

DfE Consultation on "Changes to the System of School Organisation"

On 12 September 2013, the DfE launched a six-week [e-consultation](#) on its plans to amend the existing legislative and policy requirements for making significant changes to schools and academies (including: enlargement of premises, changes to age range, adding boarding provision). The aim of these changes is for schools to be more in charge of their own decisions about size and composition and to be able to respond to what parents want locally without being unduly restricted by process. The closing date for the receipt of responses is 24 October 2013.

In practice these changes would mean that for individual maintained schools some statutory processes would be either removed altogether or streamlined and for academies certain changes could be made without formally seeking agreement from ministers. (further details below):-

1. LCC Maintained Schools - Removal of statutory process

Governing Bodies of maintained schools will be able to make the following changes without following a statutory process:

- Expansion ie enlargement of premises
- Changes to age range by a year or more (although statutory proposals will still be required to add a sixth form)
- Adding boarding provision

Notes

- (i) Any changes would be subject to the school having suitable accommodation and having secured the necessary funding
- (ii) Where the above changes are proposed by the LA it will be necessary to follow the streamlined statutory process (detailed below)
- (ii) Special schools must follow the streamlined process for any changes to their size and composition
- (iii) It would be expected that some form of consultation would still take place regarding all the above changes

2. LCC Maintained Schools - Streamlined statutory process

The streamlined process would be made shorter by removing the requirement to consult before publishing proposals and reducing the Statutory Representation Period from 6 to 4 weeks. In addition proposals will require less detail, have less prescriptive publication requirements and also involve distribution to a reduced list of interested parties.

This streamlined process would apply to the following changes:

- Adding or removing a sixth form
- Removing boarding provision
- Adding, removing, or altering SEN provision
- Change of single sex to mixed provision or vice versa
- Transferring to a new site
- Closure of one site in a split-site school
- Change of category of school

3. Academies

It is proposed to allow academies to make the following changes without having to seek formal agreement from ministers although this would also be subject to the academy having secured the necessary funding and undertaking local consultation:

- Expansion ie enlargement of premises
- Changes to age range by a year or more (other than adding or removing a sixth form)
- Adding boarding provision
- Changes in admissions arrangements for the early academies (approximately 200) where this was written into their funding agreements. This does not apply to later academies

Notes

- (i) Academies must still secure EFA consent for other significant changes
- (ii) Academies must contact EFA to make changes to their funding agreements

4. Establishing and discontinuing maintained schools

Although the response form does not include a question on this, it does form part of the consultation.

With regard to closing a school it is proposed to retain the statutory consultation period but as in the above streamlined process proposals will require less detail, have less prescriptive publication requirements and also involve distribution to a reduced list of interested parties.

It is also proposed to streamline the legislative requirements regarding the establishment of a new school but this will have minimal impact as following the introduction of the Academy Presumption a new maintained school can only be set up in very limited circumstances.

5. Implications for LCC

Pros	<ul style="list-style-type: none">• Expansions will still be subject to the planning application process regarding alterations to accommodation and therefore the LA will be able to submit objections on the expansion of premises.• The streamlined process will be of benefit to the LA in that it will make the processes shorter. For previous consultation proposals it has often been difficult to complete the required processes in time for the required implementation date.
Cons	<ul style="list-style-type: none">• It will be easier for schools and academies to expand their capacity which might cause difficulties for the LA's Pupil Place Planning duty.• It will be easier for schools and academies to offer Early Learning places to 2 year olds which might complicate the monitoring of sufficiency of Early Years provision by the Birth to Five Service on behalf of the LA.
Response to mitigate impact	<ul style="list-style-type: none">• Incorporate a requirement that schools and academies must consult with the LA regarding the sufficiency of places and the need for expansion.• Incorporate a requirement that the EFA will consult with the LA prior to agreeing any significant changes or altering funding agreements with academies.