the body making the proposals wishes specified in a transitional exemption order (within the meaning of section 27 of the Sex Discrimination Act 1975).

[]

22. Where the proposals are to make an alteration to a school to provide that a school which was an establishment which admitted pupils of both sexes becomes an establishment which admits pupils of one sex only—

- (a) details of the likely effect which the alteration will have on the balance of the provision of single-sex education in the area; and
- []

ANNEX A

- (b) evidence of local demand for single-sex education.

Extended services

23. If the proposed alterations affect the provision of the school's extended services, details of the current extended services the school is offering and details of any proposed change as a result of the alterations.

Need or demand for additional places

24. If the proposals involve adding places—

- (a) a statement and supporting evidence of the need or demand for the particular places in the area;

- (b) where the school has a religious character, a statement and supporting evidence of the demand in the area for education in accordance with the tenets of the religion or religious denomination;

- (c) where the school adheres to a particular philosophy, evidence of the demand for education in accordance with the philosophy in question and any associated change to the admission arrangements for the school.

25. If the proposals involve removing places—

- (a) a statement and supporting evidence of the reasons for the removal, including an assessment of the impact on parental choice; and

- (b) a statement on the local capacity to accommodate displaced pupils.

ANNEX A

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Expansion of successful and popular schools

25A. (1) Proposals must include a statement of whether the proposer considers that the presumption for the expansion of successful and popular schools should apply, and where the governing body consider the presumption applies, evidence to support this.

(2) Sub-paragraph (1) applies to expansion proposals in respect of primary and secondary schools, (except for grammar schools), i.e. falling within:

(a) (for proposals published by the governing body) paragraph 1 of Part 1 to Schedule 2 or paragraph 12 of Part 2 to Schedule 2;

(b) (for proposals published by the LA) paragraph 1 of Part 1 to Schedule 4 or 18 of Part 4 to Schedule 4

of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended).

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ANNEX B

Proposals to enlarge the school - determining whether statutory proposals are required

Text from Prescribed Alteration Regs, including proposed amendments (in bold):

Enlargement to premises

1. —(1) An enlargement of the premises of the school which would increase the capacity of the school by—

- (a) more than 30 pupils; and
- (b) by 25% or 200 pupils (whichever is the lesser).

(2) Subject to sub-paragraph (3) in this paragraph—

"an enlargement" of the premises of a school includes—

- (a) the proposed enlargement; and
- (b) any enlargements made in the 5 years preceding the date when the new enlargement will be made, excluding any temporary enlargements where it is anticipated the enlargement will be in place for less than 3 years; and
- (c) the making permanent of any temporary enlargement.

(3) Where there have been any enlargements for which proposals have been published and approved under section 28 of SSFA 1998 or section 19 of the Act ("approved proposal"), **in the five years preceding the date when the new enlargement will be made, an enlargement only includes those made after the latest approved proposals.**

ANNEX B

Answer each question in turn, except where directed to a later question (i.e. according to answer given).

If no physical enlargement of the premises is being undertaken, go straight to Question 5 below.

1. Does the school expect to revert to its existing physical capacity within three years ie. is this a Temporary Increase?

If Yes go to 7 If No go to 2

2. For the purposes of answering questions 3 & 4, look back to the most recent of the following (ignoring any Temporary Increases):

a) the date up to 5 years prior to the date the current enlargement is proposed to be implemented OR

b) the date when the school opened OR

c) the date when any previous statutory proposal to enlarge the premises of the school was implemented.

Using the net capacity figures at either a, b or c (whichever is the most recent event and ignoring any Temporary Increases), **Go to 3**

3. Will the capacity of the school be increased by 30 or more pupils?

If Yes go to 4 If No go to 5

4. Will the capacity be increased by 25% or at least 200 pupils (whichever is the lesser)?

If Yes go to 6 If No go to 5

5. Will the school's admission number be increased?

If Yes go to the School Admissions Code

If No go to 7

6. Prescribed alteration proposals **must be** published for **an enlargement** to the premises of the school.

IF THE PROPOSAL ALSO REQUIRES AN INCREASE TO THE PUPIL ADMISSION NUMBER (PAN), RETURN TO QUESTION 5.

IF NOT. END.

7. Prescribed alteration proposals do **not** need to be published for **an enlargement** to the premises of the school.

ANNEX B

**IF THE PROPOSAL ALSO REQUIRES AN INCREASE TO THE PUPIL
ADMISSION NUMBER (PAN), RETURN TO QUESTION 5.**

IF NOT. END.

Interested Parties list for consultation on proposed expansion of Sutton Bridge Westmere Community Primary School	
Interested Party	Name
Message on Int Comms	
Details on LCC website	
Details on George	
Leader of Council	Cllr Hill
Executive Councillor	Cllr Mrs P Bradwell & Cllr A P Williams
Head of Strategy	Jim Hogg
LCC Chief Execs office- DMT/SMT/Management Board	Copy to Kathy White as the Director's PA and ask her to forward to DB/MT and appropriate Senior Officers NB Relevant Councillors are being notified separately by us.
CfBT	Andy Breckon
CfBT primary	Elaine Radley & John Sandfield
CfBT secondary	Fred Morris, Keith Batty
CfBT strategic projects incl SEN	Paul Snook
CfBT CPD	Tim Lomas
School Administration	Adrian Flowers
	Chris Wrench
	David Robinson
	John O'Connor
	Helen Clark
	Lynn Yap
	Ruth Mayers
	Steve Gamble
Exclusions	Phil Whitworth
SEN Head of Service	Gary Nixon
SEN	Julia Andrews
Early years/extended provision	Sheridan Dodsworth
	Julie Grindley
	Steph Douglas
Inclusion and Attendance Service	Jill Chandar-Nair
Safeguarding Children in Education	Nikki Neale
Finance LCC	Tony Warnock
	Debra Williams
Finance Mouchel	Eizabeth Bowes
	Jackie Allen
	John Rossington
	Kevin Eaton
Governors Support	Hilary Wells
Performance Management	James Thomas
	David McWilliams
	Marcus Needham
Commissioning	Justin Hackney
	Andrew Mclean
ICT Support Mouchel	Neil Winter
LCC Communications	John Giblin
HR at LCC	Julie Jackson
	Penny Lee
HR Mouchel Advisor for School	Joanne Edwards
Business support	Senta Martin
	Teri Jones
	Debbie Proctor
	Andrew Goulding
Capital Development	Steve Atkin

	Simon Hardy
Schools Library Service	Jill Trowsdale
Procurement Lincolnshire	Karley Allam
CSC	Tanya Dempsey & Julia Key
Property & Technology Management	Adrian Clarke
	Anita Hodgson
	Anna-Maria Edwards
	Brendan Pritchard
	Claire Loasby
	Danielle Garratt
	Debbie Wilkinson
	Gerald Snaith
	Hazel Bingham
	Justin Ward
	Katie Gosling
	Laura Abbott
	Linda Duffield
	Matt Clayton
	Michael Watson
	Paul Holmes
	Rosemary Eades
	Steve Mason
	Terry Mason
	Tina Johnson
	Alan Mackenzie
	Jez Bailey
	Gary Storey
Chief Executive of South Holland District Council	Terry Huggins
County Councillors	Cllr Brewis
	Cllr William Webb
District councillors	Ask Ronda Oldfield at member services SHDC to distribute
Parish Councils -areas surrounding Sutton Bridge	Sutton Bridge
	Tydd St Mary
	Sutton St James
	Long Sutton
	Lutton
	Gedney
	Fleet
	Little Sutton
MP	John Hayes- Sth Holland and Deepings
European MPs	Derek Clark MEP
	Roger Helmer MEP
	Emma McClarkin MEP
	Glenis Willmott MEP
	Bill Newton Dunn MEP
	Craig Day
	Charles Shaw chair of Lincolnshire Federation of Liberal Democrat
Trade Unions	Christine Toumi UNITE
	Dave Roome

	Mr K Rustidge Asst Sec Lincs Asscn of National Union of Teachers (NUT)
	Helen Stokes Branch Sec UNISON
	Mr C Todd Organiser of General, Municipal, Boilermakers Union (GMB)
	Mr D Morgan Secretary National Asscn of Schoolmasters & Union of Women Teachers NASUWT)
	Miss J Frost Branch Secretary Asscn of Teachers & Lecturers (ATL)
	Mr J Gibbs County Secretary National Asscn of Head Teachers (NAHT)
	Roger Hale Secretary Association of School & College Leaders (ASCL)
	Mr S Payne Representative Union for Educational Professionals (VOICE)
Current Pupils at Sutton Bridge Westmere Community Primary School	Miss K Wiles
Parents/Carers at Sutton Bridge Westmere Community Primary School	Miss K Wiles
Headteacher and staff at Sutton Bridge Westmere Community Primary School	Miss K Wiles
Chair of Govs at Sutton Bridge Westmere Community Primary School	Mr John Cooper
Feeder Pre Schools	Heather Church at Sunbeams
Head, staff, pupils & parents at neighbouring secondary schools -	Long Sutton The Peele Community College
Email HT & ask to make aware staff, pupils and parents using noticeboard, website, emails, newsletters and any other methods of communication used by schools.	
Chair of Govs of neighbouring secondary schools	Long Sutton The Peele Community College
Head, staff, pupils & parents at neighbouring primary schools	
Email HTs & ask to make aware staff, pupils and parents using noticeboard, website, emails, newsletters and any other methods of communication used by schools.	Tydd St Mary
	Sutton St James
	Long Sutton
	Lutton St Nicholas
	Gedney Drove End
	Gedney Church End
	Fleet Wood Lane
Chair of Govs of neighbouring primary schools	Tydd St Mary
	Sutton St James
	Long Sutton
	Lutton St Nicholas
	Gedney Drove End
	Gedney Church End
	Fleet Wood Lane
Anglican Diocese	Paul Thompson
R C Diocese	Ms Gail Neill
Neighbouring LAs	David White at Norfolk County Council
	Mark Lloyd at Cambridgeshire

EFA	Nick Rashley
	Andrew Barrett
Libraries	Janet Strudwick, Library Support Service
Primary Care Trust	Chief Exec of Lincs Primary Care Trust
Any groups using Sutton Bridges school premises	None



Complete proposal
to Expand
Sutton Bridge Westmere Community Primary
School

MATTERS TO BE SPECIFIED IN SECTION 19 OF THE EDUCATION AND
INSPECTIONS ACT 2006 PROPOSALS TO MAKE PRESCRIBED ALTERATIONS
TO A SCHOOL

15 November 2012

Contact details

This proposal has been published by Lincolnshire County Council, County Offices, Newland, Lincoln LN1 1YQ regarding the expansion of Sutton Bridge Westmere Community Primary School, Anne Road, Sutton Bridge, Spalding PE12 9TB.

Implementation

The proposal is to expand Sutton Bridge Westmere Community Primary School with effect from 1 September 2013. The proposal is being made to ensure that there are sufficient primary school places in Sutton Bridge to accommodate the increasing pupil numbers in the area and to enable the Local Authority (LA) to fulfil its statutory duty of providing school places for all children of statutory school age in Lincolnshire.

Objections and Comments

Any person or organisation may object to or make comments on the proposal by sending them to Provision Planning, Children's Services, Lincolnshire County Council, County Offices, Newland, Lincoln LN1 1YQ or by emailing provisionplanning@lincolnshire.gov.uk to be received by the deadline of 13 December 2012

Alteration description

The proposal under consideration is to expand Sutton Bridge Westmere Community Primary School from its existing capacity based on the Published Admission Number (PAN) of 210 to 315 with an increase in the PAN from 30 to 45. The PAN will increase initially only for the Reception intake in 2013 with all other year groups remaining at 30. The increased intake to 45 will then be phased in with each subsequent annual intake until the PAN of 45 applies to all year groups.

School Capacity and Site

As a temporary measure reorganisation has taken place within existing accommodation which enabled the school to offer an additional 15 places in September 2012. If the expansion proposal is approved it is proposed that building work to add the additional permanent accommodation will begin during the academic year 2012/2013 (subject to planning permission being granted) and the aim is to have the new facilities ready for the September 2013 intake. This would be managed to cause minimal disruption to the school during term time making best use of the school holidays where possible. The expansion will not require the use of any new or additional site. The number on roll at the time of publication of the Statutory Notice was 214. The necessary planning application process would be dealt with and consulted on separately.

Objectives

The proposal detailed in this document is to expand Sutton Bridge Westmere Community Primary School with effect from 1 September 2013 and the objective is to ensure that there are sufficient primary school places in Sutton Bridge to

accommodate the increasing pupil numbers in the area and to enable the LA to fulfil its statutory duty of providing school places for all children of statutory school age in Lincolnshire.

The LA considers this to be the best available solution to the expected shortage of primary school places in Sutton Bridge and would not be actively participating in this process if it did not see significant advantages for children and young people, their parents/carers and the local community. Other options in Sutton Bridge and the surrounding area have been explored and all primary schools have been considered for potential expansion but none have been found to be as suitable due to reasons such as undersized sites, distance that pupils would have to travel, parental preference, impact on standards and the fact that other schools are of suitable size for their local communities.

The LA believes this proposal to be in the best interests of local children and local parents as well as educational provision in the area and it reinforces the priorities in the Children and Young People's Plan (CYPP). The proposal will ensure that the provision of school places is planned so as to promote high educational standards, enable fair access to educational opportunity for every child and promote the fulfilment of each child's potential. This proposal will both enhance the quality of provision and sustain local provision.

The publication of the Statutory Notice will enable the statutory and legal processes to proceed. This continuation to the next stage of the process will allow a further opportunity for people and organisations to express their views about the proposal and ensure that they will be taken into account by the Executive Councillor.

Consultation

In order for the school to expand the LA must follow the necessary statutory legal processes as required by the Secretary of State in accordance with the Education and Inspections Act (EIA) 2006 and updated by the Education Act 2011 together with the guidance of the Department for Education (DfE) regarding expansion. Under current legislation the LA is the decision maker for the proposal.

Consultation originally began on 10 September 2012 with a letter, incorporating relevant information and reasons for the proposal, being sent to all parents of pupils attending the school informing them of the proposal. Interested parties were also informed as required by guidelines issued by the DfE. In addition, on 19 September 2012, individual drop in sessions were offered to parents to discuss the proposal further with LA officers. These meetings were arranged to allow those having an interest in this proposal to be able to gather information, ask questions and get involved in the debate however no appointments were actually taken up.

All parents/carers and other interested parties were given the opportunity to respond as part of the consultation process by 8 October 2012. Copies of the letter commencing consultation and the response form were also published on the County Council website under the webpage Current Consultations on www.lincolnshire.gov.uk/provisionplanning

An analysis of the written responses to the consultation is detailed in Appendix B but to briefly summarise there were 5 valid responses in total with none against, 4 supporting the proposal and 1 expressing a view neither in favour nor against the proposal. Of these 4 were from parents of current pupils with 3 in favour and 1 neither for nor against.

The Headteacher has consulted with the children currently attending the school through school assemblies to explain the proposal. This has produced a very positive response and the children are generally excited about the proposal.

Evidence of the consultation before the proposal was published -

(a) a list of persons and/or parties who were consulted can be found in Appendix A

(b) the views of the persons consulted are summarised in Appendix B

(c) a copy of the letter confirming the commencement of the consultation process and incorporating relevant information and reasons for the proposal is in Appendix C

(e) a copy of the form to send in responses is in Appendix D.

Following the initial letter all documentation relating to the consultation was published online through the County Council website under Current Consultations at www.lincolnshire.gov.uk/provisionplanning

All applicable statutory requirements to consult in relation to the proposal were complied with.

Project Costs

This proposed expansion will incur a certain amount of capital costs and the LA will fund the necessary costs to implement the project making use of 'basic need' funding.

Special Educational Needs (SEN) provision

Education is continuing on the existing school site and there is therefore likely to be no impact on SEN provision. Consideration of pupils with SEN will take place should there be any relocation of pupils to an alternative part of the existing site and physical access will be assured should a need be presented. The LA will continue to look to make improvements in the standard, quality and/or range of the education provision for children with SEN.

Need for places

National birth rates, mostly concentrated in more urban areas, have been steadily rising in recent years. This increased birth rate, combined in some areas with inward migration and housing development, is now starting to have an impact at primary school age putting significant pressure on primary schools across the country where there is a shortage of Reception places. The Sutton Bridge community will

experience a shortage of available places if capacity at the local school is not increased.

NHS birth data for the Sutton Bridge area shows that on average over the next 4 years the number of children that will be requiring a primary school place is up to 15 more each year than it has been for the last 7 years. There is expected to be a long term requirement for more places. A permanent sustainable solution is needed to accommodate these extra children to avoid overcrowding and/or transporting 4 year old children to alternative schools outside of their local community.

The proposed solution in Sutton Bridge is to permanently expand Sutton Bridge Westmere Community Primary School from its existing capacity based on PAN from 210 to 315. This will increase the PAN initially only for the September 2013 Reception intake from 30 to 45 with the PAN for all other years remaining at 30. The increased intake to 45 will then be phased in with each subsequent intake up to 2018 when the PAN of 45 will apply to all year groups. This will allow the school to effectively manage staffing and teaching structures and help ensure that pupil numbers at other local schools are maintained.

Expansion of successful and popular schools

The Government is committed to ensuring that every parent can choose an excellent school for their child with the wishes of parents being taken into account. There is a strong presumption that proposals to expand popular and successful schools should be approved. DfE guidance states that places should be allocated where parents want them and that successful and popular schools be allowed to grow. This proposal will assist in meeting parental preference.

The most recent Ofsted report following an inspection at the school was published in January 2011 and at this time parents were also asked to complete a questionnaire. Most of the parents who completed a questionnaire or spoke with inspectors during the inspection were very positive about the school and were happy with their child's experience at the school.

The school is consistently oversubscribed as indicated by the numbers of first preference applications received (32 in 2010, 34 in 2011 and 47 in 2012) for the 30 available places in the Reception class. The school is evidently popular with parents.

Related Proposals

The proposal to expand Sutton Bridge Westmere Community Primary School is not related to any other statutory proposal.

What will happen now?

Any person may object to or make comments on this proposal by sending them to Provision Planning, Children's Services, Lincolnshire County Council, County Offices, Newland, Lincoln, Lincolnshire, LN1 1YQ or by emailing provisionplanning@lincolnshire.gov.uk

At the close of the 4 week representation period (statutory formal consultation) on 13 December 2012 responses will be collated and analysed and a final report will be presented to the Executive Councillor in January 2013 for a decision on the expansion of the school. The representation period is the final opportunity for people and organisations to express their views about the proposal and ensure that they will be taken into account by the decision maker.

Written Responses made in Consultation Period on the proposed expansion of Sutton Bridge Westmere Community Primary School				
Point of View	Supports Proposal (4)	Against Proposal (0)	Not For or Against (1)	Other comments/Notes
Parent	y			I have a child in the current large reception class and so understand the need. Benefits make sense for the children and for financial reasons. Better facilities can only be a positive
Parish clerk/local resident	y			Has to be done or where will the children go?
Parent	y			
Parent	y			Will enable more children to attend a school close to their home and be an opportunity for community to grow
Parent			y	How many classes will there be and where will they be built? Will playground space be lost? What parking provision will be made as it is already congested at drop off and pick up times?

Petition to Property and Technology Management, Children Services, Lincolnshire County Council

Date: 16th November 2012

Petition Organiser: Cliff Green

Address: 19 Anne Road, Sutton Bridge, Spalding, Lincs. PE12 9TB

Telephone number: 01406 351187

We, the undersigned, petition Property and Technology Management to consider our serious concerns about the proposed increase in pupil numbers at Westmere Primary School, Sutton Bridge, for the following reasons:

- There will be an increased risk of danger to children, parents and residents within the school vicinity;
- Attendance by emergency vehicles, is already severely compromised. Any increase in traffic could make this situation critical;
- To increase traffic and pedestrians on a small residential cul-de-sac is irresponsible;
- Increased pupil numbers will require more frequent commercial delivery traffic, resulting in an increased risk to life and safety;
- Access to the resident's properties, which is already restricted at certain times, will make a difficult situation intolerable;
- The current speed limit on the approach to a primary school is unsafe.



Children's Services
County Offices, Newland, Lincoln LN1 1YQ
Tel: 01522 782030
Fax Number 01522 553257

To Staff, Parents/Carers and other interested parties

10 September 2012

Dear Consultee

Proposal to Expand Sutton Bridge Westmere Community Primary School

Lincolnshire County Council is commencing a consultation process on the proposal to permanently expand Sutton Bridge Westmere Community Primary School, Anne Road, Sutton Bridge, Spalding PE12 9TB with an implementation date of September 2013.

It is the Local Authority's (LA) statutory duty to ensure that there are sufficient school places to accommodate all pupils of statutory school age in Lincolnshire. The LA believes that this proposal is the best available option to address the expected shortage of Primary Reception school places in Sutton Bridge to ensure that local children are able to go to their local school. It is important that the LA gather and consider all views on this proposal prior to making a decision on how to proceed.

The school have admitted above the usual intake of 30 to provide 45 Reception places for September 2012 by bringing a former classroom back into use within their existing accommodation. This proposal being consulted on is to permanently expand the school to be able to take up to 45 children for all future intakes by building additional classrooms and facilities. The following information outlines the reasons for the proposal and explains why there is a need to expand this school and how the expansion can benefit the children and the community.

Reasons for the Proposal to Expand Sutton Bridge Westmere Community Primary School

National birth rates, mostly concentrated in more urban areas, have been steadily rising in recent years. This increased birth rate, combined in some areas with inward migration and housing development, is now starting to have an impact at primary school age putting significant pressure on primary schools across the country where there is a shortage of Reception places. The Sutton Bridge community will experience a shortage of available places if capacity at the local school is not increased.

NHS birth data for the Sutton Bridge area shows that on average over the next 4 years the number of children that will be requiring a primary school place is up to 15 more each year than it has been for the last 7 years. There is expected to be a long term requirement for more places. A permanent sustainable solution is needed to accommodate these extra children to avoid overcrowding and/or transporting 4 year old children to alternative schools outside of their local community.

Having additional classes and more children on roll at the school will also have financial benefits for the school. This may potentially provide the opportunity to enhance teaching provision and career opportunities for staff which in turn will benefit the learning experience of the children.

The current Published Admission Number (PAN) for each year group is 30. This proposal is to expand the existing capacity based on the PAN at Sutton Bridge Westmere Community Primary School from 210 to 315. This will increase the PAN from 30 to 45 initially only for the Reception intake in 2013 with the PAN for all other years remaining at 30. The increased intake to 45 will then be phased in with each subsequent intake up to 2018 to help ensure that pupil numbers at other local schools are maintained. It will also allow the school to effectively manage staffing and teaching structures.

Following statutory consultation, if the expansion proposal is approved, it is proposed that building work to add necessary additional accommodation will begin during the academic year 2012/13 (subject to planning permission being granted) and will be completed in readiness for the start of term in September 2013. This would be managed to cause minimal disruption to the school during term time making the best use of school holidays where possible.

Please note that the planning application process is dealt with and consulted on separately.

Have your say

If you wish to comment on this proposal then please return the response form by 5.00pm on 8th October 2012 using the contact details provided. If you would like to discuss this further before responding to the proposal then LA officers will be holding pre-booked consultation drop in sessions at the school on 19th September between 12pm and 6.30pm. Please contact Mary Hunt, School Administrator, on 01406 350205 to arrange an appointment.

If you have any queries regarding the proposal or the consultation process please do not hesitate to contact the Property and Technology Management team (contact details are confirmed on the response form).

If you would like further information or would like to comment on this proposal then please return the attached form, email provisionplanning@lincolnshire.gov.uk or write to Property & Technology Management, Lincolnshire County Council, County Offices, Lincoln LN1 1YQ by 5.00pm on 8th October 2012.

Copies of all documents related to this proposal, including an electronic version of the feedback form, can be found online at www.lincolnshire.gov.uk/provisionplanning under "Current Consultations". Hard copies are also available on request.

Yours sincerely



Matt Clayton
School Organisation Planning Manager
Property and Technology Management

APPENDIX G

**Consultation Feedback Form on the Expansion of Sutton Bridge Westmere
Community Primary School**

Please note that if you do not provide your name and address your views will not be counted as legitimate responses to this consultation. Names and contact details will remain confidential.

Name: _____ Email (optional): _____

Postal Address: _____

Parent Carer Teacher/School Staff Governor Employer/Business

Other (please specify) : _____

Which school (if any) do you represent? _____

Having read the proposal please indicate your view below by ticking one of the boxes

I am in favour of proposal I am against proposal I am neither for nor against the proposal

Why have you decided this is your view? Tell us about it below.

Is there anything else you would like us to consider?

Please return the completed form by 5pm Monday 8th October 2012 to: Property & Technology Management, Children's Services, Lincolnshire County Council, County Offices, Newland, Lincoln LN1 1YQ or email provisionplanning@lincolnshire.gov.uk or fax 01522 553257

APPENDIX H

Proposal to Expand Sutton Bridge Westmere Community Primary School.

NOTICE IS HEREBY GIVEN in accordance with section 19(1) of the Education and Inspections Act 2006 as updated by the Education Act 2011 that Lincolnshire County Council, County Offices, Newland, Lincoln LN1 1YQ intends to make a prescribed alteration to Sutton Bridge Westmere Community Primary School, Anne Road, Sutton Bridge, Spalding PE12 9TB with effect from 1 September 2013.

The proposal is to expand the school from the existing net capacity of 205 to 315 with an increase in the Published Admission Number (PAN) from 30 to 45 and therefore the capacity based on PAN from 210 to 315. The PAN will increase initially only for the Reception intake in 2013 with all other year groups remaining at 30 and the increased intake to 45 will then be phased in with each subsequent intake until the PAN of 45 applies to all year groups.

As a temporary measure reorganisation has taken place within existing accommodation which enabled the school to offer an additional 15 places in September 2012 but the increased PAN will not take effect until September 2013 when it is intended that the new facilities will be completed.

The prescribed alteration being consulted on is not related to any other statutory proposal. All statutory consultation requirements in respect of this proposal have been complied with.

The current net capacity of Sutton Bridge Westmere Community Primary School is 205 and the proposed capacity will be 315. The current admission number is 30 and the proposed admission number will be 45. There are currently 214 pupils on roll

This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained by writing to: Provision Planning, Children's Services, Lincolnshire County Council, County Offices, Newland, Lincoln LN1 1YQ or by calling 01522 553329 or by emailing provisionplanning@lincolnshire.gov.uk or via www.lincolnshire.gov.uk/provisionplanning

Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to Provision Planning, Children's Services, Lincolnshire County Council, County Offices, Newland, Lincoln LN1 1YQ or by emailing provisionplanning@lincolnshire.gov.uk.

Signed: Debbie Barnes
Director of Children's Services
Lincolnshire County Council

Publication Date: 15 November 2012

Explanatory Notes

1. This proposal is not linked to any other proposal.
2. A copy of the County Council's Home to School Transport policy can be obtained on-line at www.lincolnshire.gov.uk/parents/schools/school-transport
3. Further details on the consultation which have led to this proposal can be accessed on-line under "Current Consultations" via www.lincolnshire.gov.uk/provisionplanning

Impact Analysis to Enable Informed Decisions

Background Information

Directorate	Assistant Director area	Service area	Lead officer	Person / people completing analysis	Date of workshop / meeting	Version
Adults & Children's	Children's Services	Property & Technology Management	Michelle Andrews	Linda Duffield		1
Title of the policy / project / service being considered	The expansion of Sutton Bridge Westmere Community Primary School					
General overview and description of the The expansion of Sutton Bridge Westmere Community Primary School	The proposal under consideration is to expand the school from its existing capacity of 210 to 315					
The status of the The expansion of Sutton Bridge Westmere Community Primary School	New			LCC Directly Delivered		
Timescales for implementation	The process commenced on 10 September 2012 with a letter sent out to all parents of current pupils and other interested parties initiating a 4 week period of consultation. 5 responses were received with none against the proposal. Following this the Executive Councillor took the decision to publish a Statutory Notice commencing the 4 week Representation Period. During this period a petition was submitted raising concerns and objections to the proposal which was signed by 44 local residents. A further response was received from a County Councillor which raised concerns that the proposal may cause access difficulties but supported the expansion of the school in principle. A final decision is anticipated on 25 January 2013 with an implementation date of 1 September 2013					
Analysis						
1. What is the current situation?	Sutton Bridge Westmere Community Primary School has a capacity of 210. Due to the pressure on primary school places in Sutton Bridge the school has, with the agreement of the LA, offered an additional 15 places in the Reception intake in September 2012. This has been made possible by reorganisation within the existing accommodation,.					

2. What are the drivers for change?	<p>(a) Political -To ensure the LA meets its statutory duty of providing sufficient school places for children of statutory school age in Lincolnshire</p> <p>(b) Economic, social and political -To ensure the provision of school places is planned so as to promote high standards and sustainability therefore enabling children to fulfil their potential. (c) Political & Social - To avoid overcrowding and placing increasing pressure on all primary schools as this would likely lead to a negative impact on the quality of education provided. (d) Economic and social - To avoid increased transport costs and the negative impact of extra travelling time and potential increased car usage if it were necessary for children to travel to villages outside Sutton Bridge.</p>	
3. What difference will we make?	<p>The LA will fulfil its statutory duty by providing sufficient school places in the area for all children of a statutory school age. A sustainable long term solution is needed to meet the demand for school places arising out of the increasing birth rate. Overcrowding in primary schools, increased transport costs for home to school transport, extra car usage, negative impact of extra travelling time on children will all be minimised by this proposed expansion.</p>	
4. What are the assumptions about the benefits?	<p>The additional school places provided will contribute to meeting the demand for school places both now and in the future. It will enable parents to obtain school places for their children at a local school and will enable a higher proportion of parents to obtain their first preference. A sustainable long term solution within the local area will provide enhanced educational provision.</p>	
5. How are you testing your assumptions about the benefits?	<p>Sutton Bridge Westmere Community Primary School is a popular school and it has been consistently oversubscribed in recent years. The allocation of school places by means of the co-ordinated scheme implemented by the School Admissions team at subsequent intakes will confirm whether there are sufficient places for children in the area and provide data as to the percentage of parents receiving their first or other preference. Inspections and the work undertaken by Ofsted will monitor the quality of education provided.</p>	
6. What are the assumptions about any adverse impacts? Could it have a negative effect on anyone?	Yes	
6.1 Which groups/individuals could it have a negative impact on?	<p>The expansion proposal could have a negative impact on local residents within the area around the school eg increased traffic, potential difficulties with access, pressure on car parking etc There may also be the potential for a short term negative impact on the children on roll at the school when the building work takes place eg difficulty of movement around the school and children having to take classes in alternative classrooms. However, this minor potential negative impact is outweighed by the resulting positive solution.</p>	
6.2 How could it have a negative impact on these groups/individuals? Please refer to the list of protected characteristics to assist your answer	<p>For residents - There may be increased pressure on the road infrastructure in the locality of the school and also car parking availability together with some potential impact of increased noise.</p> <p>For children - There may be an impact from increased noise and disturbance of building work impacting on children moving around the school and on the quality of their education. Under the Equality Act 2010 the LA must take steps to meet the needs of persons sharing a protected characteristic as being different to the needs of persons who do not share it. Currently the school meets this requirement by careful management of all their pupils and their individual needs and will continue to do so during the period that building work is undertaken.</p>	

7. How are you testing your assumptions about adverse impacts?	Response forms were submitted during the consultation phase by parents, governors and school staff. Out of a total of 5 responses none were against, 4 were in favour and 1 neither for nor against. Staff meetings were held to discuss the proposal and parents and interested parties were given the opportunity to discuss their concerns at 1 to 1 appointments with LA officers. However no appointments were actually taken up. The Headteacher and staff thoroughly discussed the proposal with current pupils through school assemblies.		
7.1 What further evidence do you need to gather?	A further opportunity for any interested party to submit comments and concerns was made available in the Representation Period ie the 4 weeks commencing with the publication of the Statutory Notice. During this period a petition was submitted raising concerns and objections to the proposal which was signed by 44 local residents. A further response was received from a County Councillor which raised concerns that the proposal may cause access difficulties but supported the expansion of the school in principle. The statutory guidelines with regard to who and how to consult and the appropriate length of consultation have all been met to enable the decision maker to make the final decision.		
8. Who are the stakeholders and how will they be affected?	Primary (those directly affected, either positively or negatively by the organisation's actions)		
	(1) Parents/carers and their children - will be assured that their educational needs are being met. (2) School Staff - less potential overcrowding at schools relieving pressure on school staff and therefore enhancing the quality of education provided. (3) The Council - this will ensure that the Council is meeting its statutory obligations; will ensure value for money reducing home to school transport and also that the needs of the Community are being met in that local children will be able to attend their local school.		
	Secondary (intermediaries, people or organisations who are indirectly affected by the organisation's actions)		
	Local residents - the LA understands the potential negative impact on the local road network and access and will work with Highways and Planning to mitigate this impact where possible.		
9. How are you assessing the risks and minimising adverse impacts?	An appropriate risk assessment will be undertaken and any recommendations will be taken into consideration by the Project Manager.		
10. What changes will the Council need to make as a result of introducing the policy / project / service etc?	There will be no changes to any LCC policy or procedures. Building work will be undertaken at the school to enable the expansion of the capacity of the school to meet local demand.		
11. How will you undertake evaluation once the changes have been implemented?	The number on roll will be reviewed together with the available capacity and projected demand for places in the future at this and all primary schools in Sutton Bridge and the surrounding area which will enable evaluation of both the need for places and also data on how the offer of places has met parental preference.		
Further Details			
Are you handling personal data?	Yes	If yes, please give details	consultation responses incorporated name and address of respondent but these details will remain confidential.

APPENDIX I

<p>How was this analysis undertaken? Facilitated workshop? Who attended?</p>	<p>Details of the proposal and response forms were sent to a wide range of interested parties in line with statutory guidance, and details were also made available on the Council's website. All responses were recorded and analysed to be taken into consideration by the decision maker. Personal appointments were also offered at the school to interested parties for further discussion although none were taken up.</p>				
<p>Are you confident that everyone who should have been involved in producing this version of the Impact Analysis has been?</p>	<p>Yes</p>	<p>If No, who needs to be involved?</p>			
<p>If this is new, or requires a decision by Councillors to revise, has this impact analysis been included with the committee report?</p>	<p>Yes</p>	<p>If No, why?</p>			
<p>Actions required Including any actions that have been identified in this analysis for monitoring in the service area workplan?</p>	<p>No</p>	<p>Action</p>	<p>Lead Officer</p>	<p>Timescale</p>	
		<p>N/A</p>	<p>N/A</p>	<p>N/A</p>	
<p>Signed off by</p>	<p>Michelle Andrews</p>			<p>Date</p>	<p>14-Dec-12</p>