



Northumberland County Council

CABINET

Date: 10 September 2019

Proposal to extend the age ranges of Bedlington Whitley Memorial CE and West End First Schools

Report of the Executive Director of Adult Social Care and Children's Services - Cath McEvoy-Carr

Cabinet Member for Children's Services: Councillor Wayne Daley

Report prepared by Sue Aviston, Head of School Organisation and Resources

Purpose of Report

This report provides the outcomes of the formal statutory proposal published on 11 July 2019, setting out the Council's proposal to extend the age range of Bedlington West End First School to become a primary school with effect from 1 September 2020.

The formal statutory proposal also referenced the linked non-statutory proposal to extend the age range of Bedlington Whitley Memorial Church of England First School from 1 September 2020. Cabinet is asked to consider whether or not to approve the implementation of both of these linked proposals together.

Recommendations

It is recommended that Cabinet:

- 1) Consider the responses to the statutory proposal for Bedlington West End First School published on 11 July 2019 and approve the extension of the age range of the school from an age 4-9 first school to an age 4-11 primary school to take effect from 1 September 2020;
- 2) Consider the non-statutory proposal to extend the age range of Bedlington Whitley Memorial Church of England First School, and approve the extension of the age range of this school from an age 3-9 first school to an age 3-11 primary school to take effect from 1 September 2020, noting that this proposal is linked to and referenced within the Statutory Proposal for Bedlington West End First School set out in Recommendation 1;

- 3) Subject to approval of the proposals set out in Recommendation 1 and 2, agree that the current catchment areas as operated by the Council for Bedlington West End First School and Bedlington Whitley Memorial Church of England First School should remain unchanged from 1 September 2020 and that the catchment area of Meadowdale Academy as operated by the Council should be discontinued from 1 September 2020 for the reasons set out in paras. 14-15;
- 5) Note the implications of the proposals on pupils, parents, staff and the local community as set out in the Statutory Proposals and included with the Background Papers to this report;
- 6) Note the implications for Home to School Transport (where relevant) of the statutory proposals as set out in this report;
- 7) Note that **Cabinet must take into account** the Department for Education's (DfE) school organisation guidance 'Making significant changes ('prescribed alterations') to maintained schools; statutory guidance for proposers and decision makers, October 2018' attached to this report at Appendix 3 (via electronic link), before deciding on how to proceed with the proposals summarised in the Key Issues of this report in the light of the four following options available:
 - reject the proposals;
 - approve the proposals without modification;
 - approve the proposals with such modifications as Cabinet think desirable after consultation with the Governing Body
 - approve the proposals (with or without modification) subject to certain conditions being met.
- 8) Note the indicative budget for capital funding for Bedlington West End First School of £1.6m as outlined at para. 23 of this report and, subject to approval of Recommendation 1; and approve the funding for the works required to be allocated from the School Capital Maintenance Grant Fund 2019/2020 allocation in the Council's Capital Programme.
- 9) Note that the Council would be expected to contribute 10% of the costs of the capital funding for works at Bedlington Whitley Memorial Church of England First School in line with previous school reorganisations and that the indicative budget indicates this would be a contribution of £10,300. Should Cabinet approve Recommendation 2, approval is requested for this contribution to be made from the School Capital Maintenance Grant Fund 2019/2020 allocation in the Council's Capital Programme. The remaining 90% would be funded via the Diocese's Local Authority Coordinated Voluntary Aided Programme (LCVAP) capital funding programme.
- 10) Should Cabinet approve Recommendation 1 and 2, these would be conditional upon the granting of planning permission by 31 August 2020 in relation to the building works at Bedlington West End First School.

- 11) Agree to delegate the award of the contract for the capital works at West End First School to the Executive Director of Adults and Children's Services in consultation with the Cabinet Member for Children's Services, subject to Cabinet approval of Recommendation 1 and 2.

Link to Corporate Plan

This report entirely supports the Council's vision of 'One Council that works for everyone' and the Council's values statement 'Residents first, excellence and quality, respect and keeping our communities safe and well.'

Key Issues

1. The rationale for the proposals for Bedlington West End and Bedlington Whitley Memorial Church of England First Schools was outlined in the reports of the Executive Director of Adult Social Care and Children's Services of 9 April 2019 and 9 July 2019 (Item 03), which are included in the Background Papers. The request to undertake informal consultation had been put forward by the Governing Bodies of Bedlington West End and Bedlington Whitley Memorial Church of England First Schools. Cabinet approved the publication of the statutory proposal for Bedlington West End First School on 9 July 2019, and it was published on 11 July, opening a four week statutory consultation period to 8 August 2019 in accordance with the The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. Any person with an interest was able to write to the Council during this time expressing their comments, objections or support of the proposal.
2. A pre-publication consultation period on the proposals took place between 23 April and 12 June 2019. The details and outcomes of this informal consultation is summarised in this report. However, Cabinet should note that in relation to the responses to the informal consultation on the proposal for Bedlington West End First School, the Governing Body and staff of the school and the majority of parents who responded were in support of the proposal while in relation to the proposal for Bedlington Whitley Memorial Church of England First School, the Newcastle Diocesan Education Board (NDEB), the Governing Body and staff of the school and the majority of parents who responded were in support of the proposal.
3. Seven (7) representations were submitted in response to the Statutory Proposal for Bedlington West End during the statutory period from the following groupings:
 - one from the Governing Body and Staff Group of Bedlington West End First School
 - one from the Newcastle Diocesan Education Board (NDEB)
 - one from a parent of a child on roll at Bedlington West End First School
 - three from staff of Bedlington West End First School
 - one from interested parties

These representations have been taken into account by officers when forming the recommendations set out in this report and are included in full in the Background Papers to this report. The representations are responded to in the commentary in para. 15.

4. In making their decision, Cabinet should note that a decision on the statutory proposal for Bedlington West End First School must be made by no later than 3 October 2019, otherwise the papers must be passed to the Schools Adjudicator to make a decision. The Cabinet should note that, whether or not the proposals are approved, each of the following bodies has the right to appeal against the decision of the Cabinet to the Adjudicator, should they disagree with the decision:
 - the Diocesan Board of Education for the CE Diocese of Newcastle
 - the Bishop of the RC Diocese of Hexham and Newcastle

in which case the Schools Adjudicator would then make a decision in relation to the above proposals.

5. Cabinet are now asked to approve the statutory proposal for Bedlington West End First School to become an age 4-11 primary school with effect from 1 September 2020 and to approve the linked non-statutory proposal for Bedlington Whitley Memorial Church of England First School to become an age 3-11 primary school with effect from 1 September 2020.

Background Information

6. At its meeting on 9 April 2019, Cabinet approved the commencement of informal consultation on proposals to extend the age ranges of Bedlington West End First School and Bedlington Whitley Memorial First School with effect from 1 September 2020. The request to undertake informal consultation had been put forward by the Governing Bodies of Bedlington West End and Bedlington Whitley Memorial Church of England First Schools. The main reasons for this consultation was that in the light of the transition of Meadowdale Academy from a middle academy to a primary academy from 1 September 2020, there would no longer be a local middle school within the Bedlington Partnership to which pupils leaving Bedlington West and Whitley Memorial First School could transition at the end of Year 4.

Feedback to informal consultation indicated that 78% of consultees who responded to the consultation were in favour of the implementation of the proposals for the two schools. Further details are set out in the report of the Executive Director of Adult Social Care and Children's Services, 9 April 2019.

7. At its meeting on 9 July 2019, Cabinet approved the publication of the statutory proposal for Bedlington West End First School, setting out the intention to extend the age range of the school as set out in para. 1. The statutory proposal also referenced the linked non-statutory proposal to extend the age range of Whitley Memorial Church of England First School. Cabinet also noted the indicative costs for building works to support the reorganisation of the two schools. The notification on the proposal was published on 11 July in the News Post Leader and the full proposal was published on the Council's website as required in regulations.

The Statutory Proposal Stage

8. A Statutory Proposal drafted in accordance with The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 was approved for publication for the proposed extension of the age range of Bedlington West End First School, (with reference to the non-statutory proposal to extend the age range of Whitley Memorial Church of England First School on the same timeline).
9. The publication of the Statutory Proposal opened a four week statutory period during which time interested parties were invited to submit written representations either in support of, objecting to or commenting upon the proposals by midnight on 8 August 2019.

Representations submitted in response to the Statutory Proposal and commentary

10. Following the publication of the Statutory Proposal as set out in para. 8, the Executive Director of Adult Social Care and Children's Services received seven (7) representations in relation to the Statutory Proposal from the following interested parties;
 - a joint representation from the Governing Body and staff of Bedlington West End First School
 - a representation from the Newcastle Diocesan Education Board (NDEB)
 - a representation from a parent of a child on roll at Bedlington West End First School
 - three representations from staff of Bedlington West End First School
 - one representations from interested parties.

All representations supported the statutory proposal for Bedlington West End First School to become a primary school from September 2020.

i. Summary of Response from Bedlington West End First School Governing Body and Staff body:

- *Governors and staff are in favour of the proposal for West End First School to extend its age range from September 2020;*
- *While disappointed that the school is proposed to reduce its Planned Admission Number (PAN) from 60 to 30, the school recognises this is in response to the falling birth rate in Bedlington. However, the school would like to have the option of returning to a 1.5-form or 2-form of entry primary school in the future should numbers increase..*
- *The school still believes there is a rationale for extending the age range of the school downwards to include pupils from age 3, as they believe it would provide equal status with other schools and bring administration in-house for greater efficiency.*

The full response is included in Appendix 2.

Commentary on response:

The support of the proposal by the Governing Body and staff is noted. With regard to increasing the PAN and capacity of the school in future years, this would be done where there was a clear need to increase places due to growing numbers of children being born in the catchment area of the school, in line with the Council's procedure across the county. While the comments on the rationale for extending the age range downward are noted, the reasons for not altering current early years arrangements at Bedlington West End at this point in time remain as set out in the report of the Executive Director of Adult Social Care and Children's Services, 9 July 2019, which were that early years provision in Bedlington is good and as there would be no tangible benefit to parents or children by changing the on-site arrangements at this time, it is recommended that the current arrangements remain in place. If Cabinet approves the implementation of the proposals to extend the age ranges of Bedlington West End and Whitley Memorial First School upwards, there may be some merit in revisiting the school's proposal to extend the age range downwards once the new primary arrangements have become embedded.

ii. Response from the Newcastle Diocesan Education Board (NDEB)

- *I (Paul Rickeard, Diocesan Director of Education) confirm on behalf of the Newcastle Diocesan Education Board that we are in full support of this proposal in line with our previous response (dated 11 June 2019) to the Bedlington Schools Consultation.*

Commentary on response:

The previous response from NDEB is set out in the Executive Director of Adult Social Care and Children's Services, 9 July 2019.

iii. Response from Parent

- *I'm writing to support the proposal for West End First School to become a primary. I'm a Bedlington resident with a child in Y2 at the school. I feel the provision there is excellent and I'm keen to see it extended.*

Commentary on response:

When considering the responses to the formal consultation, Cabinet should note that the DfE's guidance on making a decision in relation to a statutory proposal states that:- "*Decision-makers should not simply take account of the numbers of people expressing a particular view. Instead they should give the greatest weight to responses from those stakeholders likely to be most directly affected by a proposal - especially parents of children at the affected school(s).*" (page 29). The responses from parents of Bedlington West End First School and Bedlington Whitley Memorial Church of England First School to the informal consultation are set out in the Executive Director of Adult Social Care and Children's Services, 9 July 2019 and are available in the Background Papers to this report.

iv. Summary of Responses from Staff

- Fully support Bedlington West End becoming a primary school.
- Disappointed that the school will be 1FE.
- The decision for Meadowdale Middle School to become an academy was wrong.
- School provides a nurturing environment
- Proven track record in outcomes for children at EYFS, KS1 and Year 4.
- Staff are experienced, including at Upper KS2, and are passionate and a strong team.
- The school has educated children of the town for over a century and provides a proud symbol of the heritage of our local community.
- Unwavering support from parents.
- The school would need regular access to a school field and investment in the building
- Good reputation for supporting children with SEND and their families
- School is open to housing an ASD unit within the mainstream setting [as put forward in the informal consultation]
- Ofsted inspection of 2019 noted EYFS as a strength of the school
- Catchment area of the school should remain as it is currently.

The full responses are included in Appendix 2.

v. Response from an interested party

- *I am writing to support the proposal for Bedlington West End First School to become a primary school by extending its age range from September 2020. The school provides a high quality of education and has a staff who are passionate about teaching and learning. I therefore believe that by extending the age range of the school, the wider community will greatly benefit.*

Conclusions and recommendations

11. Given the rationale for consultation on the proposal and the positive feedback from the majority of consultees, Cabinet are recommended to approve the implementation of the proposals to extend the age range of Bedlington West End First School as set out in the Statutory Proposal published on 11 July 2019 and Bedlington Whitley Memorial Church of England First School for the following reasons:

- The majority of parents who responded to the formal and informal consultation are in favour of the proposals. As stated at point (iii) above, the greatest weight should be given by the decision-maker to the views of those most affected by the proposals, especially parents of pupils at the affected schools.
- The Governing Bodies and staff of the two schools support the proposals.

- There would be one system of education across the schools and academies in the Bedlington Partnership, setting out a clear pathway of education for parents and children.
- The ability of parents to express a preference for any school would not be affected by the implementation of these proposals.
- £1.6m would be invested by the Council in Bedlington West End First School and £10k would be contributed by the Council to the investment in the buildings of Bedlington Whitley Memorial Church of England First School (the remaining investment being funded via LCVAP).
- Investment through Basic Need funding would be made by the Council in the buildings of the secondary academies where agreed in order to provide places in Year 7 and 8 that will be removed by the transition of Meadowdale Academy to a primary academy from 1 September 2020.

Proposed Model of school organisation

12. The statutory proposal in relation to Bedlington West End First School approved to be published on 11 July 2019 was on the basis of the following model of school organisation, which takes into account feedback from the informal consultation and reflects the falling pupil numbers coming into the Bedlington Partnership in the first/primary phase.

SCHOOL	CURRENT SITUATION			PROPOSED PRIMARY/SECONDARY MODEL		
	Capacity in Jan 19 (Number on Roll Jan 2019)	Forms of Entry (FE)	Planned Admission Number (PAN) 2018/19	Capacity	Forms of Entry (FE)	Planned Admission Number (PAN)
Bedlington West End First School	300 (257)	2	60	210	1	30
Bedlington Whitley Memorial First School	269 (269)	1.8	54	210	1	30
*Meadowdale Academy	480 (370)	4.3	128	210	1	30
Secondary phase	Currently, it is projected that a further 30 places would be required in Bedlington at the secondary phase starting from Year 7 in September 2020 onwards, following the removal of Year 7 and Year 8 education at Meadowdale Academy as it becomes primary.					

* Note - Meadowdale Academy was approved to be become a 1FE primary school via the Secretary of State, which will take effect from September 2020.

However, as Meadowdale Academy will no longer have provision for Year 7 and 8 students from September 2020, there will be a need to create additional places in

the remaining secondary academies in Bedlington in those year groups. Officers have had initial discussions with both Bedlington Academy and St Benet Biscop Catholic High School about the need for an additional form of entry to be created within the secondary phase in the Bedlington Partnership, beginning with the Year 7 intake of September 2020. These additional places will be required whether or not the proposals to extend the age ranges of West End and Whitley Memorial are approved for implementation.

Any additional accommodation that will need to be provided from Year 7 at the secondary academies would be funded via central Government Basic Need grant. Should Cabinet approve the implementation of the proposals for Bedlington West End and Whitley Memorial Church of England First Schools to become primary schools from September 2020, officers would seek the views of parents in the two first schools and Meadowdale Academy with regard to their preferences for the secondary pathway within Bedlington for their children. Further discussions with the two secondary academies are planned to take place in the early part of the Autumn term to ensure that any additional accommodation that may be required at either academy would be in place for September 2020.

Standards

13. Whitley Memorial CE and West End First Schools are both rated ‘Good’ by Ofsted and attract the majority of pupils in their catchment areas, as well as attracting pupils from other school catchments. Key Stage 1 results at the two schools are also good and improving, demonstrated as follows:

Whitley Memorial and West End KS1 Performance 2015/16, 2016/17, 2017/18

	KS1								
	Reading			Writing			Maths		
	2015/16	2016/17	2017/18	2015/16	2016/17	2017/18	2015/16	2016/17	2017/18
Bedlington West End	67	88	90	54	80	74	74	92	77
Bedlington Whitley Memorial	67	77	81	48	65	85	58	77	79
Northumberland ave	78	80	81	70	74	74	76	79	79

Catchment Areas

14. Catchment areas are used by the Council in order to ensure that each school has the opportunity to have a viable number of pupils and to manage home to school transport eligibility. As a middle academy, the catchment area of Meadowdale encompasses the catchment areas of Whitley Memorial CE and West End First Schools. As part of the informal consultation, views were sought on whether West End and Whitley Memorial First School catchment areas should remain as they are or whether they should be reduced to enable a primary catchment area for Meadowdale Academy. The majority of consultees believed that the current

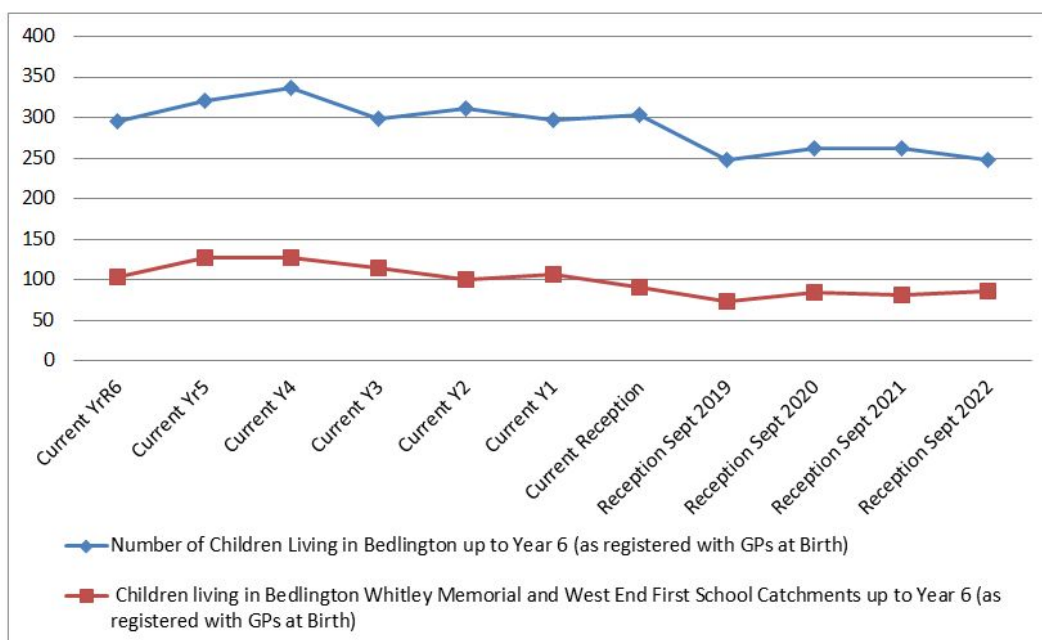
catchment areas for West End and Whitley Memorial should remain unchanged (reference report of the Executive Director of Adult Social Care and Children's Services, 9 July, Background Papers).

15. Should Cabinet approve the implementation of the proposals for West End and Whitley Memorial to become primary schools, it is recommended that the current catchment areas of these two schools should remain unchanged from September 2020 and that the catchment area of Meadowdale Academy as operated by the Council should be removed for the following reasons:

- Parents would be able to exercise parental preference in relation to any schools and given the short distances between schools, most children would not be eligible for transport in any event.
- The Council's Home to School Transport Policy allows for parents to express a preference for a place for their child at the catchment, nearest or nearest faith school. Should any parents living in the West End or Whitley Memorial CE First School catchment areas wish to have a place for their child at Meadowdale Academy and it is their nearest school, and the distance is such that the request meets eligibility criteria, then transport would be allocated on these grounds.
- Meadowdale Academy has responded to consultation that in any event they intend to retain the same catchment area as a primary academy as they currently operate as a middle academy. The academy's own catchment area would not be used by the Council in relation to transport allocation, or pupil place planning.

Surplus Places in Bedlington

16. The number of pupils being born within the Bedlington Partnership (blue line in graph below) is declining for the foreseeable future. This picture is mirrored closely within the mini-Meadowdale catchment area which includes Whitley Memorial CE and West End First Schools catchments combined (red line in graph).



17. The Bedlington Partnership has 13% surplus places as a whole (October 2018 data), which is the joint 6th highest percentage of the 14 partnerships in the county. Across the three schools in the Meadowdale mini-partnership, there are 17% surplus places (October 2018 data). Surplus places in the primary phase (and therefore ultimately at secondary level) are projected to increase across the whole of the Bedlington area over the foreseeable future. This is already being evidenced by the Reception intake into West End and Whitley Memorial First Schools in September 2019. With a PAN of 60, West End has been allocated circa 30 first places preferences while, with a PAN of 54, Whitley Memorial has been allocated circa 31 first place preferences (as at June 2019). Although there are some approved house building plans in the Bedlington area (315 houses currently approved to be constructed up to 2023), these houses are projected to yield only around 9 children per year group, and then only if all occupiers are new to Bedlington.
18. While at the informal consultation stage it was proposed that Whitley Memorial CE and West End First Schools should be reorganised as 1.5 FE first schools, data presented in the report of the Executive Director of Adult Social Care and Children's Services, 9 July 2019 (see Background Papers) demonstrated that a PAN of 30 for each school from September 2020 would be more appropriate to put forward in the statutory proposal for both first schools in view of the likely number of children coming into the primary phase for the foreseeable future. The Governing Body of Whitley Memorial and the director of education at NDEB have also expressed support for the PAN of the school to be reduced to 30 should approval for extension of the age range be given for September 2020. As the planned admission numbers for all schools and academies for September 2020 in Northumberland have already been agreed, a request would need to be made to the Schools Adjudicator to approval to reduction in the PAN at the two schools for September 2020.

SEN Provision

19. There is no specialist SEN provision currently within Whitley Memorial CE or West End First Schools. The Governing Body of Bedlington West End First School has indicated that they would be open to discussions with the Council on the provision of an Autistic Spectrum Disorder (ASD) unit to operate alongside mainstream provision at the school. Ideas for improving provision for children with SEND closer to their own communities are welcomed from schools. This proposal will therefore be considered by relevant officers.

Early Years Provision

20. Whitley Memorial CE has a maintained nursery for children aged 3 and 4, while West End First School has on-site early years provision for children from ages 2 to 4. As part of the informal consultation, consultees were asked for their comments on the organisation of early years provision at each school.
21. In relation to West End First School, the Governing Body and a significant number of parents of pupils at the school had responded to the informal consultation that

they would like the age range of the school to be extended downwards as well as up in order that the school could become an age 3 to 11 primary school. The reasons for this and the details of the current provision for Early Years in Bedlington are set out in the Report of the Executive Director of Adult Social Care and Children's Services, 9 July 2019. The Governing Body and another member of staff also forwarded responses to the statutory proposal which again included a request that Bedlington West End be allowed to extend its age range down to become an age 3-11 primary school. The response to this is included in para 10, i.

22. Overall, the view of Council Officers is that children in the early years in this area of Bedlington are well-provided for under the current arrangements and that the various providers continue to work well together.

Implications for school buildings

23. Should Cabinet approve the implementation of the proposals for West End First School and Whitley Memorial CE, work would need to be carried out at both schools to support the extension of the age ranges of the schools to become primaries. The buildings of Whitley Memorial First School are in the ownership of the Church of England Diocese and therefore 90% of the funding for a capital project would be via LCVAP; the remaining 10% would be funded by the Council (see para. 24) in line with previous school reorganisations. The playing fields at Whitley Memorial are in the ownership of the Council.
24. The works that would be required at West End First School and the 10% contribution from the Council to the works at Whitley Memorial would be funded from the School Capital Maintenance Grant Fund 2019/2020 allocation in the Council's Capital Programme. As the buildings and land are in the ownership of the Council, no other permissions to undertake works at the school would be required other than planning permission.
25. Indicative analysis indicates that the costs to carry out work at West End First School to enable it to become a 1FE primary school, which would include some construction as well as refurbishment, would be between £1.3m and £1.6m. Work at Whitley Memorial CE First School would be less onerous, with the indicative analysis indicating that £103k would be required to support the school to become a primary with the Council contributing 10% (£10,300) to that project which would be funded from the School Capital Maintenance Grant Fund. Should Cabinet approve the implementation of the proposals for both schools, it is recommended to approve the allocation of these indicative costs to the project, as well as agreeing to delegate the award of contract for these capital works to the Executive Director of Adults and Children's Service in consultation with the Lead member for Children's Services.

Timeline for implementation

26. If the proposal to extend the age ranges of West End First and Whitley Memorial Church of England Schools is approved by Cabinet, the timeline for implementation of the reorganisation of the schools would be as follows:

Proposed timeline for reorganisation of Whitley Memorial and West End First Schools

1 September 2020

- Pupils on roll in Year 4 in the two first schools on 31 August 2020 would be retained by their new primary schools as Year 5.
- Reception class at each school would now operate on the basis of an annual intake of 30 pupils (subject to approval by the Schools Adjudicator)

1 September 2021

- Pupils in Year 5 in the two new maintained primary schools on 31 August 2021 would be retained as the new Year 6 from 1 September 2017.

1 September 2022

- Pupils in Year 6 in the two new primary schools would transfer into Year 7 at one of the secondary academies in Bedlington or to another school or academy with Year 7 provision according to parental choice.

Implications for Staff

27. Should Cabinet approve the implementation of the proposals for the two first schools, there would be implications for staff. At the meetings for staff during the informal consultation, it was discussed that the Headteacher and leadership teams in the schools would need to review their staffing structures to ensure that a primary structure was in place, rather than a first school structure. Furthermore, discussions with the Governing Body of the schools, Council Officers and Trades Unions have begun to identify the potential positive or negative impacts of reorganisation and, where necessary, how the latter could be minimised.

Transport

28. The Council uses catchment areas as one of the means of managing transport eligibility and, as a consequence, any decisions regarding catchment areas could impact on some pupils (refer to paras 14-15). Eligibility for transport would be assessed in accordance with the Council's Home to School Transport Policy. These proposals could impact both positively and negatively on the Council's duty to promote sustainable travel and transport to school as children remaining in Bedlington West End and Bedlington Whitley Memorial Church of England First Schools into Years 5 and 6 would have shorter journeys to school; however they may have longer journeys to school in Year 7 and 8 when they attend their selected secondary provision.

Rural Schools and the presumption against closure

29. Neither Whitley Memorial CE nor West End First Schools are classified as rural schools under the DfE's List of Designated Rural Schools 2018 and so this

legislation would not be applicable to any decisions made by Cabinet with respect to this proposal.

Sport and Recreation

30. During informal consultation, no impact on Sport and Recreation was identified should the school extend its age range. The West End First School site has very limited outdoor space. In order to ensure pupils at West End First School have the opportunity to access quality playing fields, officers would negotiate with local schools to develop shared use arrangements from 1 September 2020.

Community Cohesion

31. It is not envisaged that the proposals to extend the age ranges of Bedlington West End and Bedlington Whitley Memorial Church of England First Schools will have any impact either positively or negatively on community cohesion.

IMPLICATIONS ARISING OUT OF THE REPORT

Policy	The consultations outlined in this report have been consistent with the Council's policy to review changes to schools in accordance with local wishes and needs.
Finance and value for money	The Indicative costs are presented at para. 23-25 of this report. The proposed works would be funded from the existing School Capital Maintenance Grant funding allocation for 2019/20. No additional Council funding is required.
Legal	The consultations noted in this report complied with School Organisation legislation.
Procurement	No implications
Human Resources	There would be some implications for staff in Whitley Memorial CE and West End First Schools should reorganisation be undertaken (see para. 27). Whytrig Community Middle, Horton Grange Primary and New Delaval Primary Schools may need to recruit additional staff as pupil numbers increase at their schools.
Property	Refer to 'Finance and value for money' above
Equalities (Impact Assessment attached) Yes <input checked="" type="checkbox"/>	The updated version of the EIA in relation to the proposals for Bedlington West End and Bedlington Whitley Memorial Church of England First School is attached as Appendix 4 to this report. Should Cabinet approve the implementation of the proposals for these schools, this would be updated as appropriate. There is no change to the educational provision or the location of the provision at Whytrig Community Middle School, Horton Grange Primary School or New Delaval Primary School as a result of making permanent the

	enlargement of the capacity at those schools therefore an EIA is not appropriate.
Risk Assessment	A full risk assessment has been carried out on these projects.
Crime & Disorder	This report has considered Section 17 (CDA) and the duty it imposes and there are no implications arising from it.
Customer Considerations	<p>The proposals for Whitley Memorial CE and West End First Schools set out in this report are based upon the desire of their Governing Bodies to extend the age range of these schools to become primary schools with effect from 1 September 2020. The Council also has a duty to ensure that sufficient school places are available to all children of statutory school age resident in Northumberland.</p> <p>The proposals for Whytrig Community Middle School, Horton Grange Primary School and New Delaval Primary School have been brought forward for formal consultation in order to comply with a statutory requirement to formally consult when specific thresholds are reached in relation to the extent of an expansion that will increase the capacity of school buildings and will be in place for more than 3 years.</p>
Carbon reduction	It is not envisaged that these proposals would have a significant positive or negative impact on carbon reduction.
Wards	<p>Bedlington West, Bedlington East, Bedlington Central (in relation to the proposals for West End and Whitley Memorial CE First Schools)</p> <p>Seghill with Seaton Delaval, Holywell, (in relation to Whytrig Community Middle School)</p> <p>Kitty Brewster (in relation to Horton Grange Primary School)</p> <p>Newsham (in relation to New Delaval Primary School)</p>

CONSULTATION

This report has been considered by the Cabinet Member for Children's Services and the Chief Legal Officer.

BACKGROUND PAPERS

- Report of the Executive Director of Adult Social Care and Children's Services, 12 February 2019
- Report of the Executive Director of Adult Social Care and Children's Services, 9 April 2019
- Report of the Executive Director of Adult Social Care and Children's Services, 9 July 2019
- Full Statutory proposals for:
 - Bedlington West End First School, referencing non-statutory linked proposal for Bedlington Whitley Memorial Church of England First School;

- Whytrig Community Middle School;
- Horton Grange Primary School;
- New Delaval Primary School.

Report sign off

Monitoring Officer/Legal	Liam Henry
Service Director of Finance & Interim S151 Officer	Alison Elsdon
Relevant Executive Director	Cath McEvoy-Carr
Chief Executive	Daljit Lally
Portfolio Holder(s)	Wayne Daley

Data Protection Implications

In carrying out the informal (pre-publication) and formal consultations referenced in this report, the Council has acted in compliance with the GDPR regulations 2018 via the Council's Data Protection and Confidentiality Policy

Specifically,

- Data gathered during this consultation process has been dealt with fairly - e.g. the responses from members of the public have been anonymised, whilst those responding within a public role have been identified e.g. Chairs of Governors, Dioceses and so on.
- The data and information gathered during informal and formal consultation has been used to assist in informing the recommendations set out in this report and will not be used for any other purpose, i.e. it will not be shared with another service area or any third party.
- The data and information gathered has been limited to that which would assist in informing the recommendations set out in this report.

The Council has set out how it deals with information received as part of consultation in the Council's Privacy Notice, at

<http://www.northumberland.gov.uk/About/Contact/Information.aspx#privacynotices> .

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Appendices

- Appendix 1 Notification of Statutory Proposals published in the News Post Leader, 11 July 2019 for Bedlington West End First School, referencing non-statutory linked proposal for Bedlington Whitley Memorial Church of England First School;
- Appendix 2 Representations received to the statutory proposal for Bedlington West End First School
- Appendix 3 DfE Guidance, Making significant changes ('prescribed alterations') to maintained schools, October 2018
- Appendix 4 Equalities Impact Assessment, Bedlington West End and Bedlington Whitley Memorial Church of England First Schools - updated July 2018



Northumberland County Council

NOTIFICATION OF PROPOSAL FOR BEDLINGTON WEST END SCHOOL, NORTHUMBERLAND

Notice is hereby given in accordance with Section 19(1) of the Education and Inspections Act 2006, that Northumberland County Council, County Hall, Morpeth, Northumberland NE61 2EF intends to make the following prescribed alteration to the school below:

CHANGE OF AGE RANGE

- a) **Bedlington West End First School**, Ridge Terrace, Bedlington, Northumberland, NE22 6EB by changing the age range of the school,
- The current age range of Bedlington West End First School is 4 years to 9 years. The proposed age range for the school is 4 years to 11 years to take effect from 1 September 2020.

Bedlington West End First School is a local authority maintained community school.

Copies of the full Statutory Proposal may be obtained from:

School Organisation and Resources Team
Northumberland County Council
County Hall
Morpeth
Northumberland
NE61 2EF

or from the Council's website at www.northumberland.gov.uk/schoolconsultations

For the purposes of providing further information, the above proposal would be considered by Northumberland County Council in conjunction with a non-statutory proposal by the Council to change the current age range of Bedlington Whitley Memorial Church of England First School, Gordon Terrace, Bedlington, Northumberland, NE22 5DE from an age 3 to 9 school to an age 3 to 11 school with effect from 1 September 2020 in relation to the decision on whether or not to approve these linked proposals. Bedlington Whitley Memorial Church of England First School is a local authority maintained voluntary aided school. Also for the purposes of providing further information, there would be a temporary increase in pupil numbers during the transition of both Bedlington West End First School and Bedlington Whitley Memorial Church of England First School from first schools to primary schools over time, this does not meet the statutory requirements for a permanent enlargement of the school's premises in relation to pupil capacity.

In the interests of providing further information, it is proposed that there would be changes to the capacity and planned admission numbers of these schools as follows:

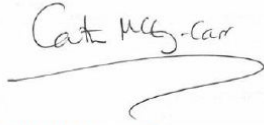
- **Bedlington West End First School**, Ridge Terrace, Bedlington, Northumberland, NE22 6EB. The number of pupils on roll at the school in January 2019 was 257. The current published capacity of the school is 300. The proposed capacity of the school is to be 210. The current maximum number of pupils admitted at age 4 is 60. The maximum number of pupils to be admitted to the school at age 4 from 1 September 2020 and subsequent years would be 30.
- **Bedlington Whitley Memorial Church of England First School**, Gordon Terrace, Bedlington, Northumberland, NE22 5DE. The number of pupils on roll at the school in January 2019 was 269. The current published capacity of the school is 269. The proposed capacity of the school is to be 210. The current maximum number of pupils admitted at age 4 is 54. The maximum number of pupils to be admitted to the school at age 4 from 1 September 2020 and subsequent years would be 30.

Submission of Objections and Comments on Proposals

Within four weeks after the date of publication of the above proposals (**i.e. by midnight on Thursday 8 August 2019**), any person may object to or make comments on the proposal to extend the age range of Bedlington West End First School by sending their written representations to: the **Executive Director of Adult Social Care and Children's Services, County Hall, Morpeth, Northumberland NE61 2EF**, or by email to Lorraine.Fife@northumberland.gov.uk.

Signature

Publication Date: 11 July 2019

A handwritten signature in black ink that reads "Cath McEvoy-Carr". The signature is written in a cursive style and is positioned above a horizontal line that extends to the right.

Cath McEvoy-Carr
Executive Director of Adult Social Care and Children's Services
Northumberland County Council

**REPRESENTATIONS RECEIVED DURING CONSULTATION IN RELATION TO
PROPOSAL FOR BEDLINGTON WEST END FIRST SCHOOL**

Representation - Governing Body and Staff of Bedlington West End First School

To whom it may concern,

On behalf of the staff and governors of West End First School I would like to confirm that we are in favour of the proposal for West End First School to convert to Primary status as of September 2020. Whilst disappointed that the proposal is to reduce our PAN from 60 to 30, we understand that this is in response to the falling birth rate in Bedlington at this time. We would like to have the option to return to a two form or one and a half form entry should there be significant changes in the birth rate in future years or an impact on need for places because of the new building in the area. We are also aware that the numbers currently registered to attend either West End First School nursery or West End Pre-school in September 2019 are in excess of 30 and there may be more than 30 children requesting Reception places here in September 2020 as a result. We are still extremely disappointed that the report stated that there was no benefit to parents in extending our age range to 3 - 11 years allowing us to have a maintained nursery and bringing us in line with all other schools in Bedlington, including Meadowdale Academy. Whilst the current provision is more than adequate, offering flexibility for parents, having equal status with other schools would give parents a clear understanding of the pathway for their child and would end the current confusion about the status of our nursery and why we do not have a 3 to 11 age range when other schools do. Additionally it would allow us to bring much of the administration in house, crucially registering the children via SIMs which would give us easier access to Pupil premium information so that we can support children and parents promptly. Being able to register on SIMs would also make keeping track of eligibility for 30 hours far easier, meaning that parents could be prompted to re-register in good time. Finally SIMs is linked to CPOMs, the electronic system we use for recording safeguarding, child protection, SEND, attendance and behaviour concerns. Having access to this database would ensure that we were able to support children more effectively, having a secure audit trail for any incidents, actions or needs.

I hope all of these concerns can be taken into consideration.

Yours sincerely,

Jane Bushell

Headteacher
West End First School
Ridge Terrace
Bedlington
NE226EB

Representation - Staff Member

I would like to submit the following response to the proposal to extend the age range of Bedlington West End First School:-

Extend the age range of:-

- **Bedlington West End First School, Ridge Terrace, Bedlington, Northumberland, NE22 6EB changing the age range of the school to the proposed age range of 4 years to 11 years to take effect from 1 September 2020.**

Response:

I believe that this would be an excellent outcome. I have worked in the school for 15 years and believe it to a very well managed school, which has been established as a community school for over 100 Years.

The school has a proven track record in terms of good quality provision and outcomes for the children at EYFS, KS1 and Year 4. OFSTED noted this in our recent inspection (2019). It would be a positive outcome for the children in our community to receive this continued high quality provision for children into upper KS2. There are currently staff in school who have recent experience of teaching at the upper KS2 level, who would be able to take this forward. Key Leadership Team members are also experienced in leading within a Primary school setting. There is stability of staff, who are noted to be highly committed, dedicated to offering the best provision to meet the needs of the children and families in the community. Staff are a mix of experiences staff and newer staff, who have been provided with appropriate CPD to ensure that a high quality provision is maintained, provided by staff who are confident in taking ownership of the creative curriculum we offer. The school has been awarded the Artsmark Award and the School Games Award. The school has a good reputation in the community and receives unwavering support from parents, who are passionate about the school and actively engage with the learning here. The majority of those who responded at the last stage have expressed a desire for their children to remain in West End through upper KS2 to Year 6. This would avoid a change in school and a break in the children's education prior to their KS2 SATs. The 'parent surveys' support their positive attitude towards the school.

The staff at the school pride themselves on knowing the children as individuals, along with their families and offer a wide range of support to support them through their learning journey. The school has an open door ethos where parents are comfortable approaching staff members. This could be continued into Year 6, where we would welcome the opportunity to develop the independence skills needed for High School.

The school has a Growth Mindset ethos. From an early age we teach the children that 'Yes They Can'. We help them to understand how they learn, that mistake making is a positive part of learning. The children who are in year 4 are positive, confident learners. It would be amazing to see how they build upon this through upper KS2.

I acknowledge that there are limitations with the physical site of West End and this would require some work. On a positive note it has necessitated a positive, creative and resourceful staff, who need to utilise space to maximum effect and ensures that all staff and children work well together in close proximity.

The school would need regular access to a school field; it would also need some investment in building to provide a hall big enough to accommodate Year 5 and 6

children, in addition to additional dining arrangements. If this was to take place this would also have benefits to the existing children of West End.

SEND & Inclusion

The school continues to have a good reputation for supporting those children with SEND and their families. It is inclusive. The school offers high quality Wave 1 teaching and provides a range of Wave 2 interventions to ensure that we have as few children on the SEND register as possible. Those children on the SEND list are those with long term and more complex needs.

We do not believe exclusions benefit anyone and have had minimal fixed term exclusions (none within the last 3 years). The school works closely with those external agencies supporting us to provide for children with SEND and have positive relationships with them. An optional SEND inspection by Christine Inkster stated that we provide well for SEND. The children make good progress and attain at the levels.

The school has always been pro-active in ensuring a successful transition into and out of the school.

The school's emphasis on Poverty Proofing ensures that all children have an equal financial access to the school day. Visitors regularly comment that within our mixed cohort it is difficult to identify the 'disadvantaged' children. Our disadvantaged children make good progress and attain well over time with us.

The school is open to the suggestion of housing an ASD unit within the mainstream setting, as has been discussed. The experienced staff have acquired plenty of tools to support children with SEND and the passionate SENDCo works tirelessly to support their learning. She is excited by this proposition and sees the positive impact for the school and community.

EYFS

OFSTED (2019) noted that the EYFS was a strength of the school, being 'exciting' and 'innovative'. There has been recent investment in the EYFS provision to allow a fully flexible 30 hours continuous child care in one million pound building.

This has provided the unique opportunity to work in a close partnership. (The West Bedlington Early Years Partnership) Trinity Out of School club, offer wrap around care, West End Pre-School, offer 2-3 year old places and West End First School Nursery, offer 3-4 year old places. Parents can use this flexibly, whilst the children remain in the one building. The staff have worked to ensure the children's experiences are as seamless as possible, through joint planning, provision and regular meetings. West End First School provides teacher-lead provision. Those Teachers are instrumental in offering support and guidance to their EYFS colleagues in the WBEY partnership, which ensures a high quality provision.

I appreciate that there is nothing for the parents to gain in terms of offer should the school extend its age range down to 3 Year olds, which we requested. However, the school would benefit from having more seamless and easier admin, which would free up the School Business Managers time to work more effectively for the rest of the school. I would be grateful if this could be considered.

Catchment Area

I believe that the catchment area should remain the same. I feel to split it up would be divisive within the community. Some parents may consider other children to be getting a better deal due to the physical differences between sites of the different schools. If the catchment area remains the same then parents will have a choice of where to send their children. It could also end up with siblings being in different schools and could contribute to causing parents anxiety when making choices.

I would like to offer the above in support of extending the age range at West End First School. I firmly believe that the above put us in an ideal and exciting position to continue offering all those things above to a Year 5 and 6 cohort, as well as deploying experienced staff to help make the upper KS2 children ready for their next steps of learning in High School.

Thank you for taking the time to read this.

Kind Regards

Representation - Staff Member

Dear Lorraine,

I would like to formally state my support for the proposal to extend the age range at Bedlington West End First School. Our school provides a nurturing environment with a proven track record. Our staff are experienced, passionate and are a strong team. I feel that it is important (being from Bedlington myself,) for the council to ensure a stable future of West End as it has educated the children of the town for over a century and it provides a proud symbol of heritage for our local community.

Best Regards,

Representation – Staff Member

I fully support Bedlington West End First School becoming a primary school although I am disappointed and concerned that we will be one form entry and feel that the decision for Meadowdale Middle School to become a primary was wrong.

Representation – Parent

Dear Sir/Madam,

I'm writing to support the proposal for West End First School to become a primary. I'm a Bedlington resident with a child in Y2 at the school. I feel the provision there is excellent and I'm keen to see it extended.

Best wishes

Representation – Interested Party

To whom it may concern,

I am writing to support the proposal for Bedlington West End First School to become a primary school by extending its age range from September 2020. The school provides a high quality of education and has a staff who are passionate about teaching and learning. I therefore believe that by extending the age range of the school, the wider community will greatly benefit.



Making significant changes (‘prescribed alterations’) to maintained schools

**Statutory guidance for proposers and
decision-makers**

October 2018

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1: Summary

About this guidance

This is statutory guidance from the Department for Education. This means that recipients must have regard to it when making 'prescribed alterations' to maintained schools.

The purpose of this guidance is to ensure that good quality school places can be provided quickly where they are needed; that local authorities (LAs) and governing bodies (GBs) do not take decisions that will have a negative impact on other schools in the area; and that changes can be implemented quickly and effectively where there is a strong case for doing so. In line with these aims it is expected that, where possible, additional new places will only be provided at schools that have an overall Ofsted rating of 'good' or 'outstanding'. Schools which do not fall within the above categories should only be expanded where there are no other viable options.

A GB, LA or the [Schools Adjudicator](#) must have regard to this guidance when exercising functions under [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#) ('the Prescribed Alterations Regulations'). It should be read in conjunction with Parts 2 and 3 and Schedule 3 of the [Education and Inspections Act \(EIA\) 2006](#) and the Prescribed Alterations Regulations. It also relates to the [Establishment and Discontinuance Regulations](#) and [The School Organisation \(Removal of Foundation, Reduction in the Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations \(2007\)](#) ('the 'Removal Regulations').

It is the responsibility of LAs and GBs to ensure that they act in accordance with the relevant legislation when making changes to a maintained school and they are advised to seek independent legal advice where appropriate.

Review date

This guidance will be reviewed in October 2019.

Who is this guidance for?

Those proposing to make changes and making decisions on changes to maintained schools (e.g. GBs, LAs and the Schools Adjudicator), and for information purposes for those affected by a proposal (trustees of the school, diocese or relevant diocesan board, any other relevant faith body, parents etc.).

This guidance is relevant to all categories of maintained schools (as defined in section 20 of the [School Standards and Framework Act \(SSFA\) 1998](#)), unless explicitly stated. It is not relevant to [Pupil Referral Units](#). Separate advice [on making significant changes to an academy](#) and [opening and closing a maintained school](#) is available.

Please refer to the '[Further Information](#)' section for the full website address should you be unable to access documents via the hyperlinks provided.

Terminology

Definitions of common terms used in this guidance:

Schools with a religious character - All schools designated as having a religious character in accordance with the [SSFA](#).

Foundation Trust - For the purpose of this guidance the term 'foundation trust' refers to a foundation complying with the requirements set out in section 23A of the SSFA.

Parent(s) - The Education Act 1996 defines 'parent' as including someone who has care of, or legal responsibility for, the child. Therefore, a parent can include, for example, a grandparent, other family member or foster carer if they have care of or responsibility for the child.

Main points

- All proposals for prescribed alterations must follow the processes set out in this guidance.
- Where a LA proposes to expand a school that is eligible for intervention as set out in Section 59 of the [Education and Inspections Act 2006](#), they should copy the proposal to the relevant [Regional Schools Commissioner \(RSC\)](#) at the point of publication.
- To enable the department to monitor potentially contentious proposals, the proposer should copy any proposal, which falls within the definitions set out in [part 3](#), to the School Organisation mailbox as soon as it is published schoolorganisation.notifications@education.gov.uk.
- LAs and GBs proposing to make a significant change to a school which has been designated as having a religious character should engage the trustees of the school, and in the case of Church schools the diocese or relevant

diocesan board, or any other relevant faith body, where appropriate at the earliest opportunity.

- Where a LA is the decision maker, it must make a decision within a period of two months of the end of the representation period. Where a decision is not made within this time frame, the LA must refer the proposal to the Schools Adjudicator for a decision.
- It is not possible for any school to gain, lose or change religious character through a change of category. Information on the process to be followed is available in the [opening and closing maintained schools guidance](#).
- Once a decision has been made the proposer (GB or LA) must make the necessary changes to the school's record in the department's system [Get Information About Schools](#) (GIAS) by the date the change is implemented.
- Where a school wishes to change their name, the GB will need to amend the Instrument of Government in line with regulation 30 of [The School Governance \(Constitution\) \(England\) Regulations 2012](#). Once that is done, either the school or the LA will need to update the school record in the department's GIAS system.

2: Prescribed alteration changes

Enlargement of premises (expansion)

Under section 14 of the [Education Act 1996](#), LAs have a statutory duty to ensure that there are sufficient schools for primary and secondary education in their areas. The department expects LAs to manage the school estate efficiently and to reduce or find alternative uses for surplus capacity (for example, increasing the provision of early education and childcare) to avoid detriment to schools' educational offer or financial position. LAs are encouraged to consider the use of modular construction solutions for any physical building expansion and to consider all options for the reutilisation of space including via remodelling, amalgamations, or closure where this would be the best course of action.

Where additional places are needed, including where there is a local demand for a particular category of places (for example in schools designated as having a religious character), the LA can propose an enlargement of the capacity¹ of premises.

The statutory process should be followed to enlarge premises as set out in the [Prescribed Alterations Regulations](#) (see [part 5](#)) if:

- the proposed enlargement is permanent (longer than three years) and would increase the capacity of the school by:
 - more than 30 pupils; and
 - 25% or 200 pupils (whichever is the lesser).
- the proposal involves making permanent any temporary enlargement (which was intended to be in place for no more than three years) that meets the above threshold.

GBs of all categories of mainstream schools and LAs can propose small scale expansions that do not meet the thresholds above without the need to follow the formal statutory process in [part 4](#). In many cases this can be achieved solely by increasing the school's published admissions number² (PAN); please see the [School Admissions Code](#). The thresholds do not, however, apply to special schools. Details of how special schools can increase their intake³ are covered below.

¹ Net capacity as calculated using the DfE Guidance *Assessing the Net Capacity of Schools* (2002).

² All admission authorities must set a published admission number (PAN) for each 'relevant age group' when they determine their admission arrangements. So, if a school has an admissions number of 120 pupils for Year 7, that is its PAN.

³ The number of pupils admitted into the school at a particular time

Examples of when mainstream schools would/would not need to publish 'enlargement' proposals

A secondary school with a capacity of 750 (5 form of entry - 30 pupils per class, 5 year groups) **could** enlarge its premises to add 1 form of entry (30 extra pupils x 5 year groups = increase of 150 pupils) bringing the capacity to 900 pupils, **without** having to publish statutory proposals. Although the increase would be 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).

A small primary school with a capacity of 50 **could** enlarge its premises to increase its capacity by up to 29 pupils **without** having to publish statutory proposals, because although it would be more than '25%', it is less than 30.

A school of any size enlarging its premises to enable it to add 300 places **would** need to follow the statutory process as the increase would be both 'more than 30' and '200' (it may or may not be more than '25%' but that is irrelevant if the 200 threshold would be met).

A primary school with a capacity of 210 enlarging its premises to enable it to add 105 places (1.5 forms of entry $45 \times 7 = 315$), **would** need to follow the statutory process as the increase would be 'more than 30' and **more than '25%'** (it would be less than 200 but this is irrelevant as the 25% threshold would be met).

The quality of new places created through expansion

We expect LAs to consider a range of performance indicators and financial data, before deciding whether a school should be expanded. Where schools are underperforming, we would not expect them to expand, unless there is a strong case that this would help to raise standards. We expect LAs to create new places in schools that have an overall Ofsted rating of 'good' or 'outstanding'. If, however, there are no other feasible ways to create new places in the area, the LA should notify their Pupil Places Planning adviser⁴. In cases where there is a proposal to expand a school that is rated inadequate, the LA should also send a copy of the proposal to the [relevant RSC](#) so that they can ensure appropriate intervention strategies are in place.

The table below sets out who can propose an enlargement of premises and what process must be followed:

⁴ Advisers.PPP@education.gov.uk

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Enlargement of premises that meets the threshold	Statutory process	LA	CofE Diocese RC Diocese
LA for voluntary or foundation	Enlargement of premises that meets the threshold	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
LA for voluntary and foundation	Enlargement of premises (below the threshold)	Non statutory process	LA	N/A
GB of all categories mainstream	Enlargement of premises (below the threshold)	Non statutory process	GB	N/A

Expansion onto an additional site (or 'satellite sites')

Where proposers seek to expand onto an additional site they will need to ensure that the new provision is genuinely a change to an existing school and not in reality the establishment of a new school. Where a LA decides that a new school is needed to meet basic need, they should refer to the [guidance for opening new schools](#).

Decisions about whether a proposal represents a genuine expansion will need to be taken on a case-by-case basis, but proposers and decision makers will need to consider this non-exhaustive list of factors which are intended to expose the extent to which the new site is integrated with the existing site, and the extent to which it will serve the same community as the existing site:

The reasons for the expansion

- What is the rationale for this approach and this particular site?

Admission and curriculum arrangements

- How will the new site be used (e.g. which age groups/pupils will it serve)?
- What will the admission arrangements be?
- Will there be movement of pupils between sites?

Governance and administration

- How will whole school activities be managed?
- Will staff be employed on contracts to work on both sites? How frequently will they do so?
- What governance, leadership and management arrangements will be put in place to oversee the new site (e.g. will the new site be governed by the same GB and the same school leadership team)?

Physical characteristics of the school

- How will facilities across the two sites be used (e.g. sharing of the facilities and resources available at the two sites, such as playing fields)?
- Is the new site in an area that is easily accessible to the community that the current school serves?

The purpose of considering these factors is to determine the level of integration between the two sites; the more integration, the more likely the change will be considered as an expansion.

LAs should copy any proposal to expand a school onto a satellite site to schoolorganisation.notifications@education.gov.uk for monitoring purposes.

Expansion of existing grammar schools

Legislation prohibits the establishment of new grammar schools⁵. Expansion of any existing grammar school onto a satellite site can only happen if the new site is genuinely part of the existing school. Decision-makers must consider the factors listed above when deciding if an expansion is a legitimate enlargement of an existing school.

Changes to the published admissions number (PAN) where an enlargement of premises has not taken place

Admission authorities⁶ must set a PAN for each 'relevant age group' when determining their admission arrangements. If an admission authority of a mainstream school wishes to increase or decrease PAN, without increasing the overall physical

⁵ Except where a grammar school is replacing one or more existing grammar schools

⁶ The LA in the case of community and voluntary controlled (VC) schools or the GB in the case of voluntary aided (VA) and foundation schools

capacity of the buildings, this would be classed as an admissions change, not a prescribed alteration. The statutory process described in this guidance would not need to be followed (please see the [School Admissions Code](#) for further details of the processes admission authorities must follow).

Change in number of pupils in a special school

The School Admissions Code does not apply to special schools. GBs of all categories of special school, and LAs for community special schools, may seek to increase the number of places by following the statutory process in [part 5](#), if the increase is by:

- 10%; or
- 20 pupils (or 5 pupils if the school is a boarding-only school),

(whichever is the smaller number).

The exception to this is where a special school is established in a hospital.

GBs of all categories of special school, and LAs for community special schools, may seek to decrease the number of pupils, by following the statutory process in [part 5](#).

The table below sets out who can propose a change in the number of pupils in a special school and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB foundation special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB community special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	LA	CofE Diocese RC Diocese
LA for community special and foundation special	Increase by 10% or 20 pupils (5 for boarding special)	Statutory process	LA	CofE Diocese RC Diocese

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for foundation special	Increase by 10% or 20 pupils (5 for boarding special)	Statutory process	LA	GB/Trustees
LA for community special	Decrease of numbers	Statutory process	LA	CofE Diocese RC Diocese

Change of age range

For changes that are expected to be in place for more than 2 years (as these are considered permanent increases):

LAs can propose:

- a change of age range of up to 2 years (except for adding or removing a sixth form) for voluntary and foundation schools by following the non-statutory process, see [part 4](#).
- a change of age range of 1 year or more for community schools (including the adding or removal of sixth form or nursery provision) and community special schools or alter the upper age limit of a foundation or voluntary school to add sixth form provision by following the statutory process, see [part 5](#).

GBs of foundation and voluntary schools can propose:

- an age range change of up to 2 years (except for adding or removing a sixth form) by following the non-statutory process, see [part 4](#).
- an age range change of 3 years or more (including adding or removing a sixth form) by following the statutory process, see [part 5](#).

Before making such a proposal, the GB should consult with LAs, and where the school is designated as having a religious character the trustees of the school, dioceses or relevant diocesan boards, or any other relevant faith body, to understand the place management needs of the area.

GBs of community schools can propose the alteration of their upper age limit to add sixth form provision following the statutory process, see [part 5](#).

GBs of community special and foundation special schools can propose a change of age range of 1 year or more following the statutory process, see [part 5](#).

Where a proposed age range change would also require an expansion of the school's premises, the LA or GB must also ensure that they act in accordance with the requirements for proposals for the [enlargement of premises](#).

In cases where the age-range of the school has changed, this should be altered on GIAS. For example if the age-range is changed so that the school no longer caters for pupils below compulsory school age, the lower age range of the school would need to be increased so as not to include that age group.

The table below sets out who can propose a change of age range and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for voluntary and foundation	Alteration of upper or lower age range of up to 2 years (excluding adding or removing a sixth form)	Non statutory process	LA	NA
GB of voluntary and foundation	Alteration of upper or lower age range by up to 2 years (excluding adding or removing a sixth form)	Non statutory process	GB	N/A
GB of voluntary and foundation	Alteration of upper or lower age range by 3 years or more	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
LA for community and community special	Alteration of upper or lower age range by 1 year or more (for community schools including the adding or removal of sixth form or nurse provision)	Statutory process	LA	CofE Diocese RC Diocese
GB foundation special	Alteration of upper or lower age range by one year or more	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB community special	Alteration of upper or lower age range by one year or more	Statutory process	LA	CofE Diocese RC Diocese
LA for community	Alteration of upper age range so as to add or	Statutory process	LA	CofE Diocese RC Diocese

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
	remove sixth form provision			
LA for voluntary and foundation	Alteration of upper age range so as to add sixth form provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of voluntary and foundation	Alteration of upper age range so as to add sixth form provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community	Alteration of upper age range so as to add sixth form provision	Statutory process	LA	CofE Diocese RC Diocese
GB of voluntary and foundation	Alteration of upper age range so as to remove sixth form provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Adding a sixth form

The department wants to ensure that all temporary (which is anticipated will be in place for no more than 2 years) and permanent provision is of the highest quality and provides genuine value for money. There is a departmental expectation that proposals for the addition of sixth form provision will only be put forward for secondary schools that are rated as 'good' or 'outstanding' by Ofsted. Proposers should also consider the supply of other local post-16 provision in the area and assess if there is a genuine need for the additional provision.

In deciding whether new sixth form provision would be appropriate, proposers and decision makers should consider the following guidelines:

- **Quality:** The quality of pre-16 education must be good or outstanding (as rated by Ofsted) and the school must have a history of positive Progress 8 scores (above 0);
- **Size:** The proposed sixth form will provide at least 200 places and there should be sufficient demand for those places;
- **Subject Breadth:** The proposed sixth form should - either directly or through partnership - offer a minimum of 15 A level subjects. LAs may wish to consider the benefits of delivering a broader A level curriculum through

partnership arrangements with other school sixth forms. Working with others can offer opportunities to:

- o Improve choice and attainment for pupils
- o Deliver new, improved or more integrated services
- o Make efficiency savings through sharing costs
- o Develop a stronger, more united voice
- o Share knowledge and information.

Schools proposing a partnership arrangement must include evidence of how this will operate on a day-to-day basis, including timetabling and the deployment of staff;

- **Demand:** There should be a clear demand for additional post-16 places in the local area (including evidence of a shortage of post-16 places and a consideration of the quality of Level 3 provision in the area). The proposed sixth form should not create excessive surplus places or have a detrimental effect on other high quality post-16 provision in the local area;
- **Financial viability:** The proposed sixth form should be financially viable (there must be evidence of financial resilience should student numbers fall). The average class size should be at least 15, unless there is a clear educational argument to run smaller classes – for example to build the initial credibility of courses with a view to increasing class size in future.

Not all changes in age range to add a sixth form will necessitate a change to the school's admissions arrangements, for example a school may set up sixth form provision solely for its own pupils. However, if the intention is to also admit external applicants to the sixth form the school will need to adopt a sixth form PAN and may also wish to add academic entry requirements on changing its age-range.

The addition of post-16 provision requires a change of age-range, therefore, where a decision-maker is considering a proposal to add post-16 provision, they should refer to the section on changing an age range.

Closing an additional site

For foundation and voluntary schools that are already operating on a satellite site(s), GBs must follow the statutory process in [part 5](#) if they are proposing the closure of one or more sites, where the main entrance at any of the school's remaining sites is one mile or more from the main entrance of the site which is to be closed. The LA may make such a proposal for a community school following the statutory process in [part 5](#).

The table below sets out who can propose the closure of an additional site and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Closure of one or multiple sites	Statutory process	LA	CofE Diocese RC Diocese
GB voluntary or foundation	Closure of one or multiple sites	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Transfer to a new site

Where the main entrance of the proposed new site for a school would be more than two miles from the main entrance of the current school site, or if the proposed new site is within the area of another LA:

- **LAs** can propose the transfer to an entirely new site for community schools, community special schools and maintained nursery schools following the statutory process in [part 5](#).
- **GBs of voluntary, foundation, foundation special and community special schools** can also propose a transfer to a new site following the statutory process in [part 5](#).

The table below sets out who can propose a transfer to a new site and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community, community special and maintained nursery	Transfer to new site	Statutory process	LA	CofE Diocese RC Diocese
GB voluntary foundation or foundation special	Transfer to new site	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB community special	Transfer to new site	Statutory process	LA	CofE Diocese RC Diocese

Changes of category

GBs of all categories of maintained schools, apart from GBs of foundation special schools, may propose to change category by following the statutory process. The [addition or removal of a foundation](#) is described in [part 6](#). Where GBs are proposing a change of category covering a change in provision (e.g. from mainstream to special school) they are encouraged to seek advice by emailing schoolorganisation.notifications@education.gov.uk.

For a proposal to change the category of a school to voluntary-aided, the decision-maker should be satisfied that the GB and/or the foundation are able and willing to meet their financial responsibilities for building work. The decision-maker may wish to consider whether the GB has access to sufficient funds to enable it to meet 10% of its capital expenditure for at least five years from the date of implementation, taking into account anticipated building projects.

Guidance on adding or changing a designated religious character can be found in the [Opening and closing maintained schools](#) guidance.

The table below sets out who can propose a change of category and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB of voluntary	VC to VA VA to VC	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of voluntary	VC or VA to foundation school VC or VA to foundation school and acquire a foundation VC or VA to foundation school, acquire a foundation and majority foundation governors on GB	Statutory process	GB	For proposals at a VA school when decided by the GB: LA CofE Diocese RC Diocese
GB of foundation	Foundation school to VC or VA	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB of foundation	Acquire foundation Acquire a majority of foundation governors on the GB Removal of foundation and/or reduction in majority of foundation governors on GB	Statutory process	GB	N/A
GB of community	Community to VC or VA	Statutory process	LA	CofE Diocese RC Diocese
GB of community	Community to foundation school Community to foundation school and acquire foundation Community to foundation school and acquire majority of foundation governors on GB	Statutory process	GB	N/A
GB of foundation special	Remove foundation and/or reduce majority of foundation governors on GB	Statutory process	GB	N/A

Single sex school becoming co-educational (or vice versa)

Proposers can seek to change their school from single sex to co-educational (or vice versa) when they can show that this would better serve their local community. A co-educational school cannot change its nursery or post-16 provision to single sex.

When making a decision, LAs will need to consider the demand for and balance of school places for boys and girls in line with the [Equality Act 2010](#).

The table below sets out who can change a school from single sex to co-educational (or vice versa) and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community or community special	To co-ed or single sex provision	Statutory process	LA	CofE Diocese RC Diocese
GB of foundation, foundation special or voluntary	To co-ed or single sex provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community special	To co-ed or single sex provision	Statutory process	LA	CofE Diocese RC Diocese

Mainstream school: establish/remove/alter special educational needs (SEN) provision

When considering any reorganisation of provision that the LA recognises as reserved for pupils with special educational needs, including that which might lead to children being displaced, proposers will need to demonstrate how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for those children.

The table below sets out who can propose to establish, remove or alter SEN provision and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Establish, remove or alter SEN provision	Statutory process	LA	CofE Diocese RC Diocese
LA for voluntary and foundation	Establish or remove SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of foundation	Establish, remove or alter SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
and voluntary				

Change the types of need catered for by a special school

The table below sets out who can propose a change to the type of need catered for by a special school and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese
LA for foundation special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese
GB of foundation special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Boarding provision

The introduction of boarding provision can require the statutory process to be followed (depending on the type of school in question – see table below). LAs and GBs will need to consider how the Prescribed Alterations Regulations apply in conjunction with this guidance and, where there is any doubt, seek independent legal advice, as the department cannot advise on individual cases.

LAs can propose for:

- community schools; the establishment, removal or alteration (decrease by 50 pupils or 50% whichever is the greater) of boarding provision by following the statutory process in [part 5](#).

- community special schools; the establishment, removal or alteration (increase or decrease by 5 places or more where there are both day and boarding places) of boarding provision following the statutory process in [part 5](#).

GBs of voluntary and foundation schools can propose the establishment or increase of boarding provision following the non-statutory process in [part 4](#) and the removal or alteration (decrease by 50 pupils or 50% whichever is the greater) of boarding provision by following the statutory process in [part 5](#).

GBs of special schools can add or remove boarding provision or, where the school makes provision for day and boarding pupils, can increase or decrease boarding provision by five pupils or more following the statutory process in [part 5](#).

The table below sets out who can propose to establish, change or remove boarding provision and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Add, remove or change (decrease by 50 pupils or 50% whichever is greater) boarding provision	Statutory process	LA	CofE Diocese RC Diocese
LA for community special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	LA	CofE Diocese RC Diocese
GB of foundation or voluntary	Add boarding provision	Non-statutory process	GB	N/A
GB of foundation or voluntary	Remove or change (decrease by 50 pupils or 50% whichever is greater) boarding provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of foundation special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	LA	CofE Diocese RC Diocese

In making a decision on a proposal to remove boarding provision from a school, the decision-maker should consider whether there is a state funded boarding school within reasonable distance from the school and whether there are satisfactory alternative boarding arrangements for those currently in the school and those who may need boarding places in the foreseeable future, including the children of service families.

Remove selective admission arrangements at a grammar school

The table below sets out who can propose the removal of selective admission arrangements⁷ and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB of voluntary or foundation	Remove selective admission arrangements	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community	Remove selective admission arrangements	Statutory process	LA	CofE Diocese RC Diocese

Amalgamations

The LA and/or GB (depending on school category) can publish a proposal to close one school (or more) and enlarge/change the age range/transfer site (following the statutory process as/when necessary) 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 phase has changed.

Alternatively, LAs may propose to close all the schools involved and replace them with a new school. For more information, please consult the separate guidance on [opening and closing a maintained school](#).

⁷ In accordance with s.109 (1) of the School Standards and Frameworks Act 1998

3: Contentious proposals

When proposing changes, LA's and GBs should act reasonably, and in line with the principles of public law, to ensure that the changes do not have a negative impact on the education of pupils in the area.

To enable the department to monitor potentially controversial proposals, LAs and GBs should notify schoolorganisation.notifications@education.gov.uk of the publication of any proposals which would:

- involve [expansion onto a separate 'satellite' site](#); or
- where objections have been raised that the proposed change could potentially undermine the quality of education in the local area by creating additional places where there is surplus capacity.

4: Changes that can be made outside of the statutory process

LAs and GBs of mainstream maintained schools can make limited changes (see [part 2](#) for the exact detail) to their schools without following a statutory process, including some temporary changes; they are nevertheless required to adhere to the usual principles of public law. They MUST:

- act rationally;
- take into account all relevant and no irrelevant considerations; and
- follow a fair procedure.

The department expects that in making these changes, LAs and GBs will work together and will:

- liaise with the trustees of the school, and in the case of schools designated as having a religious character the diocese or relevant diocesan board, or any other relevant faith body, to ensure that a proposal is aligned with wider place planning/organisational arrangements, and that any necessary consents have been gained;
- not undermine the quality of education provided or the financial viability of other 'good' and 'outstanding' schools in the local area;
- not create additional places in a local planning area where there is already surplus capacity in schools, taking the quality and diversity of the provision into account as well as cross boundary impacts; and
- ensure open and fair consultation with parents, any affected educational institutions in the area (e.g. primary, secondary, special schools, sixth form and FE colleges as required) and other interested parties. The [consultation principles guidance](#) can be referenced for examples of good practice.

Before making any changes GBs should ensure that:

- they have consulted with the LA to ensure the proposal is aligned with local place planning arrangements
- they have secured any necessary funding;
- they have identified suitable accommodation and sites;

- they have secured planning permission and/or agreement on the transfer of land where necessary⁸. The proposal can be approved subject to planning permission being granted;
- they have the consent of the site trustees or other land owner where the land is not owned by the GB;
- where a school is designated as having a religious character, they have the consent of the trustees of the school, the diocese or relevant diocesan board, or any other relevant faith body, where appropriate; and
- the admissions authority is content for the published admissions number (PAN) to be changed where this forms part of expansion plans, in accordance with the School Admissions Code.

Once a decision on the change has been made, the proposer (i.e. LA or GB) is responsible for making arrangements for the necessary changes to be made to the school's record in the department's [GIAS](#) system. These changes must be made no later than the date of implementation for the change and can be input in advance, once a decision is made.

⁸ Including, where necessary, approval from the Secretary of State for change to the use of playing field land under Section 77(1) of the SFA 1998

5: Statutory process: prescribed alterations

The statutory process for making prescribed alterations to schools has four stages:

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal/notice)		
Stage 2	Representation (formal consultation)	Must be 4 weeks	As set out in the 'Prescribed Alterations' regulations
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator	Any appeal to the adjudicator must be made within 4 weeks of the decision
Stage 4	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker

Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations. Schools should have the consent of the site trustees and where a school is designated as having a religious character the trustees of the school, the diocese or relevant diocesan board, or any other relevant faith body.

When considering making a prescribed alteration change, it is best practice to take timing into account, for example:

- by holding consultations and public meetings (either formal or informal) during term time, rather than school holidays and, where appropriate, extend the consultation period if it overlaps school holidays etc;
- plan where any public and stakeholder meetings are held to maximise response;
- take into account the admissions cycle for changes that will impact on the school's admission arrangements.

A number of changes can impact admissions necessitating reductions in PAN, new relevant age groups for admission or the adoption of revised admission criteria. Changes to admission arrangements can be made by the admission authority in one of two ways:

- the consultation on changing the admission arrangements (as set out in the [School Admissions Code](#)) takes place sufficiently in advance of a decision on the prescribed alteration so that the change to admissions can be implemented at the same time as the proposals; or
- a variation is sought, where necessary, in view of a major change in circumstances, from the [Schools Adjudicator](#) so that the changes to the admission policy can be implemented at the same time as the prescribed alteration is implemented.

Decision-makers should, so far as is possible, co-ordinate with the admission authority, if different, to ensure they avoid taking decisions that will reduce a PAN or remove a relevant age group for admission after parents have submitted an application for the following September (e.g. 31 October for secondary admissions or 15 January for primary admissions).

Publication

A statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. [Annex A](#) sets out the minimum that this should include. The proposal should be accessible to all interested parties and should therefore use 'plain English'.

Where the proposal for one change is linked to another, this should be made clear in any notices published. Where a proposal by a LA is 'related' to a proposal by other proposers (e.g. where one school is to be enlarged because another is being closed) a single notice could be published.

The full proposal must be published on a website (e.g. the school or LA's website) along with a statement setting out:

- how copies of the proposal may be obtained;
- that anybody can object to, or comment on, the proposal;
- the date that the representation period ends; and
- the address to which objections or comments should be submitted.

A brief notice (including details on how the full proposal can be accessed e.g. the website address) must be published in a local newspaper. If the proposal is published by a GB then notification must also be posted in a conspicuous place on the school premises and at all of the entrances to the school.

Within one week of the date of publication on the website, the proposer must send a copy of the proposal and the information set out in the paragraph above to:

- the GB/LA (as appropriate);
- the parents of every registered pupil at the school - where the school is a special school;
- if it involves or is likely to affect a school which has been designated as having a religious character:
 - the local Church of England diocese;
 - the local Roman Catholic diocese; or
 - the relevant faith group in relation to the school;
- proposals affecting a special school should go to any LA that has commissioned a place at the school (i.e. all relevant authorities who have made an out of county/borough placement there); and
- any other body or person that the proposer thinks is appropriate e.g. any affected educational institutions in the area.

Within one week of receiving a request for a copy of the proposal, the proposer must send a copy to the person requesting it.

There is no maximum limit on the time between the publication of a proposal and its proposed date of implementation. However, proposers will be expected to show good reason (for example an authority-wide reorganisation) if they propose a timescale longer than three years.

Representation (formal consultation)

The representation period must last for four weeks from the date of the publication. During this period, any person or organisation can submit comments on the proposal to the LA to be taken into account by the decision-maker. It is also good practice for representations to be forwarded to the proposer to ensure that they are aware of local opinion.

Decision

The LA will be the decision-maker in all cases except where a proposal is 'related' to another proposal that must be decided by the [Schools Adjudicator](#)⁹.

Decision-makers will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. Decision-makers should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s).

Decisions must be made within a period of two months of the end of the representation period or they must be referred to the Schools Adjudicator.

When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the LA and/or GB (as appropriate); or
- approve the proposal, with or without modification – subject to certain conditions¹⁰ (such as the granting of planning permission) being met.

A proposal can be withdrawn by the proposer at any point before a decision is taken. When doing so, the proposer must send written notice to the LA or the GB (as appropriate); or the Schools Adjudicator (if the proposal has been sent to them). A notice must also be placed on the website where the original proposal was published.

Within one week of making a decision the LA must publish their decision and the reasons for it, on the website where the original proposal was published and send copies to:

- the LA (where the Schools Adjudicator is the decision-maker);
- the Schools Adjudicator (where the LA is the decision-maker);

⁹ For example where a change is conditional on the establishment of a new school under section 10 or 11 of EIA 2005 (where the Schools Adjudicator may be the default decision maker).

¹⁰ The prescribed events are those listed in paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations.

- the GB/proposers (as appropriate);
- the trustees of the school (if any);
- the local Church of England diocese;
- the local Roman Catholic diocese;
- the parents of every registered pupil at the school – where the school is a special school; and
- any other body that they think is appropriate (e.g. other relevant diocese or diocesan board, faith organisation and any affected educational institutions in the area).

If the [Schools Adjudicator](#) is the decision-maker they must notify the persons above of their decision, together with the reasons, within one week of making the decision. Within one week of receiving this notification the LA must publish the decision, with reasons, on the website where the original proposal was published.

Related proposals

Where proposals appear to be related to other proposals, the decision-maker must consider the related proposals together. A proposal should be regarded as related if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal.

Conditional approval

For many types of proposal, decision-makers may make their approval conditional on certain prescribed kinds of events¹¹. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

The proposer should inform the decision-maker when a condition is met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

¹¹ Under paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations

Education standards and diversity of provision

Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents, raise local standards and narrow attainment gaps.

Equal opportunities issues

The decision-maker must comply with the Public Sector Equality Duty (PSED), which requires them to have 'due regard' to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

Further information on the considerations can be found on the [Equality and Human Rights Commission](#) website.

Community cohesion

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from, and about each other; by encouraging through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker should consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different groups within the community.

Travel and accessibility

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

Further information is available in the statutory [Home to school travel and transport guidance](#) for LAs.

Funding

The decision-maker should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees of the school, diocese or relevant diocesan board) have given their agreement. A proposal cannot be approved conditionally upon funding being made available.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal 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 proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

Rights of appeal against a decision

The following bodies may appeal to the Schools Adjudicator against a decision made by a LA decision-maker, within four weeks of the decision being made:

- the local Church of England diocese;
- the local Roman Catholic diocese; and
- the governors and trustees of a foundation, foundation special or voluntary school that is subject to the proposal.

On receipt of an appeal, a LA decision-maker must then send the proposal, representations received and the reasons for their decision to the Schools Adjudicator within one week of receipt. There is no right of appeal on determinations made by the Schools Adjudicator.

Implementation

The proposer must implement a proposal in the form that it was approved, taking into account any modifications made by the decision-maker.

Modification post determination

Proposers can seek modifications from the decision-maker before the approved implementation date. However, proposals cannot be modified to the extent that new proposals are substituted for those that have been published.

Details of the modification must be published on the website where the original proposals were published.

Revocation of proposals

If the proposer no longer wants to implement an approved proposal, they must publish a revocation proposal to be relieved of the duty to implement, as set out in the Prescribed Alterations Regulations.

Land and buildings

Foundation, foundation special or voluntary controlled schools

Where a LA is required to provide a site for a foundation, foundation special or voluntary controlled school, the LA must¹²:

- transfer their interest in the site and in any buildings on the site which are to form part of the school's premises to the trustees of the school, to be held by them on trust for the purposes of the school; or
- if the school has no trustees, to the GB, to be held by that body for the purposes of the school.

In the case of a dispute as to the persons to whom the LA is required to make the transfer, the adjudicator will make a decision.

Voluntary aided schools

Where a LA is required to provide a site for a voluntary aided school, they must transfer their interest in the land to the trustees of the school, and must pay the reasonable costs to the GB in connection with the transfer.

¹² Under paragraph 17 of schedule 3 of the Prescribed Alterations Regulations

School premises and playing fields

Under the School Premises (England) Regulations 2012, all schools maintained by local authorities are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

[Guidelines](#) setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.

6: Statutory process: foundation proposals

Changing category to foundation, acquiring a foundation trust and/or acquiring a foundation majority

A 'foundation trust school' is a foundation school with a charitable foundation complying with the requirements set out in SSFA 1998¹³. These include that the foundation trust must have a charitable purpose of advancing education and must promote community cohesion.

The term 'acquire a foundation majority' means acquiring an instrument of government whereby the school's foundation trust has the power to appoint a majority of governors on the GB.

Where a school's GB considers changing category to foundation or acquiring a foundation trust and/or acquiring a foundation majority on the school's GB, the following five-stage statutory process must be followed:

Stage	Description	Timescale	Comments
Stage 1	Initiation		The GB considers a change of category to foundation/acquisition of a foundation trust/acquisition of a foundation majority
Stage 2	Publication		Having gained consent where appropriate
Stage 3	Representation (formal consultation)	Must be 4 weeks	As set out in the prescribed alteration regulations. The LA may refer a foundation trust proposal to the Schools Adjudicator during this period if it considers the proposal to have a negative effect on standards at the school
Stage 4	Decision	The GB must decide within 12 months of the date of publication	Unless the LA has referred the proposal to Schools Adjudicator at Stage 3
Stage 5	Implementation	No prescribed timescale	Must be as specified in the statutory notice, subject to any modifications agreed by the decision-maker

¹³ Section 23A

Initiation

For a proposal to change the category of a school to a foundation school, the GB should inform the LA in writing, at least seven days in advance of a meeting, if a motion to consult on a change of category proposal is to be discussed.

Before the GB can publish a proposal to change category from a voluntary school to a foundation school, the existing trustees and whoever appoints the foundation governors must give their consent.

Publication

A statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. Part 1 of [Schedule 1 to the Prescribed Alterations Regulations](#) specifies the information that the statutory proposal must contain. Further details on the publication stage can be found in [Part 5](#).

Representation (formal consultation)

The representation period starts on the date of the publication of the proposal and must last four weeks. During this period, any person or organisation can submit comments on the proposal to the GB, to be taken into account when the decision is made.

During the representation period, the LA has the power to require the referral of a proposal to acquire a foundation trust/foundation majority to the [Schools Adjudicator](#) for decision, if they consider it will have a negative impact on standards at the school.

The LA does not have this power in respect of a proposal solely to change the category to foundation¹⁴.

Where a proposal is referred to the [Schools Adjudicator](#), the GB must forward any objections or comments it has received to the Schools Adjudicator within one week of the end of the representation period.

¹⁴ However, where such a proposal is related to a proposal to acquire a trust, then the whole set of proposals will be referred to the Schools Adjudicator

Decision

Unless a proposal has been referred to the Schools Adjudicator (as set out above), the GB will be the decision-maker and must make a decision on the proposal within 12 months of the date of publication of the proposal.

Where a proposal to acquire a foundation trust or a foundation majority is linked to a proposal to change category to a foundation school, they will be decided together.

When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the LA;
- approve the proposal with or without modifications but conditional upon:
 - the making of any scheme relating to any charity connected with the school; and
 - the establishment of a foundation¹⁵.

Where the LA has referred a proposal to acquire a foundation trust/foundation majority to the Schools Adjudicator for decision, any related proposal(s) (including a change of category to foundation) will also fall to be decided by the Schools Adjudicator.

Decision-makers should consider the impact of changing category to foundation school, and acquiring or removing a foundation trust on educational standards at the school. In assessing standards at the school, the decision-maker should take account of recent reports from Ofsted and a range of performance data. Recent trends in applications for places at the school (as a measure of popularity) and the local reputation of the school may also be relevant context for a decision.

If a proposal is not considered strong enough to significantly improve standards at a school that requires it, the decision maker should consider rejecting the proposal. Foundation trusts have a duty¹⁶ to promote community cohesion, and decision-makers should carefully consider the foundation trust's plans for partnership working with other schools, agencies or voluntary bodies.

¹⁵ As defined in section 23A of the SSFA 1998

¹⁶ Under section 23A(6) of the SSFA 1998

Foundation schools acquiring a foundation trust

For foundation trust schools the decision-maker should be satisfied that the following criteria are met for the proposal to be approved:

- the proposal is not seeking for a school to alter, acquire, or lose a designated religious character. These alterations cannot be made simply by acquiring a foundation trust;
- the necessary work is underway to establish the foundation trust as a charity and as a corporate body; and
- that none of the foundation trustees are disqualified from exercising the function of foundation trustee, either by virtue of:
 - o disqualifications from working with children or young people;
 - o not having obtained a criminal record check certificate¹⁷;
 - o [Charities Act 2011](#)¹⁸ which disqualify certain persons from acting as charity trustees.

Suitability of partners

Decision-makers will need to be satisfied of the suitability of foundation trust partners and members. They should use their own discretion and judgement in determining on a case-by-case basis whether the reputation of a foundation trust partner is in keeping with the charitable objectives of a foundation trust, or could bring the school into disrepute. However, the decision-maker should make a balanced judgement, considering the suitability and reputation of the current/potential foundation trust.

The following sources may provide information on the history of potential foundation trust partners:

- [The Health and Safety Executive Public Register of Convictions](#)¹⁹
- [The Charity Commission's Register of Charities](#); and
- [The Companies House web check service](#).

¹⁷ Under section 113A of the Police Act 1997

¹⁸ section 178 onwards

¹⁹ Appearance on this database should not automatically disqualify a potential trust member; decision-makers will wish to consider each case on its merits

Within one week of making a decision the GB must publish a copy of the decision (together with reasons) on the website where the original proposal was published and send copies to:

- the LA;
- the local Church of England diocese; and
- the local Roman Catholic diocese.

Where a proposal has been decided by the GB and is to change the category of a VA school to foundation (with or without the acquisition of a foundation trust/foundation majority), the following bodies have the right of appeal to the [Schools Adjudicator](#)²⁰:

- the LA;
- the local Church of England diocese(s); and
- the local Roman Catholic diocese(s).

Conditional approval

For many types of proposal, decision-makers may make their approval conditional on certain prescribed kinds of events²¹. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

The proposer should inform the decision-maker when a condition is met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

Implementation

The GB must implement any approved proposal by the approved implementation date, taking into account any modifications made by the decision-maker.

Within one week of implementation, the GB must provide information to the Secretary of State²² about foundation proposals that have been implemented. Copies of the statutory proposals and decision record should be submitted to

²⁰ The specific circumstances in which a referral can be made are prescribed under paragraph 15 of Schedule 1 to the Prescribed Alterations Regulations

²¹ under paragraph 16 of Schedule 1 to the Prescribed Alterations Regulations

²² Paragraph 18 of Schedule 1 of the Prescribed Alterations Regulations

schoolorganisation.notifications@education.gov.uk in order for the school record to be updated on GIAS.

Modification post determination

Modifications can be made to a proposal by the governing body after determination but before implementation.

Revocation

If the proposer no longer wants to implement an approved proposal they must publish a revocation proposal to be relieved of the duty to implement, as set out in Paragraph 19 of Schedule 1 of the Prescribed Alterations Regulations.

Governance and staffing issues

Schedule 4 of the Prescribed Alterations Regulations provides further information on the requirements about:

- the revision or replacement of the school's instrument of government;
- reconstitution or replacement of the GB;
- current governors continuing in office;
- surplus governors;
- transfer of staff; and
- transitional admission arrangements.

Land transfer issues

Requirements as to land transfers, when a school changes category or acquires a foundation trust, are prescribed in Schedule 5 of the Prescribed Alterations Regulations.

Removing a foundation trust and/or removing a foundation majority

There are five or six statutory stages (depending on the proposal and circumstances) to remove a foundation trust and/or to reduce a foundation majority. It may be triggered in two different ways – either by a majority or a minority of the GB:

Stage	Description	Timescale	Comments
Stage 1	Initiation		<p>Majority A majority of governors considers publishing a proposal to remove a foundation trust/reduce the number of governors appointed by the foundation.</p> <p>or</p> <p>Minority A minority (of not less than a third of the governors) notify the clerk of the GB of their wish to publish a proposal to remove a foundation trust/reduce the number of governors appointed by the foundation</p>
Stage 2	Land Issues (applicable only to removal of trusts)	If not resolved within 3 months, disputes must be referred to the Schools Adjudicator	In cases of removing foundation trusts, the GB, trustees and the LA must resolve issues related to land and assets before a proposal is published
Stage 3	Consultation	<p>Majority A minimum of 4 weeks is recommended.</p> <p>or</p> <p>Minority No consultation required</p>	Majority It is for the GB to determine the length of consultation
Stage 4	Publication and representation	<p>Majority 6 week representation period.</p> <p>or</p> <p>Minority</p>	

Stage	Description	Timescale	Comments
		Where there are no land or asset issues – publish within 3 months of receipt of notice by GB clerk – followed by a 6-week representation period. Where there are land issues, publish within 1 month of receipt of School Adjudicator's determination – followed by a 6-week representation period	
Stage 5	Decision	Within 3 months	A proposal initiated by a minority of governors may not be rejected unless at least two-thirds of the GB are in favour of the rejection
Stage 6	Implementation	No prescribed timescale	But must be as specified in the statutory notice, subject to any modifications agreed by the decision-maker

Initiation

A proposal for removing a foundation trust and/or removing a foundation majority can be triggered by:

- a) a majority²³ of the GB or a committee deciding to publish a proposal. The decision to publish must be confirmed by the whole GB at a meeting held at least 28 days after the meeting at which the initial decision was made; or
- b) at least one-third²⁴ of the governors requesting in writing to the clerk of the GB, that a proposal be published. No vote of the GB is required as they are obliged to publish a proposal. To prevent on-going challenges

²³ Regulation 4 of the Removal Regulations

²⁴ Regulation 5 of the Removal Regulations

there are a number of prescribed circumstances²⁵ in which there is no obligation to follow the wishes of the minority of governors.

Land and assets (when removing a foundation trust)

Before publishing proposals to remove a foundation trust, the GB must reach agreement with the trustees and LA on issues relating to the school's land and assets. Where such issues remain unresolved within three months of the initial decision (majority) or receipt of notice by the clerk (minority), they must be referred to the [Schools Adjudicator](#) for determination.

On the removal of the foundation trust, all publicly provided land held by the foundation trust for the purposes of the school will transfer to the GB²⁶. Where the land originated from private sources (for example, where land was gifted on trust), the land will transfer to the GB in accordance with a transfer agreement, providing for consideration to be paid by the GB to the foundation trust where appropriate. However, there may be land which has benefited from investment from public funds which remains with the trustees under the transfer agreement.

Alternatively, there may have been investment by trustees in the publicly provided land or from public funding in the land provided by the trustees. In either of these cases, it may be appropriate for either the trustees or the public purse to be compensated. The possibility of stamp duty land tax may also need to be taken into account.

The Schools Adjudicator will announce its determination in writing to both parties.

Consultation

Where a minority of governors initiated the process, this stage does not apply.

Where a majority of governors initiated the process, before publishing a proposal the GB must consult:

- families of pupils at the school;
- teachers and other staff at the school;
- the trustees and, if different, whoever appoints foundation governors;
- the LA;

²⁵ See regulation 5(4) of the Removal Regulations

²⁶ By virtue of regulation 17(1) of the Removal Regulations

- the GBs of any other foundation or foundation special schools maintained by the same LA for which the foundation acts as a foundation;
- any trade unions who represent school staff;
- if the school has been designated as having a religious character, the appropriate diocesan authority or other relevant faith group in relation to the school;
- any other person the GB consider appropriate.

Publication

Where the decision to publish a proposal was made by a majority of governors, the GB at this stage must decide whether to go ahead with publishing the proposal.

Where the decision to publish a proposal was made by a minority of governors and there are no land issues to be determined, the GB must publish the proposal within 3 months of the receipt of the notice by the clerk. If land issues were referred to the [Schools Adjudicator](#), the proposal must be published within 1 month of receipt of its determination.

Proposals to remove a foundation trust or to alter the instrument of government so that foundation governors cease to be the majority of governors must contain the information set out in [The School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#). Further details on the publication stage can be found in [Part 5](#).

At the same time as publishing the proposals, the GB must send copies of the proposals to the LA, trustees, and the Secretary of State via schoolorganisation.notifications@education.gov.uk.

Representation

The representation period starts on the date of the publication of the proposal and must last six weeks. During this period, any person or organisation can submit comments on the proposal to the GB to be taken into account when the decision is made.

Unlike the foundation trust acquisition process, there is no power for the LA to refer a proposal to the Schools Adjudicator to remove a school's foundation trust or to reduce the number of governors appointed by the foundation trust. However, GBs

must bear in mind that failure to follow the requirements of the statutory process could lead to a complaint to the Secretary of State under Section 496/497 of the Education Act 1996, and/or ultimately be challenged through judicial review.

Decision

The GB is the decision-maker for a removal proposal and must determine the proposal within 3 months of the date of its publication.

If a proposal was brought forward by a majority of governors, then it may be determined by a majority vote of those governors present²⁷.

If a proposal was brought forward by a minority of governors, then the GB may not reject the proposal unless two thirds or more of the governors indicate that they are in favour of its rejection²⁸.

When deciding a proposal for the removal of a foundation trust, the GB should consider the proposal in the context of the original proposal to acquire the foundation trust, and consider whether the foundation trust has fulfilled its expectations. Where new information has come to light regarding the suitability of foundation trust partners, this should be considered.

All decisions must be taken in accordance with the processes prescribed in [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#)²⁹.

The GB must notify the relevant LA, trustees and the Secretary of State via schoolorganisation.notifications@education.gov.uk of their decision.

Implementation

The GB is under a statutory duty to implement any approved proposal, as published, by the approved implementation date, taking into account any modifications made. In changing category, an implementation period begins when the proposal is decided and ends on the date the proposal is implemented. During this period the LA and GB are required to make a new instrument of government for the school, so enough time must be built into the timeframe for this to happen. The GB must then be reconstituted in a form appropriate to the school's new category and also in accordance with the appropriate instrument of government taking into account the [School Governance \(Constitution\) \(England\) Regulations 2012](#).

²⁷ As per the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013

²⁸ As per regulation 11(2) of the Removal Regulations

²⁹ Except as otherwise provided by the Removal Regulations.

When removing a foundation trust or a foundation majority, a governor may continue as a governor in the corresponding category (e.g. staff governor, parent governor) if that category remains under the new instrument of government. A member of a current GB who continues as a governor on these grounds holds office for the remainder of the term for which he or she was originally appointed or elected. Where a school with a religious character has no foundation trust, the GB must appoint partnership governors with a view to ensuring that the religious character of the school is preserved and developed in accordance with the School Governance (Constitution) (England) Regulations 2012. There is nothing to prevent the appointment of a former foundation governor being reappointed by the GB as a partnership governor.

The terms of the trust on which land is held for a voluntary or foundation school often include very specific provisions regarding the conduct of the school and the use of any fund held by the foundation trust for the use of the school and premises. When making a proposal to change category, proposers will need to consider whether the current terms on which the school's land is held on trust allows for the change in category proposed. If in doubt, or if a variation in the foundation trust is clearly necessary, promoters and the relevant site trustees are advised to make early contact with the Charity Commission to apply for the terms of the trust to be varied under the relevant trust law.

Modification of proposals

Modifications can only be made to the implementation date and the proposed constitution of the governing body.

Annex A: Information to be included in a prescribed alteration statutory proposal

A statutory proposal for making a prescribed alteration to a school must contain sufficient information for interested parties to make a decision on whether to support the proposed change. A proposal should be accessible to all interested parties and therefore use 'plain English'.

Proposers will need to be mindful of the factors that will inform the decision-makers assessment when determining the proposal.

As a minimum, the department would expect a proposal to include:

- school and LA details;
- description of alteration and evidence of demand;
- objectives (including how the proposal would increase educational standards and parental choice);
- the effect on other educational institutions within the area;
- project costs and indication of how these will be met, including how long-term value for money will be achieved;
- implementation plan; and
- a statement explaining the procedure for responses: support, objections and comments.

Annex B: Further Information

This guidance primarily relates to:

- [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](http://www.legislation.gov.uk/uksi/2013/3110/contents/made)
www.legislation.gov.uk/uksi/2013/3110/contents/made
- [The School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](http://www.legislation.gov.uk/uksi/2007/3475/contents/made) www.legislation.gov.uk/uksi/2007/3475/contents/made
- [The School Organisation \(Requirements as to Foundations\) \(England\) Regulations 2007](http://www.legislation.gov.uk/uksi/2007/1287/contents/made) www.legislation.gov.uk/uksi/2007/1287/contents/made
- [The Education and Inspections Act 2006](http://www.legislation.gov.uk/ukpga/2006/40)
www.legislation.gov.uk/ukpga/2006/40
- [The School Standards and Framework Act 1998](http://www.legislation.gov.uk/ukpga/1998/31/contents)
www.legislation.gov.uk/ukpga/1998/31/contents

It also relates to:

- [The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013](http://www.legislation.gov.uk/uksi/2013/3109/contents/made) www.legislation.gov.uk/uksi/2013/3109/contents/made
- [The School Governance \(Constitution\) \(England\) Regulations 2012](http://www.legislation.gov.uk/uksi/2012/1034/contents/made)
www.legislation.gov.uk/uksi/2012/1034/contents/made
- [The School Governance \(Constitution and Federations\) \(England\) \(Amendment\) Regulations 2014](http://www.legislation.gov.uk/uksi/2014/1257/pdfs/uksi_20141257_en.pdf)
www.legislation.gov.uk/uksi/2014/1257/pdfs/uksi_20141257_en.pdf
- [The School Governance \(Miscellaneous Amendments\) \(England\) Regulations 2015](http://www.legislation.gov.uk/uksi/2015/883/pdfs/uksi_20150883_en.pdf) www.legislation.gov.uk/uksi/2015/883/pdfs/uksi_20150883_en.pdf
- [The School Governance \(New Schools\) \(England\) Regulations 2007](http://www.legislation.gov.uk/uksi/2007/958/pdfs/uksi_20070958_en.pdf)
www.legislation.gov.uk/uksi/2007/958/pdfs/uksi_20070958_en.pdf
- [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](http://www.legislation.gov.uk/uksi/2013/1624/contents/made) www.legislation.gov.uk/uksi/2013/1624/contents/made
- [The Childcare Act 2006](http://www.legislation.gov.uk/ukpga/2006/21/contents) www.legislation.gov.uk/ukpga/2006/21/contents
- [The School Premises \(England\) Regulations 2012](http://www.legislation.gov.uk/uksi/2012/1943/contents/made)
www.legislation.gov.uk/uksi/2012/1943/contents/made

- [Making Significant Changes to an Existing Academy](http://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy)
www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy
- [Academy/Free School Presumption – departmental advice](http://www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption)
www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption
- [Establishing New Maintained Schools – departmental advice for local authorities and new school proposers](http://www.gov.uk/government/publications/establishing-new-maintained-schools)
www.gov.uk/government/publications/establishing-new-maintained-schools
- [The School Admissions Code](http://www.gov.uk/government/publications/school-admissions-code--2) www.gov.uk/government/publications/school-admissions-code--2
- [Education Act 1996](http://www.legislation.gov.uk/ukpga/1996/56/contents) www.legislation.gov.uk/ukpga/1996/56/contents
- [Equality Act 2010](http://www.legislation.gov.uk/ukpga/2010/15/contents) www.legislation.gov.uk/ukpga/2010/15/contents
- [Police Act 1997](http://www.legislation.gov.uk/ukpga/1997/50/contents) www.legislation.gov.uk/ukpga/1997/50/contents
- [Charities Act 2011](http://www.legislation.gov.uk/ukpga/2011/25/contents) www.legislation.gov.uk/ukpga/2011/25/contents
- [Public Sector Equality Duty](http://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty) www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty
- [Home-to-school travel and transport - GOV.UK](http://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance)
www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance
- [Get information about schools - GOV.UK](http://www.get-information-schools.service.gov.uk/) www.get-information-schools.service.gov.uk/
- [Consultation principles: guidance - GOV.UK](http://www.gov.uk/government/publications/consultation-principles-guidance)
www.gov.uk/government/publications/consultation-principles-guidance
- [School land and property: protection, transfer and disposal - GOV.UK](http://www.gov.uk/guidance/school-land-and-property-protection-transfer-and-disposal)
www.gov.uk/guidance/school-land-and-property-protection-transfer-and-disposal

Annex C: Contact details for RSC offices

- East and North East London - RSC.EASTNELONDON@education.gov.uk
- North - RSC.NORTH@education.gov.uk
- East Midlands and Humber - EMH.RSC@education.gov.uk
- Lancashire and West Yorkshire - LWY.RSC@education.gov.uk
- South Central England and North West London - RSC.SCNWLON@education.gov.uk
- South East and South London - RSC.SESL@education.gov.uk
- South West - RSC.SW@education.gov.uk
- West Midlands - RSC.WM@education.gov.uk



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Equality Impact Assessment

To be completed for all key changes, decisions and proposals. Cite specific data and consultation evidence wherever possible. Further guidance is available at:

<http://www.northumberland.gov.uk/default.aspx?page=3281>

Duties which need to be considered:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act
- Advance equality of opportunity between people who share a protected characteristic and those who do not
- Foster good relations between people who share a protected characteristic and those who do not

PART 1 – Overview of the change, decision or proposal

1) Title of the change, decision or proposal:

- Proposal presented under informal consultation 23 April – 12 June 2019 - proposal to extend the age ranges of Bedlington Whitley Memorial CE and Bedlington West End First Schools to become primary schools with effect from 1 September 2020. Proposal subsequently under formal consultation to extend the age range of Bedlington West End First School to become a primary school with effect from 1 September 2020, with reference to the informal proposal for Bedlington Whitley Memorial CE First School.
- This equalities impact assessment has been updated in the light of the publication of the statutory proposal for Bedlington West End First School.

2) Date of equality impact assessment: August 2019

Assessment following formal statutory consultation process.

3) Brief description of the change, decision or proposal:

As provided in 1.

4) Name(s) and role(s) of officer(s) completing the assessment:

Lorraine Fife, School Organisation Manager

5) Overall, what are the outcomes of the change, decision or proposal expected to be? (E.g. will it reduce/terminate a low-priority service, maintain service outcomes at reduced cost, or change the balance of funding responsibility for a service which will remain the same?)

These proposals were originally brought forward by the Governing Bodies of Bedlington Whitley Memorial CE and Bedlington West End First Schools. This proposal has been brought forward as a solution to the decision by Meadowdale Academy to become a primary school from 1 September 2020, thereby removing provision from Year 7 and 8 at the academy. Children on roll at West End and Whitley Memorial CE First Schools leaving at the end of Year 5 would no longer have a clear educational pathway to the middle school phase and could be faced with 2 school phase transfers within 2 years. The Governing Bodies of the two first schools believe it would be in the best educational interests of the children to become primary schools to the end of Year 6 when children would then feed to Year 7 at a secondary school in Bedlington or another secondary school according to parental choice.

If you judge that this proposal is not relevant to some protected characteristics, tick these below (and explain underneath how you have reached this judgement).

Disability Sex - Race Religion

Sexual Orientation

People who have changed gender Women who are pregnant or have babies

Employees who are married/in civil partnerships

6) The characteristics checked above are not relevant because:

Should the proposals to extend the age ranges of West End and Whitley Memorial CE First Schools be approved, pupils on the roll of the school in Year 4 in August 2020 would remain on the roll of the school into Year 5 in September 2020. They would then remain on the roll of the school into Year 6 in September 2021 and transfer into Year 7 at secondary school in September 2022.

Parents are also able to exercise their parental preference for another school subject to places being available in the selected alternative schools.

In the medium to long-term, there is no reason to believe that the proposals would affect more positively or negatively than their peers any group of children, parents or staff defined by their gender, age, race, sexual orientation or gender-reassignment status. During the immediate process of transition, we would invite families to let us know if they are concerned about the impact that the change may have on the support networks for any individual children within these protected groups who may be at particular risk of harassment or discrimination.

Existing HR policies covering organisational change would apply to staff employed at West End and Whitley Memorial CE First Schools. These are designed to ensure that the equalities duties of the Council and the schools are fully met.

PART 2 – Relevance to different Protected Characteristics

Answer these questions both in relation to people who use services and employees

Disability

Note: “disabled people” includes people with physical, learning and sensory disabilities, people with a long-term illness, and people with mental health problems. You should consider potential impacts on all of these groups.

7) What do you know about usage of the services affected by this change, decision or proposal by disabled people, about disabled people’s experiences of it, and about any current barriers to access?

Statutory consultation has not shown any evidence to suggest that any member of the community with a disability would be disproportionately impacted positively or negatively should the proposal to extend the age ranges of West End and Whitley Memorial CE First Schools be approved.

Any pupil, parent or member of staff of the two schools who has a disability would not be affected by these proposals as any arrangements already in place to ameliorate such disability as the proposals advocate that the school would retain pupils into Year 5 and then into Year 6. No evidence has come to light during the statutory consultation process of any individual who would be categorised within this protected group, but appropriate arrangements would be made where this is necessary to avoid potential adverse impacts should the need arise.

8) Could disabled people be disproportionately advantaged or disadvantaged by the change, decision or proposal?

There may be an advantage to the proposal that would affect disabled children, more positively than their peers as children would be able to remain at the school for a further two years. In particular, this could be an advantage to children identified with special educational needs who would continue at the schools for a further two years, thus providing continuity. This continuity would potentially benefit parents also with regard to the positive impact on family life.

During the immediate process of transition, we would consult families about any specific potential impacts on individuals; for instance, because of loss of support networks or the need to replicate reasonable adjustments made to accommodate disabled children, and we would ensure that appropriate individual arrangements are made where this is necessary to avoid potential adverse impacts.

9) Could the change, decision or proposal affect the ability of disabled people to participate in public life? (e.g. by affecting their ability to go to meetings, take up public appointments etc.)

The proposed changes would not affect any current arrangements for disabled people to participate in public life as adjustments as all currently arrangements at the school would remain in place.

10) Could the change, decision or proposal affect public attitudes towards disabled people? (e.g. by increasing or reducing their presence in the community)

There is no evidence to suggest that the extension of the age range of the two schools would affect public attitudes towards disabled people.

11) Could the change, decision or proposal make it more or less likely that disabled people will be at risk of harassment or victimisation?

There is currently no evidence to suggest that the extension of the age range of the two schools would increase or decrease any risk of harassment or victimisation above that which may already exist to any pupil, member of staff or member of the community with a disability.

In line with current special educational needs systems, families would be consulted about any potential issues for individual children arising from the disruption of support networks during the process of transition.

12) If there are risks that disabled people could be disproportionately disadvantaged by the change, decision or proposal, are there reasonable steps or adjustments that could be taken to reduce these risks?

There is no evidence to suggest that there are any risks of disproportionately disadvantaging any pupils or members of staff at either school.

13) Are there opportunities to create *positive* impacts for disabled people linked to this change, decision or proposal?

See para. 8 above.

Age

14) What do you know about usage of the services affected by this change, decision or proposal by people of different age groups, about their experiences of it, and about any current barriers to access?

West End First School provides education to pupils between the ages of 4 and 9 and Whitley Memorial CE First School provides education to pupils between the ages of 3 and 9. Only pupils within this age range would be affected by the proposal.

Staff at the two schools are employed equitably in accordance with the schools' and council's employment policies. Should approval for the proposals be given by Cabinet at some point in the future, it is not expected that any staff would be at risk of redundancy. However, the schools' would need to carry out a staffing restructure as they would need to be organised as a primary rather than a first school. Any changes to a member of staff's working arrangements would be made in accordance with the schools' and

council's employment policies deal on an equitable basis, regardless of age.

15) Could people of different age groups be disproportionately advantaged or disadvantaged by the change, decision or proposal?

See para. 14. Above.

16) Could the change, decision or proposal affect the ability of people of different age groups to participate in public life? (e.g. by affecting their ability to go to meetings, take up public appointments etc.)

Statutory consultation has not shown any evidence to suggest that the proposals would have any effect on the ability of different age groups to participate in public life more or less than already occurs. No evidence has arisen during statutory consultation to suggest that anyone within this protected group would be prevented from participating in public life.

17) Could the change, decision or proposal affect public attitudes towards people of different age groups? (e.g. by increasing or reducing their presence in the community)

There is no evidence to suggest that this proposal would affect public attitudes towards pupils in the protected groups or any pupils on roll at the school.

18) Could the change, decision or proposal make it more or less likely that people of different age groups will be at risk of harassment or victimisation?

Statutory consultation has not shown any evidence to suggest that this proposals would increase or reduce the risk of harassment or victimisation of this of pupils on roll at these schools should the latter extend their age ranges. All schools have anti-bullying policies and arrangements in place e.g. split-time lunches and playtimes etc, to ensure that any harassment or victimisation of pupils is dealt with effectively.

19) If there are risks that people of different age groups could be disproportionately disadvantaged by the change, decision or proposal, are there reasonable steps or adjustments that could be taken to reduce these risks?

Refer to para. 14.

20) Are there opportunities to create *positive* impacts for people of different age groups linked to this change, decision or proposal?

While this proposal has been promulgated by the decision of Meadowdale Academy to become a primary school, there will be one less phase change for pupils on roll at West End and Whitley Memorial to undergo and they will benefit from remaining for an additional two years within their own communities.

Pregnancy and Maternity

Note: the law covers pregnant women or those who have given birth within the last 26 weeks, and those who are breast feeding.

21) What do you know about usage of the services affected by this change, decision or proposal by pregnant women and those who have children under 26 weeks, about their experiences of it, and about any current barriers to access?

Staff at West End and Whitley Memorial First Schools are employed equitably in accordance with the school's and council's employment policies. Should approval be given to extend the age ranges of these schools, any staff reorganisation would be carried out in line with the council's employment policies on an equitable basis, including for those staff who may currently be pregnant or on maternity leave.

Statutory consultation has not shown any evidence to suggest that the proposals would create any barriers to pupils accessing any of the schools impacted by the proposals who have a parent who may be pregnant or who has other children under 26 weeks old. The proposals could have a positive impact for some families where a parent who may be pregnant or who has other children under 26 weeks old may benefit from the child on roll at West End or Whitley Memorial remaining at the current school site for an additional two years. Should approval be given for the implementation of the proposals and subsequent evidence arise that anyone within this protected group would be impacted negatively by this proposal, appropriate individual arrangements to the extent possible would be put in place to ameliorate any avoid potential adverse impacts.

22) Could pregnant women and those with children under 26 weeks be disproportionately advantaged or disadvantaged by the change, decision or proposal?

See para. 23.

23) Could the change, decision or proposal affect the ability of pregnant women or those with children under 26 weeks participate in public life? (e.g. by affecting their ability to go to meetings, take up public appointments etc.)

Statutory consultation has not shown any evidence to suggest that the proposals would affect the ability of this protected group to participate in public life under the proposals.

24) Could the change, decision or proposal affect public attitudes towards pregnant women or those with children under 26 weeks? (e.g. by increasing or reducing their presence in the community)

Statutory consultation has not shown any evidence to suggest that the proposals would have any effect on public attitudes to this protected group under the proposals.

25) Could the change, decision or proposal make it more or less likely that pregnant women or those with children under 26 weeks will be at risk of harassment or victimisation?

Statutory consultation has not shown any evidence to suggest that the proposal would make it more or less likely that this protected group would be at risk of harassment or victimisation under the proposals.

26) If there are risks that pregnant women or those with children under 26 weeks could be disproportionately disadvantaged by the change, decision or proposal, are there reasonable steps or adjustments that could be taken to reduce these risks?

Statutory consultation has not shown any evidence to suggest that the protected group would be disproportionately disadvantaged by the proposals.

27) Are there opportunities to create *positive* impacts for pregnant women or those with children under 26 weeks linked to this change, decision or proposal?

See para. 23.

Human Rights

28) Could the change, decision or proposal impact on human rights? (e.g. the right to respect for private and family life, the right to a fair hearing and the right to education)

Statutory consultation has not shown any evidence to suggest that the proposals would impact positively or negatively on the human rights of any of the protected groups identified within this EIA.

PART 3 – Course of Action

29) Based on a consideration of all the potential impacts, tick one of the following as a summary of the outcome of this assessment:

x	The equality analysis has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.
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30) Explain how you have reached the judgement ticked above, and summarise any steps which will be taken to reduce negative or enhance positive impacts on equality.

From the initial analysis of the possible negative or positive impact of the proposal on groups with protected characteristics, there is no evidence to suggest that any of these groups would be disproportionately disadvantaged by the proposal. However, as the proposals involves extending educational provision at West End and Whitley Memorial CE First Schools for a further two years, there are some potential advantages that could be enjoyed by some protected groups as outlined. Should the proposal be approved for implementation, the EIA would be reviewed to ensure that if any evidence arises that there could be possible negative impacts, those risks would be analysed to establish whether or not there were certain risks to any or all of those groups. Steps to reduce negative impacts or enhance positive impacts would then be defined.

PART 4 - Ongoing Monitoring

31) What are your plans to monitor the actual impact of the implementation of the change, decision or proposal on equality of opportunity? (include action points and timescales)

This EIA has been updated following the statutory consultation period. Should Cabinet approve the implementation of the statutory proposal in relation to Bedlington West End First School and the non-statutory proposal for Bedlington Whitley Memorial Church of England First School, the EIA would be further updated at that time. Appropriate action would be identified in the light of the consultation and where necessary, an action plan with timescales developed.

PART 5 - Authorisation

Name of Head of Service and Date Approved

Once completed, send your full EIA to: Irene.Fisher@northumberland.gov.uk. A summary will then be generated corporately and published