



# Northumberland

## County Council

### **CABINET**

**DATE: 17<sup>th</sup> November 2022**

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### **Outcomes of Statutory Consultation on Proposals for the Coquet Partnership**

Report of Joint Interim Director of Children's Services: Audrey Kingham

Cabinet Member: Guy Renner Thompson

Report Prepared By: Sue Aviston

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### **Purpose of Report**

This report sets out an analysis of the representations and responses received from interested parties and stakeholders during the four-week statutory consultation, which commenced on 22 September and closed on 20 October 2022, in relation to proposals for the Coquet Partnership. The report also sets out an analysis of the responses received to the four-week statutory consultation in relation to proposals for Barndale House Special School, which was also published 22 September 2022 and closed on 20 October 2022. The two published statutory proposals set out the following proposed prescribed changes to the schools within the Coquet partnership and to Barndale House Special School:

- Extend the age range, from 9 years to 11 years, for Amble First School, Amble Links First School, Broomhill First School, Red Row First School and Grange View First School from 1<sup>st</sup> September 2024.
- Reducing the age range, from 9 to 18 years to 11 to 18 years, for James Calvert Spence College commencing on 1<sup>st</sup> September 2024.
- To create a satellite provision of Barndale House School on the South Avenue, Amble site from 1<sup>st</sup> September 2024.
- Increase the planned pupil numbers at Barndale House School from 60 to 110 from 1<sup>st</sup> September 2024.

Cabinet is asked to make a final decision on whether or not to approve the prescribed changes for schools in the Coquet Partnership and for Barndale House Special School, as set out in the Statutory Proposals, for implementation with effect from 1<sup>st</sup> September 2024. At the same time, Cabinet is requested to consider and approve the non-statutory proposal to extend the age range of Grange View Church of England First Schools with effect from 1<sup>st</sup> September 2024 as it is linked to the other proposals outlined above.

### **Recommendations**

The Committee is recommended:

1) In the light of the prescribed changes and the non-statutory changes set out in the statutory proposal published on 22 September 2022 for schools in the Coquet Partnership and all the information provided in this report (taking into account the Statutory Guidance from the Department for Education's (DfE) *'Statutory Guidance for proposers and decision-makers: Making significant changes (prescribed alterations)'* to maintained schools attached at Appendix 4, agree to:

- Approve the Council's statutory proposal to extend the age range of Amble First School from an age 4-9 first school to an age 4-11 primary school and the non-statutory proposal to relocate the school to the part of the current site of James Calvert Spence College, South Avenue, Amble with effect from 1 September 2024;
- Approve the Council's statutory proposals to extend the age range of Amble Links First School from an age 2-9 first school to an age 2-11 primary school and expand the school building with effect from 1 September 2024;
- Approve the Council's statutory proposals to extend the age range of Broomhill First School from an age 3-9 first school to an age 3-11 primary school and expand the school building with effect from 1 September 2024;
- Approve the Council's statutory proposals to extend the age range of Red Row First School from an age 3-9 first school to an age 3-11 primary school and expand the school building with effect from 1 September 2024;
- Approve the Council's proposals to reduce the age range of James Calvert Spence College from an age 9-18 school to an age 11-18 secondary school with effect from 1 September 2025;

All of the above conditional upon

- the granting of planning permission by 31 August 2024 in relation to the proposed building works at Amble Links, Broomhill and Red Row First Schools, proposed buildings works for Amble First School at the current site of James Calvert Spence College, South Avenue site and in relation to the construction and refurbishment of the new school buildings for James Calvert Spence College.

2) In the light of the non-statutory changes included in the above statutory proposal for information in relation to Grange View Church of England Voluntary Controlled First School, agree to

- Approve the Council's non-statutory proposals to extend the age range of Grange View Church of England Voluntary Controlled First School from an age 3-9 first school to an age 3-11 primary school and extend the school building with effect from 1 September 2024;

3) In the light of all the information provided in this report and taking into account the Statutory Guidance from the Department for Education's (DfE) *'Statutory Guidance for proposers and decision-makers: Making significant changes (prescribed alterations)'* to maintained schools attached at Appendix 4, approve for implementation the following prescribed changes as set out in the statutory proposal for Barndale House Special School published on 22 September 2022;

- Increase the number of pupil places at Barndale House Special School by 50 places from 60 to 110 places for children and young people diagnosed with

special educational needs, primarily those with Autistic Spectrum Disorder (ASD), Social, Emotional and Mental Health (SEMH), Speech Language and Communication (SLCN) and Moderate Learning Difficulties (MLD)

- To facilitate the above increase in planned places, create a satellite site of Barndale Special School to be located within part of the current James Calvert Spence College, South Avenue site in Amble.

The above conditional upon the granting of planning permission in relation to the proposed buildings works for Barndale House Special School at the current site of James Calvert Spence College by 31 August 2024.

- 4) Approve the allocation of £39.06m from the funding sources set out at para. 38, Table 6 towards the capital costs required to support the implementation of the prescribed changes set out in Recommendation 5 and 7 above. Full details of the capital costs required for implementation are set out at paras. 38. to 40.
- 5) Approve the Outline Business Case contained as Appendix 3 to allow the project to progress with option 5 as the preferred option to detailed design, procurement and submission of a planning application for the project. Note the outcomes of the procurement exercise will be reported back to Cabinet in the form of a Final Business Case (FBC) in order to seek final approval for the award of contract programmed for October 2023.
- 6) When formulating its decision, Cabinet is recommended to take into account:
  - The responses received to the Statutory Proposals and the commentary contained within this report at paras. 18-19.
  - The implications of the proposals on schools and the local community as set out in the Statutory Proposals attached at Appendix 1 and 2.
  - The implications for Home to School Transport of the statutory proposals as set out in this report.
  - The Outline Business case for James Calvert Spence College attached at Appendix 3.
  - The need to review Cabinet's capital investment in schools in the Coquet Partnership and the potential impact on the building solution for the satellite site of Barndale House Special School should it decide not to approve the proposal to reorganise the schools to a 2-tier(primary/secondary) structure.

### **Link to Corporate Plan**

These proposals are most closely linked to the Council's priority for Learning (achieving and realising potential), but it is also strongly linked with the priority for Connecting (having access to the things you need).

### **Key Issues**

1. At its 21<sup>st</sup> September 2022 meeting, Cabinet approved the publication of statutory proposals on 22<sup>nd</sup> September 2022 setting out prescribed changes to re-organise the Coquet Partnership to a 2-tier (primary/secondary) system of education as well as the proposal to provide additional specialist SEND places within the Coquet Partnership to take effect from 1<sup>st</sup> September 2024. This decision was made following a six-week

informal consultation which took place between 11<sup>th</sup> May and 29<sup>th</sup> June 2022 (all during school term-time).

2. The rationale for the proposals and the outcomes of the informal consultation are set out in the report of the Joint Interim Director of Children's Services dated 21<sup>st</sup> September 2022 and included in the Background Papers to this report. A summary of the informal consultation is provided in paras. 9-13 of this report.
3. The statutory proposal was published on the Council's website and a brief notice placed in the Northumberland Gazette on 22 September 2022 in line with the statutory guidance set out in the DfE's '*Statutory Guidance for Proposers and Decision-Makers: Making significant changes (prescribed alterations) to maintained schools*' which is attached as Appendix 4. Copies of the statutory proposals were sent to the required interested parties set out in the guidance within one week of the publication. The publication of the statutory proposal opened a four-week period of formal statutory consultation that closed at midnight on 20 October 2022. During that time all interested parties were invited to submit comments, in the form of written representations, including support for or objections to the proposals by the required deadline of midnight on 20 October 2022 in line with the statutory requirements. No meetings on formally published proposals take place during the statutory period.
4. Nine representations were received, in response to the Statutory Proposal by the deadline, and fell into the following groups:
  - 7 Governing Bodies of schools within the Coquet Partnership
  - Governing Body of Barndale House School
  - Newcastle Diocesan Education Board
5. The representations received have been taken into account by officers when forming the recommendations set out in this report. The main comments and themes submitted in the representations during the statutory period are set out paras. 18-19 of this report with commentary, while the full representations are included in the background papers to this report.
6. In making their decision, Cabinet are able to:
  - Reject the proposals;
  - Approve the proposal without modification;
  - Approve the proposal with modifications, having consulted the local authority and/or governing bodies (as appropriate); or
  - Approve the proposal (with or without modification) conditional upon the granting of planning permission by 31 August 2024 in relation to the proposed building works.
7. Cabinet should note that within the statutory guidance, the decision-maker is recommended to "*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 the proposal – especially parents of children at the affected school(s).*" Cabinet should also note that the purpose of the statutory consultation was to seek the views of interested parties on a qualitative basis in relation to the robustness of the proposals educationally in order to inform the decision-making process of the Council's Cabinet. Therefore, it is not the intention that these results are

used as a referendum on the proposal. In the light of the rationale for the proposal and in consideration of feedback received during the informal consultation and the statutory period, Cabinet are recommended to approve the proposals.

8. Cabinet should note that the decision on the statutory proposals set out in this report must be made by no later than 20 December 2022 or else must be referred to the Schools Adjudicator for a decision. Furthermore, whether or not Cabinet approves the proposals set out in this report, the following bodies have the right to appeal the decision to the Schools Adjudicator within 4 weeks of the decision being made:

- The Church of England Diocese of Newcastle
- The Roman Catholic Diocese of Hexham and Newcastle
- The Governors of Grange View Church of England First School.

Should an appeal be submitted, the Schools Adjudicator would make a decision in relation to the relevant school(s) for which the appeal is submitted.

The other schools named in the statutory proposals for Coquet Partnership are community schools, as is Barndale House Special School, and as such have no rights of appeal to the Schools Adjudicator.

## **Background**

### **Summary of Rationale and Informal Consultation in relation to schools in the Coquet Partnership and Barndale House Special School**

9. On 10 May 2022, Cabinet approved the commencement of informal consultation on proposals to:
- change the organisation of schools in the Amble Partnership from the current first, middle and high structure to a 2-tier (primary/secondary) structure.
  - increase pupil places at Barndale House Special School, through the creation of a satellite school, in Amble.
10. The rationale for the proposals are detailed in the reports of the Executive Director of Adult Social Care and Children's Services, 10 May 2022 and the Joint Interim Director of Children's Services, 21 September 2022.

In summary, the rationale for the proposals was:

- a) The need to provide assurance to Cabinet that the allocation of funding towards the replacement/refurbishment of buildings for James Calvert Spence College approved in 2016 would be invested within a school structure that supported viable and sustainable schools at all phases of the educational journey if children and young people living in the Coquet area.
- b) To take the opportunity to include discussions of how to address the predicted growing demand for specialist provision within the Coquet area (which is symptomatic of demand across the county), especially in relation to additional provision for young people with primary needs in Social, Emotional and Mental Health and Autism. This discussion was particularly relevant in light of the Council's

objective to have appropriate educational provision for all children and young people as close to their home communities as possible.

11. Informal consultation on proposals for reorganisation of schools in the Coquet Partnership (outwith NCEA Warkworth Primary School which is already a primary) to a 2-tier, primary/secondary structure commenced and discussions on SEND provision in the Coquet Partnership area began on 11 May for six school week, concluding on 29 June 2022 in line with DfE guidance. The intention of this informal consultation was to gauge the views of all stakeholders, but especially those most affected by the proposals e.g. educational professionals and parents of pupils within the Coquet partnership of schools. Informal consultation in relation to schools is not a referendum but an opportunity to consider all views and on balance consider what is in the best educational interest of the students most impacted whilst being mindful of the impact on other stakeholders and parties.
12. Full details of the informal consultation, data analysis and commentary on feedback received from consultees are provided in the Joint Interim Director of Children's Services report dated 21<sup>st</sup> September 2022 are provided in the Background Papers to this report. In summary, feedback from consultees was as follows:
  - a) The Governing Bodies of all first and primary schools in the Coquet Partnership supported the proposal for the reorganisation of the whole partnership to a 2-tier (primary/secondary) structure;
  - b) The Governing Body of James Calvert Spence College welcomed the capital investment in schools in the partnership and committed to making whatever system of organisation was approved work for the benefit of children and young people in the Coquet area;
  - c) The Governing Body of Barndale Special School supported the opportunities for improving specialist provision across the partnership that the expansion of the school onto a satellite site in Amble would bring.
  - d) 92% of other consultees who responded supported the proposed reorganisation to a 2-tier (primary/secondary) structure across the Coquet Partnership.
13. Considering the educational rationale for the proposals, Cabinet approved the publication of the statutory proposals on 21<sup>st</sup> September 2022 as set out in the Key Issues of this report.

### **Representations submitted during the statutory period and commentary**

14. Statutory Proposals in relation to proposals for reorganisation of schools in the Coquet Partnership and for the increased in planned pupil numbers at Barndale House Special School were drafted in accordance with The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and published on the Council's website on 22 September 2022. It should also be noted that a link to a copy of the proposals for Barndale House Special School was sent directly to parents of all pupils on roll at the school as required in the relevant DfE guidance.
15. The publication of the two Statutory Proposals opened a four-week statutory period during which time interested parties were invited to submit written comments in the form of representations, either in support of or objecting to the proposals by midnight on 20 October 2022.

16. Following the publication of the statutory proposal for the schools in the Coquet Partnership, 7 representations were received each of the Governing Bodies in the partnership. In relation to the statutory proposal for Barndale House Special School, 1 representation was received, which was from the Governing Body. The Newcastle Diocesan Education Board submitted a joint representation with respect to both statutory proposals. Summaries of the representations received for each statutory proposal are set out in paras. 18 and 19.
17. As highlighted at para. 15, Cabinet should note that the purpose of the statutory consultation was to seek the views of interested parties on a qualitative basis in relation to the robustness of the proposals educationally in order to inform the decision-making process of the Council's Cabinet. Therefore, it is not the intention that these results are used as a referendum on the proposals.

### **Summary of representations, themes arising and commentary**

#### **18. Proposal for reorganisation of the Coquet Partnership to a 2-tier (primary/secondary) structure**

##### Summary of Response from Amble First School's Governing Body

The Governing Body's view is that the children in the community have to be at the heart of the decision and believe that a move to two-tier is by far the most preferable for the following reasons:

- First schools have desired these changes for a number of years.
- It would allow Amble First to move to the middle school site and enable expansion.
- The change to a two-tier system fits in well with key stages.
- If approved, primary and secondary schools would continue to develop good working relationships to ensure a smooth transmission from primary to secondary.
- Disruption from Covid, and the significant impact this has had on SEMH needs, could be met in smaller more inclusive settings.
- It would address the problem of splitting a key stage, enabling all children to study the same curriculum topic within a setting which addresses repetition issues.

##### *Commentary*

The Governing Body's support of the statutory proposal for schools in the Coquet Partnership and rationale is noted.

##### Summary of Response from Amble Links First School's Governing Body

The Governing Body of Amble Links First School expressed unanimous support in favour of the proposals for the reorganisation of maintained schools in the Coquet partnership for the reasons summarised below:

- The completion of key stage 2 on one site which fits in with the national curriculum and other areas in the county/country.
- It would enable children to move at a point when they are more emotionally resilient.
- It would contribute to keeping children in the Coquet partnership.

- It would enable SEND children to be educated locally.
- It would provide confidence in the leadership, governance and staffs' ability to ensure high quality provision.
- It would enable the capital investment to be used for the good of all children in the partnership.
- The plans to relocate Amble First and provide separate additional SEND facilities are welcome.
- All first schools in the partnership are in favour of the changes and opportunities it brings to improve outcomes.

There were a number of points that the Governing Body wanted to have noted:

- They are keen to work with the County Council to ensure that Amble Links has excellent facilities that will support young people within the partnership for years to come.
- Should changes be agreed, the Governors hoped that proposed plans of work to school buildings are shared at the earliest opportunity.
- Points which Governors would like to be considered as part of the decision-making process eg.:
  - Current buildings to be upgraded appropriately to ensure that the infrastructure is modified to cope with the additional pupils and staff. All facilities need to be fit for purpose and work done to the highest standard.
  - Better value would be achieved by making any necessary modifications, upgrades and improvements to the school building at the same time as the addition of classrooms.
  - No one school in the partnership to appear to be better equipped or resourced than others.
  - The opportunity to have significant input into the final design of any additional buildings as the school is in the best position to understand the movement/flow of pupils and parents around the school.
  - Desire that funding will be available to schools to support initial set up costs that are unlikely to be sustainable within normal budgets. Appreciate that some resources from JCSC may follow pupils but these may not be suitable to the new Primary Schools' curriculums or buildings. It would be inappropriate and not long-term cost effective if they were furnished with unsuitable furniture and resources rather than those which will ensure excellence into the future.

### *Commentary*

The Governing Body's support of the statutory proposal for schools in the Coquet Partnership and rationale are noted. In relation to building works required to make first school buildings suitable for the teaching and learning of Years 5 and 6, work has already been undertaken to identify the appropriate works that would be required to be undertaken at each school, with indicative costs (refer to paras. 38-40) in order to support reorganisation to a 2-tier (primary/secondary) structure. Should the proposal to reorganise schools in the Coquet Partnership be approved, Council Officers and contractors would work closely with each school to ensure that their views are reflected within the parameters of the works required to support reorganisation.



In relation to resources, it should be noted that there would be no specific revenue funding associated with the reorganisation to a 2-tier(primary/secondary structure) of schools. However, the revenue budgets of first schools becoming primary would increase as a result of having additional year groups, while the physical resources (including furniture) currently used by JCSC for Years 5 and 6 would be shared appropriate among the new primary schools. The new primary schools would also be able to allocate part of their own revenue budget towards new resources should they wish.

### Summary of Response from Broomhill First School's Governing Body

It is the desire of Broomhill First School's Governing Body to offer the best possible education for pupils in the Coquet partnership, whilst reducing the number of pupils travelling into neighbouring partnership as well as ensuring the long-term viability of the schools in the partnership. The reasons are summarised as follows:

- Consistency of learning and teaching – Key Stage 2 begins in the first schools with the final two years completed in the middle school. The partnership has aimed, over the years, to work together to ensure the split learning is well-matched between first schools, so that the children are equally prepared for the transition. This has become increasingly challenging, particularly following the publication of the Ofsted Inspection Framework in 2019. Each school has worked exceptionally hard to ensure their curriculum is ambitious, vertically integrated and rigorously planned. However, the context of each school within the partnership is different and despite the relatively close geographical proximity, each school has now developed a curriculum that appropriately meets the individual needs of their unique school population. A result is that pupils complete Year 4 with a well-rounded, but nuanced, education which then presents added complexity for the middle school who must plan a curriculum that builds on this diverse range of starting points and prepare the pupils to meet the expected standard for the end of this key stage. Governors believe that each first school is best placed to continue the educational journey of pupils in their school to the end of key stage 2. In addition, the accountability for the academic and pastoral progress of each pupil lies with one establishment.
- Pupil Progress – Whilst all pupils make progress at different rates it is recognised that nationally there is an attainment gap between disadvantage and non-disadvantaged pupils. Whilst schools across the country have worked to diminish this gap, attainment and progress data across the Coquet partnership shows that the current system is negatively impacting most on pupils from socio-economically disadvantaged backgrounds. Governors believe that first/primary schools are better able to support these pupils, as pastoral intervention is more successful when deep rooted well-established relationships are already developed.
- Transition Issues – Practicalities of arranging a smooth transition, in the middle of a key stage, has historically proven difficult and continues to do so. The additional time and resources could be better used to secure positive academic and personal outcomes for pupils in their current setting.
- Earmarked Funding – Governors are grateful for the investment to improve outcomes for pupils across the partnership and to bring our educational settings up to a standard that would allow them to best prepare pupils for life in the modern world. Before this funding is formally allocated the Governors feel it is essential to consider the long-term structure of the partnership in order to meet the needs of all

pupils, including those with increasingly complex additional needs, many of whom are currently educated in settings across the county. The funding would allow all schools within the partnership to make significant improvements to their premises which would provide richer educational experiences in building that are not only fit for purpose but are also set up to extend what can be offered to our communities.

- Safety – The Governors continue to be concerned with the proximity of the school access to the busy B1330 and lack of car parking facilities. The possibility of car parking and new access point has been discussed and the Governors are more than happy to work with the Local Authority to talk about how this may be achieved in the future in order to protect the safety of children, staff and the wider community.

In summary the Governors' stated that the implementation of the primary/secondary system would:

- provide stability, consistency and continuity for pupils throughout their primary and secondary years, which is in line with the National Curriculum and end of key stage assessments;
- would remove the phase transfer in the middle of key stage 2, enabling schools to take full accountability for whole key stages;
- bring school estates up to the standard of other schools across Northumberland who have buildings fit for the 21<sup>st</sup> Century.

The Governing Body gave assurances that they had the commitment, drive and determination to make this proposal work with the support of Northumberland County Council and capital investment.

### *Commentary*

The Governing Body's support of the statutory proposal for schools in the Coquet Partnership and its rationale are noted.

The indicative capital costs to enable the first schools in the Coquet Partnership to become primary schools have been established and are set out at para. 38, and it is these costs that Cabinet is asked to approve to support the reorganisation. Council Officers recognise the concerns of the Governing Body in relation to the school's proximity to the B1330 and should Cabinet approve the implementation of the proposal, it is confirmed that they will work with the Governing Body towards identifying a solution to improve the safety of pupils, their families and the wider community.

### Summary of Response from Grange View C of E First School's Governing Body

The Governing Body want to offer the best possible education for all pupils whilst ensuring the long-term viability of schools within the partnership. In support of moving to a two-tier approach the governors provided the following rationale:

- Consistency of learning and teaching – the current key stages of the national curriculum means there is a natural break at the end of key stage two. Accountability lies with one establishment, and it avoids repetition that often happens at middle school with non-core subjects.

- Pupil Progress – partnership data shows that the current system is negatively impacting most on disadvantage pupils. Governors believe that if pupils remain in the same setting for the remainder of time in key stage 2 they are already confident and familiar with the school’s procedures and teacher which would help build on prior learning.
- Parental Pressure – governors are aware of escalating parental dissatisfaction with the current system and the increasing move to a two-tier system in neighbouring partnerships. The move to a two-tier system would bring the partnership in line with the rest of the country.
- Transition Issues – historically arranging a smooth transition, whilst in the middle of a key stage, has proven difficult. The time and effort could be spent accelerating the progress of pupils in their current settings.
- Earmarked Funding – prior to investment the governors felt it was essential to consider the long-term structure of the partnership to ensure the money is spent effectively to meet the educational needs and wellbeing of the children. By becoming primary, Amble First, would require a new building and there is an opportunity to do this within the re-development of James Calvert Spence College. The Governors also welcomed, and were supportive of, the proposals for SEND provision within the partnership.

The Governing Body believed that implementation of primary/secondary would provide stability, consistency, remove phase transfer in the middle of a key stage and enable the remaining schools to take full accountability for whole key stages. Successful implementation of this system will highly likely begin to stem the flow of pupils to other schools outside the partnership.

The Governors of Grange View First School gave assurance that they have the commitment, drive and determination to make this proposal work.

### *Commentary*

The Governing Body’s support of the statutory proposal for schools in the Coquet Partnership and rationale is noted.

### Summary of Response from Red Row First School’s Governing Body

The Governing Body of Red Row First School confirmed that it's response to the informal consultation still stands, and that response is summarised below.

- Governors are keen for all children within Red Row, and the partnership, to receive the best education possible.
- The transition at key stage 2 has a huge impact on children and is often unsettling. At Red Row are keen to maintain and progress our children to achieve the best they can.

The Governing Body confirmed it is fully supportive of two tier.

### *Commentary*

The Governing Body’s support of the statutory proposal for schools in the Coquet Partnership and rationale is noted.

### Summary of Response from NCEA Warkworth C of E Primary School's Governing Body

The Governing Body wished to add their support for the proposals for the Coquet Partnership. They believe it will bring consistency across the partnership, providing good primary education for children.

Governors are also pleased to note the inclusion of local special education provision.

#### *Commentary*

The Governing Body's support of the statutory proposal for schools in the Coquet Partnership and rationale is noted.

### Summary of Response from James Calvert Spence College's Governing Body

The James Calvert Spence College's Board of Governors share a commitment to the community and their children and view the consultation on the structure of schools in the partnership as an opportunity to provide our community with the education structure that is most suited to the children now and in the future.

While the Governors are committed to the current structure of James Calvert Spence College, they understand that they must now consider other options for how education in the partnership is structured. Whatever the outcome, the Governors and James Calvert Spence College will work tirelessly to make either system a success. Their focus is to provide the best possible education for the children in our community, work for them and unite our partnership education system.

The Governors did have some operational concerns which they would like to better understand, e.g. financial implications and staffing protocol, during any transition period.

The Board of Governors have a shared commitment with our colleagues across the Coquet Partnership to the best outcome for our children and young people and to the communities we all serve.

#### *Commentary*

The Governing Body of JCSC's support of the current structure is noted, as is their commitment to working with other schools across the partnership to support whatever structure is approved to be in place in order to provide the best educational pathway for the children and young people of the Coquet area.

### Summary of Response from Newcastle Diocesan Board of Education

The Board wished their previous submission to the informal stage of the consultation to be accepted as their formal response to this statutory consultation. Their response is summarised below:

- The Newcastle Diocesan Education Board (NDEB) wishes to ensure that the best local solutions are carefully looked at for the entire local community, not just the church schools and that all schools work effectively together for the benefit of all children within that community.
- The Board is supportive of the proposal to develop local specialist provision within the partnership and for it to be located within the current James Calvert Spence College building.
- The Board hoped that the outcomes will provide a clear direction for the future of the schools going forwards, ensuring the best educational interests of all of the children across the Coquet partnership can be met.

The Board fully support the move to two tier and the investment in our Church of England family of schools as well as the provision for SEND being improved in the local area based at James Calvert Spence College.

### *Commentary*

NCEB's shared support of the Council's desire that schools work effectively together for the benefit of all children and young people in the Coquet area is welcomed, as is their support of the development of specialist provision through the creation of a satellite site of Barndale House Special School in Amble.

### 19. Proposal for the increase in pupil numbers at Barndale House Special School through the creation of a satellite site in Amble

The Governing Body of Barndale House School wished to reiterate the response they submitted during the period of informal consultation which is summarised as follows:

- Welcomes the local authority's enthusiasm, support and confidence in the school. It is incredibly humbling that the Coquet partnership would want to work collaboratively with our provision.
- Recognise what our role would be and the opportunities it would provide:
  - SEND hub that mainstream schools can use for CPD, intervention and outreach.
  - Bringing professional services together on a single site.
  - Children receiving support in their locality
  - Securing outcomes for SEND pupils through all Schools in Coquet partnership, and improved SEND provision in the north of Northumberland.
  - Specialist support base for those pupils needing early intervention.
- Acknowledge that whilst the proposal brings opportunities it also brings some challenges and as a Governing Body they would want to ensure that:
  - Barndale can provide an excellent quality of education over both sites in fit for purpose environments.
  - The transitional phase is transparent and allows growth at an appropriate rate.
  - Capacity is built to ensure effective strategic and operational leadership over both sites.
  - Barndale can continue to make decisions regarding the admissions of places to ensure pupils needs can be met appropriately.
  - Our pupils and parents are clear that the extended provision would not result in a move of pupils from their current peer group.

- There is sufficient capacity to build a specialist hub of services in both provisions to ensure that the locality can be supported.
- Governors are a strong body of people who have a genuine interest and personal investment in young people with SEND and as such feel their viewpoints represent the wider school community and an advocate for children and young people with SEND.

However, the governors and headteacher would have to feel confident the building could be designed/upgraded to be fit for purpose, there was adequate furniture and resources to meet the needs of pupils and the site was appropriately developed for outdoor play. The governors do have further concerns regarding recruitment, due to the current shortages regionally, but think this is something that many schools are facing.

### *Commentary*

The Governing Body's support of the Council's statutory proposal to increase the number of pupils of Barndale House Special School through the creation of a satellite site in Amble is noted and welcomed. Their desire to grow the provision in an organised and transitional way is noted and supported by the Council. Should the proposal to create a satellite site of Barndale be approved, Council Officers and contractors would work closely with the school to ensure that the identified building is refurbished appropriate to meet the needs of this vulnerable group of children and young people.

## **Conclusion and Recommendation**

### **20. Proposal for reorganisation of the Coquet Partnership to a 2-tier (primary/secondary) structure**

While only representations from the schools in the Coquet Partnership and from NDEB have been received during the statutory period, all first and primary schools are supportive of the proposal to move to a 2-tier(primary/secondary) structure, while the Governing Body of JCSC has given its commitment to working closely with the other schools for the benefit of the children and young people in the Coquet area. In the absence of contrary information, it is to be assumed that parents and the wider community of the Coquet area are content for the reorganisation of their local schools to proceed.

Cabinet is therefore recommended to approve the implementation of the statutory proposal to reorganise the Coquet Partnership to a 2-tier (primary/secondary) structure with effect from 1 September 2024 (refer to Appendix 1 for the full proposal).

### **21. Proposal for the increase in pupil numbers at Barndale House Special School through the creation of a satellite site in Amble**

Again, only the Governing Body of Barndale House Special School and NDEB have responded to the statutory proposal to create a satellite site in Amble. However, both the Governing Body and NDEB are very supportive of the proposal to create local specialist provision for children and young people with primary needs in SEMH, ASD, MLD and SLCN in the Coquet area.

Cabinet is therefore recommended to approve the implementation of the statutory proposal to increase in pupil numbers at Barndale House Special School through the creation of a satellite site in the current JCSC building at South Avenue with effect from 1 September 2024 (refer to Appendix 2 for the full proposal).

## **Proposed Model for school reorganisation in the Coquet Partnership**

### 22. Current structure of school organisation in the Coquet Partnership

**Table 1 - Current Structure of schools in Coquet Partnership**

| <b>School</b>                     | <b>Number on Roll in Jan 2022</b> | <b>Capacity (net number of children able to be educated in the school building)</b> | <b>Forms of Entry (size of classes in each year group)</b> | <b>Planned Admission Number (PAN)</b> |
|-----------------------------------|-----------------------------------|---|--|---------------------------------------|
| Amble First                       | 108                               | 150   | 1FE  | 30                                    |
| Amble Links First                 | 129                               | 138   | 1FE  | 30                                    |
| Broomhill First                   | 66                                | 75  | 0.5FE  | 15                                    |
| Grange View CE First              | 83                                | 150   | 1FE  | 30                                    |
| Red Row First                     | 83                                | 120   | 1FE  | 29                                    |
| *NCEA Warkworth CE Primary School | 139                               | 159   | 0.83FE   | 25                                    |
| JCSC                              | 735 inc sixth form                | 1058  | 4FE  | 120                                   |

\*NCEA Warkworth CE Primary already has provision for pupils to the end of Year 6 but is shown in this model for completeness.

### 23. Proposed Model of school organisation for implementation in the Coquet Partnership

**Table 2 – Proposed 2-tier (primary/secondary structure of schools in Coquet Partnership)**

| <b>School</b>                    | <b>Number on Roll in Jan 2022</b> | <b>Planned Capacity (net number of children able to be educated in the school building in Reception to Year 6)</b> | <b>Planned Forms of Entry (number of classes in each year group)</b> | <b>Planned Admission Number (PAN - number of children in each class)</b> |
|----------------------------------|-----------------------------------|--|--|--|
| Amble First                      | 108 (150)                         | 210  | 1FE  | 30   |
| Amble Links First                | 129 (138)                         | 210  | 1FE  | 30   |
| Broomhill First                  | 66 (75)                           | 105  | 0.5FE  | 15   |
| Grange View CE First             | 83 (150)                          | 210  | 1FE  | 30   |
| Red Row First                    | 83 (120)                          | 210  | 1FE  | 30   |
| NCEA Warkworth CE Primary School | 139                               | 159  | 0.83FE   | 25   |
| JCSC                             | 735 inc sixth form                | 810  | 4FE  | 120  |

\*NCEA Warkworth CE Primary already has provision for pupils to the end of Year 6 but is shown in this model for completeness.

## **Proposed Model for increase in Planned Pupil numbers for Barndale House Special School**

24. In light of the lack of specialist provision currently within the Coquet Partnership area and the growing number of children and young people being diagnosed with a primary need in ASD and SEMH across the county, including in this area, it is proposed that Barndale House Special School would increase its planned pupil numbers from 60 to 110 in order to operate a satellite site in Amble. Over time, this would enable pupils with SEND who live in the Coquet area to attend provision close to their home communities in line with the Council's objectives.

25. It is proposed that the satellite site would be designated for pupils aged 4 to 16 with primary needs in ASD, SEMH, SLCN and MLD and would have capacity for 50 pupils. It is also proposed that this provision would grow in a phased and managed way and that no pupils living in the Coquet area who already attend specialist provision would be compelled to transfer to this provision.

26. In addition to the main objective of creating local specialist provision within the Coquet area, the Council also supports the objectives of the Governing Body of Barndale House Special School, as set out in their response to this consultation. As being:

- Creation of a SEND hub within the Coquet Partnership that mainstream schools can use for Continuous Professional Development, intervention and outreach.
- Bringing professional services together on a single site.
- Securing outcomes for SEND pupils through all schools in Coquet partnership, and improved SEND provision in the north of Northumberland.
- Specialist support base for those pupils needing early intervention.

## **Education Standards and Diversity of Provision**

### 27. Current Ofsted outcomes of schools in the Coquet Partnership

- Amble First – Good (November 2019)
- Amble Links First – Good (September 2021)
- Broomhill First – Good (March 2017)
- Red Row First – Good (December 2017)
- Grange View CE First – Good (March 2019)
- JCSC – Good (September 2022)

### 22. Education Outcomes of mainstream schools in Coquet Partnership

**Key Stage 1 (First School Phase):** Key Stage 1 (KS1) assessments, which are taken by children at the end of Year 2, are not published.

**Key Stage 2 (James Calvert Spence):** Key Stage 2 (KS2) assessments did not take place in 2020 and 2021 and the outcomes of individual school KS2 assessments in 2022 are not yet available. The last available data for the Coquet Partnership is from 2019 set out in Table 4.



**Table 3**

| <b>% Pupils meeting the expected standard in reading, writing and maths</b> |     |
|---|-----|
| James Calvert Spence College  | 27% |
| Northumberland Average  | 66% |
| England Average   | 65% |

The KS2 results achieved by JCSC in 2019 were the lowest in Northumberland, with the next lowest score achieved by a school in the county being 53%. Headline national data from the DfE indicates that for the academic year 2021/22, KS2 attainment in reading, writing and maths combined has fallen to 59%, down from 65% in 2019.

#### **Key Stage 4 (James Calvert Spence):**

The last verified outcomes at GCSE (Key Stage 4) for JCSC were in summer 2019 as set out in Table 1. The DfE has stated that due to the unprecedented change in the way GCSE results (KS4) were awarded in the summer terms of 2020 and 2021 and the resulting significant changes to the distribution of the grades received (in comparison to exam results), pupil level attainment in 2020/21 and 2019/20 is not comparable to that of the previous exam years for the purposes of measuring changes in pupil performance.

**Table 4 – GCSE results, JCSC**

|                                       |                        | <b>GCSE 2019</b> |
|---------------------------------------|------------------------|------------------|
| Progress 8 (0 = Expected Progress)    | <b>JCSC</b>            | <b>-0.02</b>     |
|                                       | Northumberland average | -0.12            |
|                                       | England average        | -0.03            |
| %Achieving Grade 5+ inc Eng and Maths | <b>JCSC</b>            | <b>38%</b>       |
|                                       | Northumberland average | 43%              |
|                                       | England average        | 43%              |
| Attainment 8 (higher figure is best)  | <b>JCSC</b>            | <b>45.5</b>      |
|                                       | Northumberland average | 46.5             |
|                                       | England average        | 46.7             |

JCSC's results in 2019 at GCSE are stronger in comparison at both county and national (England) level, being positioned 11<sup>th</sup> out of 16 high/secondary schools in Northumberland at that point.

#### **28. Diversity of Provision**

In relation to the statutory proposal to reorganise all mainstream schools in the Coquet Partnership to a 2-tier (primary/secondary, the current diversity of provision would remain in place as there are no proposals to close any schools or any proposals to change the character of any schools. The overall premise of the proposal to increase standards across the partnership and provide viable and sustainable schools through the retention of increasing numbers of local students within the Coquet educational pathway.

The proposal to increase the number of planned places of Barndale House Special School through the creation of a satellite site at Amble would increase diversity of provision in the partnership as there is currently no specialist provision located within the Coquet area.

### **Equal Opportunities Issues**

29. The Equalities Impact Assessment which considers the impact of the statutory proposals to reorganise schools in the Coquet Partnership and to increase planned pupil numbers at Barndale House Special School is included at Appendix 5 of this report.

Overall, the equality analysis for both statutory proposals did not identify any potential for discrimination or adverse impact and all opportunities to promote equality have been taken. Furthermore, the equality analysis did identify a number of positive impacts of the proposals.

### **Community Cohesion**

30. It is envisaged that children and young people living in the Coquet area would continue to learn about other cultures, faiths and communities through implementation of a broad and balanced curriculum in their schools.

The implementation of specialist provision within the Coquet Partnership would provide an opportunity for children and young people in mainstream schools in the area to gain a broader understanding of students who have additional needs which would benefit them all.

### **Transport, Travel and Accessibility**

31. Eligibility for Home to School Transport in Northumberland is arranged in accordance with the Council's Home to School Transport Policy.

The statutory proposal to reorganise the schools in the Coquet Partnership to a 2-tier (primary/secondary) structure would enable pupils in the primary years to stay longer within their local village schools and communities as they would be retained into Years 5 and 6. These pupils would therefore have shorter journey times to school during those years which would be beneficial, as well as there being a small saving to the Council's home to school potentially.

In relation to the increase of planned pupil numbers of Barndale House Special School, the primary reason for the statutory proposal is to create specialist provision within the Coquet Partnership area in order to provide an appropriate education to this group of vulnerable students as close as possible to their home communities. However, an additional benefit of this proposal is that it would reduce the costs of the Council's Home to School Transport budget simply by enabling students to access their education more locally.

### **Implementation Plan and Timeline**

32. Reorganisation of schools in the Coquet Partnership and timeline

Amble First, Amble Links First, Broomhill First, and Red Row First Schools and Grange View Church of England Voluntary Controlled School would extend their age ranges and reorganise to become primary schools with effect from 1 September 2024 in a phased way. The schools would retain Year 5 in September 2024 and would then retain Year 6 in September 2025.

JCSC would reduce its age range in a phased way with effect from September 2024. The school would not receive a Year 5 intake in September 2024 at which point it would have an interim age range of 10-18 years, and then from September 2025 and subsequent years the school would have a final age range of 11 to 18 years, with transition into Year 7 only from that point. However, parents would be able to apply for a place at any other appropriate school according to parental preference, subject to a place being available.

If this statutory proposal is approved, the further detailed work on building costs outlined previously would begin immediately in order to work towards proposed works to first schools being completed in time for the first phase of reorganisation in September 2024. Capital funding for the replacement/ refurbishment of the JCSC buildings is neither dependent on nor would it preclude the implementation of this statutory proposal. As stated previously, the Outline Business Case for the proposed building solution for JCSC approval by Cabinet is included in the Background Papers to this report.

The following timeline relates to the implementation of the above implementation plan:

#### *Amble, Amble Links, Broomhill, Red Row and Grange View CE First Schools*

##### **1 September 2024**

- Pupils in Year 4 on 31 August 2024 in all the above first schools would be retained by their new primary schools as the new Year 5.

##### **1 September 2025**

- Pupils in Year 5 on 31 August 2025 in all the above first schools would be retained by their new primary schools as the new Year 6.

##### **1 September 2026**

- Pupils in Year 6 in these primary schools on 31 August 2026 would transfer as the new Year 7 to JCSC, or to another school providing education in those year groups according to parental preference.

#### *JCSC*

##### **5 June 2023**

- From 5 June 2023 (or as near as reasonably practicable), students in Years 5 and 6 located at the South Avenue site of JCSC (and students in Years 7 and 8 if located at South Avenue at that time) would relocate to the Acklington Road site into suitable accommodation.

##### **1 September 2023**

- Students on roll at first schools on 31 August 2023 would transfer as usual into Year 5 at JCSC but would be located at the Acklington Road site.

- Students on roll in Years 5, 6 and 7 at JCSC on 31 August 2023 would transfer into Years 6,7 and 8 at the school and would remain located at the Acklington Road site.

### **1 September 2024**

- The school would not receive a Year 5 intake and would operate with Year 6 to Year 13 only.

### **1 September 2025**

- Students in Year 6 on 31 August 2025 in JCSC would transfer into Year 7.
- JCSC would have intakes into Year 7 only from this date onwards.

### **33. Barndale House Special School – increase in planned pupil numbers through creation of satellite site in Amble**

Barndale House School would increase its pupil numbers through expansion onto the satellite site within the current JCSC building at South Avenue, Amble with effect from 1 September 2024. Under this proposal, the school would admit up to 50 additional pupils onto the school roll to be based at the satellite school at South Avenue in Amble in a phased way from 1 September 2024.

### **Implications for Staff**

### **34. Proposal for reorganisation of the Coquet Partnership to a 2-tier (primary/secondary) structure**

Should Cabinet approve the reorganisation of the Coquet Partnership to 2-tier structure the first schools would need to redesign their staffing structures to reflect the requirements of a primary school and there may be a need to employ additional staff for the Year 5 and 6 classes. JCSC would also need to redesign its staffing structure, if it is approved that the school becomes an 11 to 19 aged secondary school.

Council officers have worked with all schools in the Coquet Partnership to secure their agreement to a staffing protocol. The purpose of the protocol is to retain as many of the existing staff within schools as possible through transition to the 2-tier(primary/secondary) structure should Cabinet approve its implementation. An HR officer would be allocated to work with the schools in the partnership to co-ordinate the recruitment and selection process over the 3 year transition period, including management of Contact Officers appointed to assist any staff identified at risk of redundancy to secure appropriate alternative employment.

### **35. Proposal for the increase in pupil numbers at Barndale House Special School through the creation of a satellite site in Amble**

If the creation of a satellite site for Barndale House in Amble is approved additional staff would be required to meet the needs of the additional students at the satellite site.

### **Catchment areas**

36. In relation to the mainstream schools in the Coquet Partnership, there are no proposals to adjust the existing school catchment areas geographically. However, should Cabinet approve the implementation of the statutory proposal, as the first schools became primaries their catchment areas would extend to include Year 5 students living in the area in the first year of transition and then extend to include Year 6 students living in the area in the second year of transition.
37. Similarly, in the first year of transition to a 2-tier (primary/secondary) structure, JCSC would be the catchment school for students in Year 6 onwards and then in the second year of transition and thereafter, it would become the catchment school for students in Year 7 onwards living in the area.

## Buildings

38. Building costs set out in Table 5 below are indicative and allow for construction inflation being set at the mid point of construction, however given the current market these costs are subject to change following the procurement process. Also, to note replacement mobile classroom works were already schedule at Amble First and Red Row. The estimated costs below include the replacement works in order to achieve better value through a larger tendering exercise should the reorganisation of schools goes ahead.

**Table 5 – Estimate of Building costs to first schools implement reorganisation**

| School                      | Description   | Indicative cost |
|-----------------------------|---|-----------------|
| Amble First School          | Relocation to current JCSC South Avenue Site  | £3.1m           |
| Amble Links First School    | Two classrooms, one group room and additional WC provision  | £825k           |
| Broomhill First School      | One classroom, one group room, a Medical Inspection room and additional WC provision                                | £1.038m         |
| Red Row First School        | Three classrooms (includes replacement of some existing accommodation), two group rooms and additional WC provision | £1.746m         |
| Grange View CE First School | One classroom, one group room, staff room and additional WC provision   | £1.025m         |
| James Calvert Spence        | New build/refurbishment of secondary school.  | £25.726m        |
| Barndale Off Site provision | Refurbished JCSC South Avenue site.   | £5.6m           |
| Total                       |   | £39.06m         |

Due to the level of investment proposed for the James Calvert Spence College buildings /site, officers together with specialist technical advisers have developed an Outline Business Case that sets out the options to achieve best value for the council's investment. The Outline Business Case (OBC) attached as Appendix 3 of this report sets out the option appraisal of the 5 options considered together with a full commercial appraisal of each option which is contained in section 5 of the OBC.

The recommendation is to proceed with option 5, which is to provide a new building for James Calvert Spence College on land to the east of the recreation ground and part of the existing site as detailed within the OBC. This is denoted within the OBC as the preferred option with a recommendation to proceed through to procurement with an outturn budget as set out in the table above £25.7m.

The OBC in section 2 also sets out a full appraisal of the procurement options together with the recommended route to market which is procured through a Design and Build strategy utilising a single stage tendering procurement that is offered at the end of RIBA stage 4. The key objective for the delivery of the project is to open the new secondary school for operation from September 2025 of the preferred option identified as option 5 in the OBC.

As set out in recommendation 9 The Council's Cabinet is now recommended to approve the Outline Business Case to allow the project to progress with option 5 as the preferred option to detailed design, procurement and submission of a planning application for the project. The outcomes of the procurement exercise will be reported back to Cabinet in the form of a Final Business Case (FBC) in order to seek final approval for the award of contract programmed for October 2023.

Table 6 below sets out how the overall reorganisation would be funded if approval is given to implement the changes following the statutory process and Cabinets' final decision later in the year. The Funding below also includes increasing the value of contribution from MTFP by £2m which will be achieved by reducing the budget allocation for Astley and Whytrig new build project. This has been possible as the scope of the project was reduced when Cabinet decided not to support the closure of Seaton Sluice Middle and therefore the size of the building reduced to reflect the reduction in pupil numbers.

**Table 6 – Funding breakdown to deliver Capital improvements above.**

| <b>Funding Source</b>            | <b>Value</b>  |
|----------------------------------|---|
| NCC Capital (MTFP)               | £27.5m (inclusive of £2m Astley savings against budget) |
| SEND Capital Grant               | £1.5m   |
| Capital Maintenance Grant (SCIP) | £8.46m  |
| Basic Need                       | £1.6m   |

|       |         |
|-------|---------|
| Total | £39.06m |
|-------|---------|

39. As noted at Recommendation 10 and 11, Cabinet are requested to approve the Outline Business Case for implementation of the proposed building replacement solution for James Calvert Spence College and the indicative construction costs included in the Appendix 3 to this report.
40. Cabinet is also requested to delegate the responsibility for approving the award of contract to the preferred contractor following the procurement process as laid down in the Outline Business Case to the Cabinet Member for Children and Young People and the Joint Interim Director of Children’s Services, noting that a further report detailing the outcomes of the Outline Business Case would be brought to Cabinet at a later date for final approval.

### **Sport and Recreation**

41. There would be no negative impact on the current sport and recreation facilities at the first schools proposed to become primaries under the proposed reorganisation to the 2-tier structure. However there would be a positive impact for Amble First school as they don’t currently have any on site grass playfields, but when the school relocates to become a primary school to the South Avenue site the school will have access to playing grass pitches for sport.

There would be a positive impact on sport and recreation, on the James Calvert Spence College site with the proposed improvements to sports facilities for the school and the wider community including the provision of a full sized 3G pitch, new running track and enhanced access arrangements to the sports hall and changing facilities.

### **Implications**

|                                    |  |
|------------------------------------|--|
| <b>Policy</b>                      | This report directly links to the Council’s Corporate aim ‘Living, Learning – We will ensure the best education standards for our children and young people.   |
| <b>Finance and value for money</b> | Capital investment of £25.5m had already been allocated by the Council in the Medium-Term Plan. An updated estimate of £39.06m building costs for reorganisation of the schools in the Coquet Partnership is included at para. 38. Part of the rationale for informal consultation is to provide assurance to Cabinet that investment would be made within a sustainable and viable school structure for the medium to long-term. Due to the level of investment in JSCS buildings and site an Outline Business Case for investment is included at Appendix 3 and recommended for approval as set out in recommendation 9, which aims to have new buildings complete for September 2025. |
| <b>Legal</b>                       | Consultation carried out on proposals has complied with School Organisation guidance and regulations.  |
| <b>Procurement</b>                 | An outline business case (OBC) has been developed and is included in the Background Papers to this report for Cabinet approval - the OBC also sets out the procurement options and recommendations to deliver best value for the Council’s investment.   |

|  |  |
|--|--|
| <b>Human Resources</b>   | There may be some implications for staff in schools in the wider Coquet Partnership should re-organisation to a Primary/Secondary structure be approved for implementation by Cabinet at a later date. If the status quo remains in place, there may be some implications for JCSCS staff should the school move onto one site. A Staffing Protocol has been agreed by the schools in the Coquet Partnership - refer to paras. 34 and 35 |
| <b>Property</b>  | Refer to 'Finance and Value for Money' above.  |
| <b>Equalities</b><br>(Impact Assessment attached)<br>Yes <input checked="" type="checkbox"/> No <input type="checkbox"/><br>N/A <input type="checkbox"/> | An EIA has been completed for both the statutory proposal for schools in the Coquet Partnership and the statutory proposal to increase the planned places of Barndale House Special School and are attached as Appendix 5 of this report.  |
| <b>Risk Assessment</b>   | An initial Risk Assessment and risk register has been carried out on the construction works in order to develop the budget and programme of the project.<br><br>A full project risk assessment is included in the OBC I the Background Papers to this report.  |
| <b>Crime &amp; Disorder</b>  | This report has considered Section 17 (CDA) and the duty it imposes and there are no implications arising from it.   |
| <b>Customer Consideration</b>  | The proposal set out in this report is based upon a desire to improve outcomes for children, young people and their families in Northumberland.  |
| <b>Carbon reduction</b>  | It is expected that the investment in new buildings will have a positive impact on carbon reduction.   |
| <b>Health and Wellbeing</b>  | It is envisaged that a sustainable and resilient school system in the Coquet partnership would have a positive impact on pupils, their families and the wider community.   |
| <b>Wards</b>   | Amble, Druridge Bay, Amble West and Warkworth.   |

### **Background Papers**

- Report of the Joint Interim Director of Children's Services – Outcomes Consultation on Proposals for the Coquet Partnership (21<sup>st</sup> September 2022).
- Report of the Executive Director of Adult Social Care and Children's Services – Proposals for the Coquet Partnership (10<sup>th</sup> May 2022).

### **Report Sign Off**

|  |                      |
|--|----------------------|
|  | Full Name of Officer |
| Monitoring Officer/Legal                     | Suki Binjal          |
| Executive Director of Finance & S151 Officer | Jan Willis           |
| Relevant Executive Director                  | Audrey Kingham       |
| Interim Chief Executive                      | Rob Murfin           |
| Portfolio Holder(s)                          | Guy Renner-Thompson  |

### **Appendices**



Appendix 1 - Statutory Proposal for the Reorganisation of schools in the Coquet Partnership

Appendix 2 - Statutory Proposal for Barndale House Special School

Appendix 3 - Outline Business Case for Capital Investment in James Calvert Spence College buildings.

Appendix 4 – DfE Statutory guidance for proposers and decision makers ‘Making significant changes (‘prescribed alterations’) to maintained schools

Appendix 5 - Equality Impact Assessment of statutory proposals for Reorganisation of schools in the Coquet Partnership and Barndale House Special School

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**NORTHUMBERLAND COUNTY COUNCIL****STATUTORY PROPOSALS FOR THE REORGANISATION OF LOCAL AUTHORITY  
MAINTAINED SCHOOLS IN THE COQUET PARTNERSHIP****1. CHANGE OF AGE RANGE**

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 alterations to the schools below:

- a) **Amble First School**, Edwin Street, Amble, Morpeth, Northumberland, NE65 0EF by changing the age range of the school.
- The current age range of Amble 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 2024.
- b) **Amble Links First School**, Links Avenue, Links Estate, Amble, Morpeth, Northumberland, NE65 0SA by changing the age range of the school.
- The current age range of Amble Links First School is 2 years to 9 years. The proposed age range for the school is 2 years to 11 years to take effect from 1 September 2024.
- c) **Broomhill First School**, Station Road, Morpeth, Northumberland, NE65 9UT by changing the age range of the school.
- The current age range of Broomhill First School is 3 years to 9 years. The proposed age range for the school is 3 years to 11 years to take effect from 1 September 2024.
- d) **Red Row First School**, Red Row, Morpeth, Northumberland, NE61 5AS by changing the age range of the school.
- The current age range of Red Row First School is 3 years to 9 years. The proposed age range for the school is 3 years to 11 years to take effect from 1 September 2024.
- e) **James Calvert Spence College**, Acklington Road, Amble, Morpeth, Northumberland, NE65 0NG by changing the age range of the school.
- The current age range of James Calvert Spence College is 9 years to 18 years.
  - The proposed interim age range for the school from 1 September 2024 until 31 August 2025 is 10 years to 18 years as it transitions to become a secondary school.
  - The proposed final age range for the school from 1 September 2025 and subsequent years is 11 years to 18 years.

For the purposes of providing further information, should Northumberland County Council decide to implement the above proposals, this decision would be made in conjunction with a decision by the Council to change the current age range of **Grange View Church of England Voluntary Controlled First School, Grange Road, Widdrington, Morpeth, Northumberland, NE61 5LZ**

from an age 3 to 9 school to an age 3 to 11 school with effect from 1 September 2024, which is not required to be part of this statutory proposal.

Further in the interest of providing further information relevant to this statutory proposal, the Council intends to replace/refurbish the current James Calvert Spence building. As set out at 1.e) above, it is the intention that James Calvert Spence College will reduce its age range over time.

## **2. ENLARGEMENT OF PREMISES**

In order to facilitate the above proposals, 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 alterations to the schools below:

- f) Amble Links First School**, Links Avenue, Links Estate, Amble, Morpeth, Northumberland, NE65 0SA by permanent enlargement of the premises with effect from 1 September 2024 or as soon as practicably possible thereafter.
- The number of pupils on roll at the school in Reception to Year 4 at January 2022 was 129. The current published capacity of the school for pupils aged 4 to 9 is 138. The proposed capacity of the school is to be 210 for pupils aged 4 to 11. The current maximum number of pupils admitted at age 4 is 30. The maximum number of pupils to be admitted to the school at age 4 from 1 September 2024 and subsequent years would be 30. Nursery admission numbers would remain unchanged.
- g) Red Row First School**, Red Row, Morpeth, Northumberland, NE61 5AS by permanent enlargement of the premises with effect from 1 September 2024 or as soon as practicably possible thereafter.
- The number of pupils on roll at the school in Reception to Year 4 at January 2022 was 83. The current published capacity of the school for pupils aged 4 to 9 is 120. The proposed capacity of the school is to be 210 for pupils aged 4 to 11. The current maximum number of pupils admitted at age 4 is 29. The maximum number of pupils to be admitted to the school at age 4 from 1 September 2024 and subsequent years would be 30. Nursery admission numbers would remain unchanged.
- h) Broomhill First School**, Station Road, Morpeth, Northumberland, NE65 9UT by permanent enlargement of the premises with effect from 1 September 2024 or as soon as practicably possible thereafter.
- The number of pupils on roll at the school in Reception to Year 4 at January 2022 was 66. The current published capacity of the school for pupils aged 4 to 9 is 75. The proposed capacity of the school is to be 105 for pupils aged 4 to 11. The current maximum number of pupils admitted at age 4 is 15. The maximum number of pupils to be admitted to the school at age 4 from 1 September 2024 and subsequent years would be 15. Nursery admission numbers would remain unchanged.

## **3. FURTHER INFORMATION PERTINENT TO THE STATUTORY PROPOSAL**

- i)** In the interests of providing further information relevant to this statutory proposal, it is intended that the physical capacity of Grange View Church of England Voluntary Controlled School would be expanded by the addition of one classroom to accommodate

no more than 30 pupils. in order to enable the intended change of age range (see part 1.) in line with the following changes:

- **Grange View Church of England Voluntary Controlled First School**, Grange Road, Widdrington, Morpeth, Northumberland, NE61 5LZ. The number of pupils on roll at the school in January 2022 was 83. The current published capacity of the school is 150. The proposed capacity of the school is to be 210. The current maximum number of pupils admitted at age 4 is 30. The maximum number of pupils to be admitted to the school at age 4 from 1 September 2024 and subsequent years would be 30.

- j) **It is not required** under regulations to carry out statutory consultation where the proposed new site for a school would be less than 2 miles from the main entrance of the current site. Amble First School is located less than 2 miles from the James Calvert Spence College building at South Avenue, Amble. However, in the interests of providing further information linked to this proposal, it is intended that Amble First School would transfer to the building of James Calvert Spence College located at South Avenue, Amble, Morpeth, NE65 0ND with effect from 1 September 2024 or as near to that date as practicably possible. Should this transfer be approved in conjunction with the other proposals set out in this statutory proposal, Amble First School would share its site at South Avenue with the proposed satellite site of Barndale House School. The proposal to create a satellite school for Barndale House School in Amble is set out in a separate but concurrent statutory proposal as it does not rely upon the transfer of Amble First School to the South Avenue site.

The above proposed changes to school age ranges, enlargement of school premises and transfer of site proposals (which are not required to form statutory proposals) will be considered by the decision-maker (Northumberland County Council) concurrently with this statutory proposal, as they are inextricably linked.

**Copies of the full Statutory Proposal may be obtained from:**

The School Organisation and Resources Team  
Education and Skills  
Wellbeing and Community Health Services  
Northumberland County Council  
County Hall  
Morpeth  
Northumberland  
NE61 2EF

or from the Council's website at [www.northumberland.gov.uk/schoolconsultations](http://www.northumberland.gov.uk/schoolconsultations)

All schools named above form part of the Coquet Partnership of schools. Amble First, Amble Links First, Broomhill First and Red Row First Schools and James Calvert Spence College are local-authority maintained community schools, and Grange View Church of England Voluntary Controlled School is a local-authority maintained voluntary-controlled school.

**Objectives and reasons for proposal**

The objectives of this proposal are to:

- **Change of the age ranges of:-**
  1. Amble First School, Edwin Street, Amble, Morpeth, Northumberland, NE65 0EF by changing the age range of the school. The current age range of Amble 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 2024.

2. Amble Links First School, Links Avenue, Links Estate, Amble, Morpeth, Northumberland, NE65 0SA by changing the age range of the school. The current age range of Amble Links First School is 2 years to 9 years. The proposed age range for the school is 2 years to 11 years to take effect from 1 September 2024.
3. Broomhill First School, Station Road, Morpeth, Northumberland, NE65 9UT by changing the age range of the school. The current age range of Broomhill First School is 3 years to 9 years. The proposed age range for the school is 3 years to 11 years to take effect from 1 September 2024.
4. Red Row First School, Red Row, Morpeth, Northumberland, NE61 5AS by changing the age range of the school. The current age range of Red Row First School is 3 years to 9 years. The proposed age range for the school is 3 years to 11 years to take effect from 1 September 2024.
5. James Calvert Spence College, Acklington Road, Amble, Morpeth, Northumberland, NE65 0NG by changing the age range of the school. The current age range of James Calvert Spence College is 9 years to 18 years. The proposed age range for the school from 1 September 2024 until 31 August 2025 is 10 years to 18 years as it transitions to become a secondary school. The final proposed age range for the school is 11 years to 18 years to take effect from 1 September 2025.
6. For the purposes of providing further information, should Northumberland County Council decide to implement the above proposals, this decision would be made in conjunction with a decision by the Council to change the current age range of Grange View Church of England Voluntary Controlled First School, Grange Road, Widdrington, Morpeth, Northumberland, NE61 5LZ from an age 3 to 9 school to an age 3 to 11 school with effect from 1 September 2024, which is not required to be a formal part of this statutory proposal.

To facilitate the change of age ranges at the schools named above, the buildings of the following schools would be enlarged:

7. **Amble Links First School**, Links Avenue, Links Estate, Amble, Morpeth, Northumberland, NE65 0SA by permanent enlargement of the premises with effect from 1 September 2024 or as soon as practicably possible thereafter.
  - The number of pupils on roll at the school in Reception to Year 4 at January 2022 was 129. The current published capacity of the school for pupils aged 4 to 9 is 138. The proposed capacity of the school is to be 210 for pupils aged 4 to 11. The current maximum number of pupils admitted at age 4 is 30. The maximum number of pupils to be admitted to the school at age 4 from 1 September 2024 and subsequent years would be 30. Nursery admission numbers would remain unchanged.
8. **Red Row First School**, Red Row, Morpeth, Northumberland, NE61 5AS by permanent enlargement of the premises with effect from 1 September 2024 or as soon as possible thereafter.
  - The number of pupils on roll at the school in Reception to Year 4 at January 2022 was 83. The current published capacity of the school for pupils aged 4 to 9 is 120. The proposed capacity of the school is to be 210 for pupils aged 4 to 11. The current maximum number of pupils admitted at age 4 is 29. The maximum number of pupils to be admitted to the school at age 4 from 1 September 2024 and subsequent years would be 30. Nursery admission numbers would remain unchanged.
9. **Broomhill First School**, Station Road, Morpeth, Northumberland, NE65 9UT by permanent enlargement of the premises with effect from 1 September 2024 or as soon as practicably possible thereafter.
  - The number of pupils on roll at the school in Reception to Year 4 at January 2022 was 66. The current published capacity of the school for pupils aged 4

to 9 is 75. The proposed capacity of the school is to be 105 for pupils aged 4 to 11. The current maximum number of pupils admitted at age 4 is 15. The maximum number of pupils to be admitted to the school at age 4 from 1 September 2024 and subsequent years would be 15. Nursery admission numbers would remain unchanged.

The following proposed changes to school age ranges, enlargement of school premises and transfer of site (which are not required to form statutory proposals) will be considered by the decision-maker (Northumberland County Council) concurrently with this statutory proposal, as they are inextricably linked.

10. It is intended that the physical capacity of Grange View Church of England Voluntary Controlled School would be expanded by the addition of one classroom to accommodate no more than 30 pupils in order to enable the intended change of age range (see part 1.) in line with the following changes:

- Grange View Church of England Voluntary Controlled First School, Grange Road, Widdrington, Morpeth, Northumberland, NE61 5LZ. The number of pupils on roll at the school in January 2022 was 83. The current published capacity of the school is 150. The proposed capacity of the school is to be 210. The current maximum number of pupils admitted at age 4 is 30. The maximum number of pupils to be admitted to the school at age 4 from 1 September 2024 and subsequent years would be 30.

11. It is not required under regulations to carry out statutory consultation where the proposed new site for a school would be less than 2 miles from the main entrance of the current site. However, in the interests of providing further information linked to this proposal, it is intended that Amble First School would transfer to the building of James Calvert Spence College located at South Avenue, Amble, Morpeth, NE65 0ND with effect from 1 September 2024 or as near to that date as practicably possible. Amble First School is located less than 2 miles from the James Calvert Spence College building at South Avenue, Amble.

### **Reasons for proposal:**

Pre-Consultation on proposals for reorganisation of the schools that form the Coquet Partnership in Northumberland has taken place between 11 May and 29 June 2022 (six school weeks). This consultation was promulgated for the following reasons:

- In 2016, Cabinet approved the allocation of funding towards replacement or refurbishment of JCSC buildings, while in 2022 the capital allocation in the Medium-Term Plan was increased to £25.5m towards the improvement of school buildings in the Coquet partnership as a whole. Before such capital investment is made in school buildings in the Coquet Partnership, officers recommended that Cabinet receive assurance that it would be spent on an organisational school structure that supports viable and sustainable schools at all phases of education in the area, with a view to encouraging increased numbers of parents to enrol their children in schools at all phases of the education system in the area. This is in line with the Council's objectives to provide good local education for all children and young people in the county.
- The first schools and James Calvert Spence College had written to the Council in 2019 outlining their views on the organisation of schools in the Coquet Partnership.
- On 10 May 2022, the Council therefore approved pre-consultation on a proposal for the reorganisation of schools in the Coquet Partnership to a 2-tier (primary/secondary) system.

Evidence from pre-consultation indicates that 92% of consultees (including parents, pupils and the local community) who responded were supportive of reorganisation to a 2-tier(primary/secondary) system on the basis that educational standards would improve and schools in the partnership would be more sustainable through the retention of more pupils in the partnership, and therefore viability would be improved. Furthermore, all first schools and the local Roman Catholic and Church of England Diocese supported the move to 2-tier on educational grounds, while James Calvert Spence College Governing Body said it would support whatever model was approved of implementation

Having considered feedback from consultation and the educational case for change in relation to the Coquet Partnership, the Council approved publication of this statutory proposal to extend the age ranges of Amble First, Amble Links First, Broomhill First and Red Row First Schools to take effect from 1 September 2024 and concluding on September 2025, and to reduce the age range of James Calvert Spence College in a phased way to take effect from 1 September 2024 and concluding on 1 September 2025. The Council is not required to publish a statutory proposal in relation to the extension of the age range of Grange View Church of England Voluntary Controlled First School and any decision in this regard would be made in conjunction with the outcomes of the proposals set out in this statutory proposal.

Based on the educational rationale received from Governing Bodies of schools in the Coquet Partnership and feedback received from consultees, the publication of the statutory proposals has been approved on the basis that the establishment of a primary-secondary model across the whole of the Coquet Partnership would be in the best educational interests of the current and future pupils in that area. All first schools in the partnership are currently judged to be 'Good' by Ofsted and therefore the creation of additional places in these schools through extending their age ranges is in line with DfE guidance.

#### **Effect on other schools, academies and educational institutions in the area**

NCEA Warkworth Church of England Primary School also forms part of the Coquet Partnership and reorganised to a primary structure in 2016. The reorganisation of the other schools in the partnership to a primary/secondary structure would bring conformity across the partnership and would assist parents in making preferences for schools.

It is not envisaged that the reorganisation of the Coquet Partnership wholly to a primary/secondary structure would impact on any neighbouring schools, academies or educational institutions.

#### **Project Costs and Proposed Stages for Implementation**

Should this Statutory Proposal be approved for implementation, there would be a need to carry out building works to facilitate the changes. Building costs set out in Table 1 below are indicative and would be subject to further detailed work should the proposal to reorganise schools to a 2-tier structure be approved. Also, to note replacement mobile classroom works were already scheduled at Amble First and Red Row First Schools, while the replacement of the James Calvert Spence College building was already approved in 2016 and included in the Council's Medium-Term Plan. The estimated costs below include the replacement works in order to achieve better value through a larger tendering exercise should the reorganisation of schools go ahead.

**Table 1**

| <b>School</b>      | <b>Description</b>                           | <b>Indicative cost</b> |
|--------------------|--|------------------------|
| Amble First School | Relocation to current JCSC South Avenue Site | £3.1m                  |

|                             |  |                 |
|-----------------------------|--|-----------------|
| Amble Links First School    | Two classrooms, one group room and additional WC provision   | £825k           |
| Broomhill First School      | One classroom, one group room, a Medical Inspection room and additional WC provision                             | £1.038m         |
| Red Row First School        | Three classrooms (includes replaces of some existing accommodation), two group rooms and additional WC provision | £1.746m         |
| Grange View CE First School | One classroom, one group room, staff room and additional WC provision  | £1.025m         |
| James Calvert Spence        | New build Secondary school.  | £22.8m          |
| <b>Total</b>                |  | <b>£30.534m</b> |

| <b>Funding Source</b>            | <b>Value</b>  |
|----------------------------------|---------------|
| NCC Capital (MTFP)               | £27.5m        |
| Capital Maintenance Grant (SCIP) | £1.4m         |
| Basic Need                       | £1.6m         |
| <b>Total</b>                     | <b>£30.5m</b> |

It is envisaged that long-term value for money would be achieved by the above investment in school buildings across the Coquet Partnership as part of school reorganisation through the improvement of educational standards and the retention of increased numbers of students living in the partnership area in local schools over time, thus increasing the sustainability and viability of all schools.

## **Pupil Numbers and Admissions**

### Amble First School

As at January 2022, there were 108 pupils on roll at the school in Reception to Year 4. The current age range of Amble First School is 4 years to 9 years and the school provides education to both boys and girls.

As at January 2022, there were no pupils on roll at the school with an Education and Healthcare plan.

### Amble Links First School

As at January 2022, there were 129 pupils on roll at the school in Reception to Year 4. The current age range of Amble Links First School is 2 years to 9 years and the school provides education to both boys and girls.

As at January 2022, the school had 1 pupil on roll with an Education and Healthcare plan.

### Broomhill First School

As at January 2022, there were 66 pupils on roll at the school in Reception to Year 4. The current age range of Broomhill First School is 3 years to 9 years and the school provides education to both boys and girls.

As at January 2022, the school had 7 pupils on roll with an Education and Healthcare plan.



### Red Row First School

As at January 2022, there were 83 pupils on roll at the school in Reception to Year 4. The current age range of Red Row First School is 3 years to 9 years and the school provides education to both boys and girls.

As at January 2022, the school had 2 pupils on roll with an Education and Healthcare plan.

### James Calvert Spence College

As at January 2022, there were 735 pupils on roll at the school in Year 5 to Year 13. The current age range of James Calvert Spence College is 9 years to 18 years and the school provides education to both boys and girls.

As at January 2022, the school had 10 pupils on roll with an Education and Healthcare plan.

### Grange View Church of England Voluntary Controlled First School

In the interests of providing further information, the following pupil information is provided in relation to Grange View Church of England Voluntary Controlled First School:

As at January 2022, there were 83 pupils on roll at the school in Reception to Year 4.

The current age range is 3 to 9 years and provides education to both boys and girls.

As at January 2022, the school had 1 pupil on roll with an Educational and Healthcare Plan.

### **Implementation.**

- Amble First, Amble Links First, Broomhill First, and Red Row First Schools and Grange View Church of England Voluntary Controlled School are proposed to extend their age ranges and to reorganise to become primary schools with effect from 1 September 2024 in a phased way. The schools would retain Year 5 in September 2024 and would then retain Year 6 in September 2025.
- James Calvert Spence College is proposed to reduce its age range in a phased way with effect from September 2024. The school would not receive a Year 5 intake in September 2024 at which point it would have an interim age range of 10-18 years, and then from September 2025 and subsequent years the school would have a final age range of 11 to 18 years, with transition into Year 7 only from that point.
- However, parents would be able to apply for a place at any other appropriate school according to parental preference, subject to a place being available.
- If this statutory proposal is approved, the further detailed work on building costs outlined previously would begin immediately in order to work towards proposed works to first schools being completed in time for the first phase of reorganisation in September 2024. Capital funding for the replacement/ refurbishment of the JCSC buildings is neither dependent on nor would it preclude the implementation of this statutory proposal and would be the subject of a separate business case for approval by Cabinet. Should this statutory proposal be approved, reorganisation to a 2-tier (primary/secondary) system would be implemented as set out in the following below and the replacement of the buildings of JCSC would be as set out in the business case previously noted.

### **Timeline for implementation**

It is proposed that the following model be implemented in accordance with the following arrangements and timeline subject to finalisation of the associated buildings programme:

*Amble, Amble Links, Broomhill, Red Row First Schools\**

#### **1 September 2024**

- Pupils in Year 4 on 31 August 2024 in all the above first schools would be retained by their new primary schools as the new Year 5.

### **1 September 2025**

- Pupils in Year 5 on 31 August 2025 in all the above first schools would be retained by their new primary schools as the new Year 6.

### **1 September 2026**

- Pupils in Year 6 in these primary schools on 31 August 2026 would transfer as the new Year 7 to JCSC, or to another school providing education in those year groups according to parental preference.

*\*Note for further information - should the Council approve the statutory proposal for the above schools and at the same time approve the non-statutory proposal to change the age range of Grange View Church of England Voluntary Controlled First School, the implementation of the change for the latter school would follow the same timeline as set out above.*

*James Calvert Spence College*

### **5 June 2023**

- From 5 June 2023 (or as near as reasonably practicable), students in Years 5 and 6 located at the South Avenue site of JCSC (and students in Years 7 and 8 if located at South Avenue at that time) would relocate to the Acklington Road site into suitable accommodation.

### **1 September 2023**

- Students on roll at first schools on 31 August 2023 would transfer as usual into Year 5 at JCSC but would be located at the Acklington Road site.
- Students on roll in Years 5, 6 and 7 at JCSC on 31 August 2023 would transfer into Years 6,7 and 8 at the school and would remain located at the Acklington Road site.

### **1 September 2024**

- The school would not receive a Year 5 intake and would operate with Year 6 to Year 13 only.

### **1 September 2025**

- Students in Year 6 on 31 August 2025 in JCSC would transfer into Year 7.
- JCSC would have intakes into Year 7 only from this date onwards.

### **Impact on the Community**

As well as the envisaged improvement on educational outcomes as a result of this proposal, it is also envisaged that there would be a positive impact on the communities served by the schools in the Coquet Partnership as Amble, Red Row, Widdrington and Broomhill villages would retain their primary age children for an additional two years in Years 5 and 6.

As a result of the rebuilding and refurbishment of James Calvert Spence College, it is envisaged that there would be opportunities for increased community use of the enhanced facilities at the site.

### **Balance of denominational provision**

There would be no impact on the balance of denominational provision as a result of this statutory proposal as none of the schools that are the subject of this statutory proposal have a religious character or are proposed to take a religious character and in any event, no schools are proposed to close.

### **Rural Primary Schools**

Amble, Amble Links, Red Row and Broomhill First Schools are listed on the DfE's List of Designated Rural Primary Schools 2021. However, as the proposal is for these schools to extend their age range, this policy area would not be impacted.

### **Maintained nursery schools**

The nursery provision currently provided at the first schools proposed to extend their age ranges as a result of this statutory proposal would not be affected by its implementation.

### **Provision for 16-19 year olds**

The proposal to reduce the age range of James Calvert Spence College would not impact on the school's current provision for 16-18 year olds at the school, as the reduction of the age range would occur at the lower end of the school.

### **Special educational provision**

Provision for pupils with SEN is already provided at the schools that are the subject of this Statutory Proposal.

- As at January 2022, there were no pupils with an Educational Health Care Plan enrolled at Amble First School.
- As at January 2022, there was 1 pupil with an Educational Health Care Plan enrolled at Amble Links First School.
- As at January 2022, there were 7 pupils with an Educational Health Care Plan enrolled at Broomhill First School.
- As at January 2022, there were 2 pupils with an Educational Health Care Plan enrolled at Red Row First School.
- As at January 2022, there were 10 pupils with an Educational Health Care Plan enrolled at James Calvert Spence College.
- In the interests of providing further information, as at January 2022, there was 1 pupil with an Educational Health Care Plan enrolled at Grange View Church of England Voluntary Controlled First School.

Continuity for current and future pupils with SEN at the above first schools would be achieved as a result of the implementation of this proposal, as pupils would stay longer in their primary schools and would transfer to the next school phase at the end of Year 6.

Also for further information, there is a separate but concurrent statutory proposal published in relation to a proposal to create a satellite provision for Barndale House School at the current South Avenue site of James Calvert Spence College in Amble. The statutory proposal for Barndale House School is not dependent on the outcome of this statutory proposal and is therefore not linked.

### **Travel**

- Transport for all pupils affected by the proposed reorganisation should it be approved would be arranged in accordance with the Council's Home to School Transport Policy.
- Pupils transferring from Year 4 to Year 5 in September 2024 would remain in their first schools as the schools reorganise to primary status. It is envisaged that many pupils in Years 5 and 6 in the new primary schools would have shorter journeys to schools as they would be educated for an additional two years in the primary schools within their local communities.
- There would be no anticipated significant increase in car use as a result of these proposals, indeed there may be a reduction in car use as the Year 5 and 6 pupils would remain in their

village schools.

## Consultation

All of the applicable statutory requirements to consult on this proposal in accordance with Section 19 (1)) of the Education and Inspections Act 2006 were complied with during the pre-publication consultation period that took place during the following dates:

- 11 May to 29 June 2022

Consultees recommended in the relevant statutory guidance were consulted via a Consultation Document that was made widely available on the Council's website. Consultees included parents, staff, pupils, Governors of the impacted schools in the Coquet Partnership, local parish councils, the Church of England and Roman Catholic dioceses, early-years providers, the local MP, staff representatives (unions), and relevant neighbouring schools in other Northumberland Partnerships. A public consultation event was also held in Amble Masonic Hall on 11 June 2022. Individual meetings with staff and the Governing Bodies of schools that were proposed for change also took place during the consultation period, and a meeting was also held with the Governing Body of NCEA Warkworth Primary Academy, which forms part of the Coquet Partnership.

The meetings organised during the consultation event allowed consultees attending the opportunity to make known their views on the proposals and to suggest alternatives, which were noted and considered within the analysis of feedback. During the consultation exercise, it was made clear that the outcome of the process would not be determined by the equivalent to a simple referendum but would involve a detailed analysis of evidence put forward. A total of 125 responses were received from consultees during the informal consultation process, including alternative proposals.

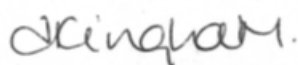
Details of the persons and parties consulted, the notes of the Governing Body and staff consultation meetings, and all views and responses received are summarised in the Joint Interim Director of Children's Services Report: Outcomes of Consultation on Proposals for the Coquet Partnership, which is available on the Council's website at [Report to Cabinet 13 September 2022](#)

## 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 20 October 2022**), any person may submit comments, including support or objections to the proposals by sending their written representations to: The **Joint Interim Director of Children's Services, County Hall, Morpeth, Northumberland NE61 2EF**, or by email to [educationconsultation@northumberland.gov.uk](mailto:educationconsultation@northumberland.gov.uk)

Signature

Publication Date: 22 September 2022



Audrey Kingham  
Joint Interim Director of Children's Services  
Northumberland County Council  
County Hall  
Morpeth  
Northumberland  
NE61 2EF

**NORTHUMBERLAND COUNTY COUNCIL**

**STATUTORY PROPOSAL FOR BARNDALE HOUSE SCHOOL**

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 alterations to the following school:

**Barndale House School**

Howling Lane  
Alnwick  
NORTHUMBERLAND  
NE66 1DQ

Barndale House School is a local authority-maintained Community Special School for boys and girls aged 2 - 19.

**CHANGE IN NUMBER OF PUPILS IN A SPECIAL SCHOOL AND TO EXPAND ONTO A SATELLITE SITE**

- The current number of planned pupil places at Barndale House School is 60. The proposed number of pupil places is planned to increase to 110. This increase would be achieved through the expansion of the school by 50 places onto a satellite site at the following location with effect from 1 September 2024:

Current James Calvert Spence College building  
South Avenue  
Amble  
Morpeth  
Northumberland  
NE65 0ND

- In the interests of providing further information, Barndale House School would be located within part of the current James Calvert Spence College building as part of a shared site with either James Calvert Spence College (JCSC) or Amble First School. Both JCSC and Amble First School form part of a separate but concurrent statutory proposal relating to the reorganisation of the Coquet Partnership. However, this proposal is not dependent or affected by the outcome of the mainstream school organisation proposal in any way other than the Barndale satellite school may share the proposed building with one or other of these two schools.
- In the interests of providing further information, the planned type of SEN provision at the Barndale satellite school in Amble would be for students with a primary need in Autistic Spectrum Disorder (ASD), SEMH (social, emotional and mental health), speech language and communication (SLCN) and moderate learning difficulties (MLD) in response to the growing need for provision for children and young people with these needs in the area served by the Coquet Partnership of schools. Barndale House School is already designated as a provider in these areas of SEN.

**Copies of the full Statutory Proposal may be obtained from:**

The School Organisation and Resources Team  
Education and Skills  
Wellbeing and Community Health Services

Northumberland County Council  
County Hall  
Morpeth  
Northumberland  
NE61 2EF

or from the Council's website at

<https://www.northumberland.gov.uk/Education/Schools/Consultations.aspx#schoolconsultations>

### **Submission of Objections and Comments on Proposals**

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Signature

Publication Date: 22 September 2022



Audrey Kingham  
Joint Interim Director of Children's Services  
Northumberland County Council  
County Hall  
Morpeth  
Northumberland  
NE61 2EF



Department  
for Education

# **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](mailto: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 capacity<sup>1</sup> 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 number<sup>2</sup> (PAN); please see the [School Admissions Code](#). The thresholds do not, however, apply to special schools. Details of how special schools can increase their intake<sup>3</sup> are covered below.

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

<sup>2</sup> 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.

<sup>3</sup> 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 x 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 adviser<sup>4</sup>. 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:

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<sup>4</sup> [Advisers.PPP@education.gov.uk](mailto: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<br>RC Diocese                |
| LA for voluntary or foundation  | Enlargement of premises that meets the threshold | Statutory process     | LA             | CofE Diocese<br>RC Diocese<br>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](mailto:schoolorganisation.notifications@education.gov.uk) for monitoring purposes.

## Expansion of existing grammar schools

Legislation prohibits the establishment of new grammar schools<sup>5</sup>. 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 authorities<sup>6</sup> 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

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<sup>5</sup> Except where a grammar school is replacing one or more existing grammar schools

<sup>6</sup> 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<br>RC Diocese<br>GB/Trustees |
| GB community special                            | Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers | Statutory process | LA             | CofE Diocese<br>RC Diocese                |
| LA for community special and foundation special | Increase by 10% or 20 pupils (5 for boarding special)                     | Statutory process | LA             | CofE Diocese<br>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<br>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<br>RC Diocese<br>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<br>RC Diocese                |
| GB foundation special                  | Alteration of upper or lower age range by one year or more  | Statutory process     | LA             | CofE Diocese<br>RC Diocese<br>GB/Trustees |
| GB community special                   | Alteration of upper or lower age range by one year or more  | Statutory process     | LA             | CofE Diocese<br>RC Diocese                |
| LA for community                       | Alteration of upper age range so as to add or   | Statutory process     | LA             | CofE Diocese<br>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<br>RC Diocese<br>GB/Trustees |
| GB of voluntary and foundation  | Alteration of upper age range so as to add sixth form provision    | Statutory process | LA             | CofE Diocese<br>RC Diocese<br>GB/Trustees |
| GB of community                 | Alteration of upper age range so as to add sixth form provision    | Statutory process | LA             | CofE Diocese<br>RC Diocese                |
| GB of voluntary and foundation  | Alteration of upper age range so as to remove sixth form provision | Statutory process | LA             | CofE Diocese<br>RC Diocese<br>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:

- Improve choice and attainment for pupils
- Deliver new, improved or more integrated services
- Make efficiency savings through sharing costs
- Develop a stronger, more united voice
- 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<br>RC Diocese                |
| GB voluntary or foundation | Closure of one or multiple sites | Statutory process | LA             | CofE Diocese<br>RC Diocese<br>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<br>RC Diocese                |
| GB voluntary foundation or foundation special              | Transfer to new site | Statutory process | LA             | CofE Diocese<br>RC Diocese<br>GB/Trustees |
| GB community special                                       | Transfer to new site | Statutory process | LA             | CofE Diocese<br>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](mailto: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<br>VA to VC   | Statutory process | LA             | CofE Diocese<br>RC Diocese<br>GB/Trustees  |
| GB of voluntary  | VC or VA to foundation school<br>VC or VA to foundation school and acquire a foundation<br>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:<br>LA<br>CofE Diocese<br>RC Diocese |
| GB of foundation | Foundation school to VC or VA  | Statutory process | LA             | CofE Diocese<br>RC Diocese<br>GB/Trustees  |

| Proposer                 | Type of proposal   | Process           | Decision-maker | Right of appeal to the adjudicator |
|--------------------------|--|-------------------|----------------|------------------------------------|
| GB of foundation         | Acquire foundation<br>Acquire a majority of foundation governors on the GB<br>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<br>RC Diocese         |
| GB of community          | Community to foundation school<br>Community to foundation school and acquire foundation<br>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<br>RC Diocese                |
| GB of foundation. foundation special or voluntary | To co-ed or single sex provision | Statutory process | LA             | CofE Diocese<br>RC Diocese<br>GB/Trustees |
| GB of community special                           | To co-ed or single sex provision | Statutory process | LA             | CofE Diocese<br>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<br>RC Diocese                |
| LA for voluntary and foundation | Establish or remove SEN provision        | Statutory process | LA             | CofE Diocese<br>RC Diocese<br>GB/Trustees |
| GB of foundation                | Establish, remove or alter SEN provision | Statutory process | LA             | CofE Diocese<br>RC Diocese<br>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<br>RC Diocese                |
| LA for foundation special | Change designation and categories of SEN provision | Statutory process | LA             | CofE Diocese<br>RC Diocese<br>GB/Trustees |
| GB of community special   | Change designation and categories of SEN provision | Statutory process | LA             | CofE Diocese<br>RC Diocese                |
| GB of foundation special  | Change designation and categories of SEN provision | Statutory process | LA             | CofE Diocese<br>RC Diocese<br>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<br>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<br>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<br>RC Diocese<br>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<br>RC Diocese<br>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<br>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 arrangements<sup>7</sup> 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<br>RC Diocese<br>GB/Trustees |
| GB of community               | Remove selective admission arrangements | Statutory process | LA             | CofE Diocese<br>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](#).

<sup>7</sup> 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](mailto: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 necessary<sup>8</sup>. 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.

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<sup>8</sup> Including, where necessary, approval from the Secretary of State for change to the use of playing field land under Section 77(1) of the SSFA 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<br>(statutory proposal/notice) |   |  |
| Stage 2 | Representation<br>(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](#)<sup>9</sup>.

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 conditions<sup>10</sup> (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);

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<sup>9</sup> For example where a change is conditional on the establishment of a new school under section 10 or 11 of EIA 2006 (where the Schools Adjudicator may be the default decision maker).

<sup>10</sup> 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 events<sup>11</sup>. 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.

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<sup>11</sup> 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 must<sup>12</sup>:

- 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.

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<sup>12</sup> 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 1998<sup>13</sup>. 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.<br>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  |

<sup>13</sup> 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 foundation<sup>14</sup>.

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.

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<sup>14</sup> 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 foundation<sup>15</sup>.

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 duty<sup>16</sup> 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.

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<sup>15</sup> As defined in section 23A of the SSFA 1998

<sup>16</sup> Under section 23A(8) 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 certificate<sup>17</sup>;
  - o [Charities Act 2011](#)<sup>18</sup> 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](#)<sup>19</sup>
- [The Charity Commission's Register of Charities](#); and
- [The Companies House web check service](#).

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<sup>17</sup> Under section 113A of the Police Act 1997

<sup>18</sup> section 178 onwards

<sup>19</sup> 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](#)<sup>20</sup>:

- 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 events<sup>21</sup>. 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 State<sup>22</sup> about foundation proposals that have been implemented. Copies of the statutory proposals and decision record should be submitted to

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

<sup>21</sup> under paragraph 16 of Schedule 1 to the Prescribed Alterations Regulations

<sup>22</sup> Paragraph 18 of Schedule 1 of the Prescribed Alterations Regulations

[schoolorganisation.notifications@education.gov.uk](mailto: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><b>Majority</b><br/>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><b>Minority</b><br/>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<br><br>(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><b>Majority</b><br/>A minimum of 4 weeks is recommended.</p> <p>or</p> <p><b>Minority</b><br/>No consultation required</p> | <b>Majority</b><br>It is for the GB to determine the length of consultation  |
| Stage 4 | Publication and representation                            | <p><b>Majority</b><br/>6 week representation period.</p> <p>or</p> <p><b>Minority</b></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.<br>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 majority<sup>23</sup> 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-third<sup>24</sup> 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

<sup>23</sup> Regulation 4 of the Removal Regulations

<sup>24</sup> Regulation 5 of the Removal Regulations



there are a number of prescribed circumstances<sup>25</sup> 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 GB<sup>26</sup>. 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;

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<sup>25</sup> See regulation 5(4) of the Removal Regulations

<sup>26</sup> 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](mailto: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 present<sup>27</sup>.

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 rejection<sup>28</sup>.

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](#)<sup>29</sup>.

The GB must notify the relevant LA, trustees and the Secretary of State via [schoolorganisation.notifications@education.gov.uk](mailto: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](#).

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

<sup>28</sup> As per regulation 11(2) of the Removal Regulations

<sup>29</sup> 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/ukxi_20141257_en.pdf)  
www.legislation.gov.uk/uksi/2014/1257/pdfs/ukxi\_20141257\_en.pdf
- [The School Governance \(Miscellaneous Amendments\) \(England\) Regulations 2015](http://www.legislation.gov.uk/uksi/2015/883/pdfs/ukxi_20150883_en.pdf) www.legislation.gov.uk/uksi/2015/883/pdfs/ukxi\_20150883\_en.pdf
- [The School Governance \(New Schools\) \(England\) Regulations 2007](http://www.legislation.gov.uk/uksi/2007/958/pdfs/ukxi_20070958_en.pdf)  
www.legislation.gov.uk/uksi/2007/958/pdfs/ukxi\_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](mailto:RSC.EASTNELONDON@education.gov.uk)
- North - [RSC.NORTH@education.gov.uk](mailto:RSC.NORTH@education.gov.uk)
- East Midlands and Humber - [EMH.RSC@education.gov.uk](mailto:EMH.RSC@education.gov.uk)
- Lancashire and West Yorkshire - [LWY.RSC@education.gov.uk](mailto:LWY.RSC@education.gov.uk)
- South Central England and North West London - [RSC.SCNWLON@education.gov.uk](mailto:RSC.SCNWLON@education.gov.uk)
- South East and South London - [RSC.SESL@education.gov.uk](mailto:RSC.SESL@education.gov.uk)
- South West - [RSC.SW@education.gov.uk](mailto:RSC.SW@education.gov.uk)
- West Midlands - [RSC.WM@education.gov.uk](mailto:RSC.WM@education.gov.uk)



## 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:

a) Proposals for the reorganisation of the Coquet Partnership of schools from the current structure to a 2-tier (primary/secondary) structure.

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

Informal consultation on proposals for schools in the Coquet Partnership (with the exception of NCEA Warkworth CE Primary School which has previously reorganised) to reorganise to a 2-tier (primary/secondary) system of education has taken place with all relevant stakeholders, including parents of pupils on roll at schools in the partnership, staff of those schools, Governors of the schools, relevant parish/town council and pupils/students. Statutory consultation was approved by the Council's Cabinet on 21 September and this took place for 4 weeks from 22 September to 20 October 2022.

The schools that would be reorganised should the statutory proposal be approved to be implemented would be:

- Amble First School
- Amble Links First School
- Broomhill First School
- Grange View CE First School
- Red Row First School
- James Calvert Spence College (JCSC)

Statutory consultation with these stakeholders and the parents and staff of Barndale House Special School has also taken place on a proposal to provide additional specialist SEND places to meet the growing need for places for children and young people diagnosed with a primary need of Autistic Spectrum Disorder (ASD) and Social, Emotional and Mental Health needs (SEMH) within the Coquet Partnership area. This statutory proposal would see Barndale House Special School increase its planned pupil numbers from 60 to 110 through the creation of a satellite site at the South Avenue site of the current JCSC.

Cabinet approved the publication of both statutory proposals in the light of both the feedback received from the Governing Bodies in the Coquet Partnership and the proposed investment in school buildings in the partnership.

If the Statutory Proposals are approved for publication, Cabinet would need to make a final decision on the proposals within two months of the end of the representation period i.e. by 20<sup>th</sup> December 2022.

3) 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   Age   ~~Race~~   ~~Religion~~   Sexual orientation

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

Employees who are married/in civil partnerships

4) The characteristics checked above are not relevant because:

In the medium to long-term and in relation to both the reorganisation of the mainstream schools within the statutory proposal and the expansion of Barndale Special School onto a satellite site, there is no reason to believe that these statutory proposals would affect more positively or negatively than their peers any group of children, parents or staff linked with these schools defined by their religion, race or gender-reassignment status. Should the Council decide to implement the statutory proposals, during the immediate process of transition, families would be invited to inform the Council that they are concerned about the impact that the change may have on the support networks for any individual children who may be at particular risk of harassment or discrimination. Reasonable adjustments would be made to support individual students where appropriate.

As the statutory proposals do not include school closure proposals it is not envisaged that there would be any staff redundancies within the current first schools. Indeed, in relation to the first schools and to Barndale Special School, it is envisaged that additional staff would be needed to implement the proposed changes to these schools.

James Calvert Spence College would no longer need staff for Year 5 and 6 classes as it would become an age 11-18 secondary school and therefore there may be some staff within that school that could become at risk of redundancy. A Staffing Protocol has been agreed with the Governing Bodies of all schools in the Coquet Partnership and with Barndale House Special School to ensure that all staff at risk of redundancy are provided with an opportunity to be considered for posts for which they apply in the first instance. In addition, existing HR policies covering organisational change and redundancy would apply to staff employed at any of the maintained schools affected. These are designed to ensure that the equalities duties of the Council and the schools are fully met.

Reasonable adjustments would be made for disabled members of staff. The Council operates a guaranteed interview scheme for disabled members of staff.

## **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.

5) 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?

October Census data is not yet available at the time of writing this EIA. As at January 2022, there were 11 students on roll at the first schools in Coquet Partnership who have been allocated an EHCP, while there were 10 students with an EHCP on roll at JCSC as at January 2022.

It is therefore expected that a number of students on roll at these schools will have EHCPs by the time the proposal is planned to be implemented from September 2024. Should the proposal be approved, individual transition plans would be developed to ensure that the impact of the relocation on this group of students is minimal and planned for effectively.

Any students who were offered a place at the proposed satellite site of Barndale House Special School in Amble would similarly have suitable transition plans in place in accordance with their needs.

Any member of staff, or parent or a carer of a student at one of the schools who has a disability would not be affected disproportionately by the proposal as any reasonable adjustments or arrangements would be put in place at the new buildings as part of the design process.

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

Refer to para. 5

7) 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.)

No evidence has arisen during the statutory consultation that the implementation of the statutory proposals would affect any current arrangements for disabled people to participate in public life. However, in relation to residents living in the areas around the location of the school sites in particular, should any impact in this regard come to light, ameliorating and proportionate measures would be investigated to address any negative impact.

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

No evidence has arisen during statutory consultation to suggest that the implementation of the statutory proposals would affect public attitudes to disabled people. However, should any impact in this regard come to light, ameliorating and proportionate measures would be investigated to address any negative impact.

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

No evidence has arisen during statutory consultation to suggest that the implementation of the statutory proposals would affect public attitudes to disabled people. However, should any impact in this regard come to light, ameliorating and proportionate measures would be investigated to address any negative impact.

10) 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?

The premise of the statutory proposal in relation to the reorganisation of the mainstream schools is that educational outcomes for all students in their schools would improve. Therefore, it is envisaged there would be disproportionate advantage of the proposal to all students on roll at the relevant mainstream schools within the partnership.

In relation to the development of a satellite site of Barndale House Special School in Amble, while it is also envisaged that their educational outcomes would improve, a key plank of this proposal is that students would also be able to access appropriate education for their needs as close to their home communities as possible; this would reduce travelling times to school and also enabling them to develop friendships with students in their local area. It is therefore envisaged that these students would be disproportionately advantaged both educationally and socially.

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

Should these statutory proposals be implemented, there would potentially be opportunities for positive impacts for disabled people within the design of the new buildings that are not currently in place in existing buildings. See also para. 10.

## **Sex (Gender)**

12) What do you know about usage of the services affected by this change, decision or proposal in relation to people of a certain gender, about their experiences of it, and about any current barriers to access?

Schools in the Coquet Partnership and Barndale House Special School are co-educational.

13) Could people of a certain gender be disproportionately advantaged or disadvantaged by the change, decision or proposal?

No evidence has arisen during statutory consultation to suggest that either boys or girls would be disproportionately advantaged or disadvantaged by the statutory proposals. However, should these statutory proposals be approved for implementation, this EIA would be updated with any evidence where it suggested that there could be any gender based disproportionate advantage or disadvantage.

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

There is currently no evidence from statutory consultation to suggest that the ability of people of a certain gender to participate in public life would be affected by the implementation of the statutory proposals. However, should any impact in this regard come to light, ameliorating and proportionate measures would be investigated to address any negative impact.

15) Could the change, decision or proposal affect public attitudes towards people of a certain gender (e.g., by increasing or reducing their presence in the community)

There has been no evidence arising from statutory consultation to suggest that public attitudes to people with people of a certain gender would be affected by the proposals. However, ameliorating actions would be implemented in the event that issues were identified.

16) Could the change, decision or proposal make it more or less likely that people of a certain gender will be at risk of harassment or victimisation?

Should the statutory proposals be approved for implementation, the risk of harassment of victimisation of people of a certain gender, such as bullying, would be monitored. Should evidence be identified that risk of harassment had increased, relevant actions stated would be undertaken to address the reasons for harassment or victimisation, including awareness programmes.

17) If there are risks that people of a certain gender could be disproportionately disadvantaged by the change, decision or proposal, are there reasonable steps or adjustments that could be taken to reduce these risks?

No evidence has so far been identified to suggest that people of a certain gender could be disproportionately disadvantaged through the implementation of the statutory proposals. However, ameliorating actions would be implemented in the event that issues were identified.

18) Are there opportunities to create *positive* impacts for people with different sexual orientations linked to this change, decision or proposal?

It is envisaged that the positive impacts of both statutory proposals would affect a people of different sexual orientations equally. However, while none have been so far identified, any opportunities to create positive impacts for people with different genders would be identified.

## Age

19) 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?

First schools in the Coquet Partnership provide education to young people from the age of 2,3 or 4 to age 9, while JCSC provides education to young people between the ages of 9 and 18. Students on roll at these schools at the proposed date of implementation would be impacted. It is proposed that the new Barndale Special School satellite site would educate children and young people aged 2 to 18.

Staff at the schools all schools identified in the statutory proposals are employed equitably in accordance with the relevant school and council's employment policies. All appropriate HR processes and procedures would be adhered to throughout any staff consultation and redundancy process (if any were necessary) in line with NCC policies.

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

While the main premise of the statutory proposals is that students would be advantaged educationally and would enjoy an improved educational experience, there would be other positive impacts of the proposals such as shorter journeys to school e.g. for children attending first schools that become primaries, they would receive their Year 5 and 6 education at their local school, while children who may be allocated a place at the new Barndale Special school satellite would be likely to have a shorter journey to school than may have been the case if they attended an alternative specialist provision. Therefore, shorter journeys to school would be seen as advantageous to those students.

21) 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.)

There is no evidence to suggest from statutory consultation that the statutory proposals would have any effect on the ability of different age groups to participate in public life.

22) 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 from statutory consultation that the proposed statutory proposals would affect public attitudes to different age groups.

24) 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?

Should the statutory proposals be approved for implementation and evidence come to light that there are risks that people of different age groups could be disproportionately disadvantaged by the proposal, this EIA would be updated, and reasonable steps approved to be implemented to address such risk.

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

The premise of the statutory proposals is to create a positive impact for all students on roll in schools in the Coquet Partnership and for those students who would be allocated a place at the Barndale Special School satellite site in relation to improved educational outcomes.

## **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.*

26) 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?

There is no evidence to suggest that the statutory proposals would create any barriers to students accessing at any of the schools included in the statutory proposals as all students eligible for Home to School Transport would receive it.

In relation to the proposed reorganisation of the Coquet Partnership mainstream schools, any parent of a student in a school in the partnership who may be pregnant or who has other children under 26 weeks old would not be disadvantaged as children in the first schools would stay at their school as it became primary up to the end of Year 6. This could therefore be advantageous to this protected group.

Any staff of schools named in the statutory proposals who may be pregnant would have the same rights extended to them under reorganisation, or in the case of Barndale Special School, if such staff took up a post at the proposed satellite site in Amble.

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

See para.26.

28) 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.)

There is no evidence to suggest that the statutory proposals would have any effect on the ability of pregnant women or those with children under 26 weeks participate in public life under the proposals.

29) 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)

There is no evidence to suggest that the statutory proposal would have any effect on public attitudes to this protected group under the proposals.

30) 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?

No evidence has arisen during statutory consultation to suggest that the statutory proposals would make it more or less likely that this protected group would be at risk of harassment or victimisation under the proposals.

31) 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?

No, for the reasons set out at para. 26.

32) 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. 26.

## **Sexual Orientation**

*Note: The Act protects bisexual, gay, heterosexual and lesbian people.*

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

There is currently no evidence to suggest that any student on roll in a school named in the statutory proposals or a member of staff who identifies as LGBT employed by these schools would be disproportionately impacted positively or negatively should approval be given to implement the proposal.

However, should any pupil or member of staff who identifies with this group be identified as requiring support, the authority would encourage staff of schools named in the statutory proposals to use the Stonewall Education champion's resources and to increase awareness of any potential issues such as increased risk of bullying.

Should a member of staff identifying as LGBT in a school in the schools named in the statutory proposals feel that their support networks have been disrupted, staff would be made aware of the support available through the Council's LGBT staff group and managers will be made aware of the guide to supporting LGBT staff on the Council Equality and Diversity webpage. HR policies aim to promote equality and inclusion.

34) Could people with different sexual orientations be disproportionately advantaged or disadvantaged by the change, decision or proposal?

There is currently no evidence from statutory consultation to suggest that different sexual orientations would be disproportionately advantaged or disadvantaged by the implementation of the statutory proposals. However, ameliorating actions stated in para. 33 would be implemented in the event that issues were identified.



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

No evidence arose during statutory consultation to suggest that the ability of people with different sexual orientations to participate in public life would be affected by the implementation of the statutory proposals. However, ameliorating actions stated in para. 33 would be implemented in the event that issues were identified.

36) Could the change, decision or proposal affect public attitudes towards people with different sexual orientations? (e.g., by increasing or reducing their presence in the community)

No evidence arose during statutory consultation to suggest that public attitudes to people with different sexual orientations. However, ameliorating actions stated in para. 33 would be implemented in the event that issues were identified.

37) Could the change, decision or proposal make it more or less likely that people with different sexual orientations will be at risk of harassment or victimisation?

Should the statutory proposals be approved for implementation, the risk of harassment of victimisation of people with different sexual orientations would be monitored. Should evidence be identified that risk of harassment had increased, the relevant actions stated in para. 33 would be implemented.

There is currently no evidence to suggest that any member of the public, or pupil in one of the schools named in the statutory proposals, or parent of a pupil on roll in the schools named in the statutory proposals or member of staff employed in one of the schools named in the statutory proposals who identifies as LGBT would be more or less likely to be at risk of harassment or victimisation. However, should any of this group of people who identifies within this protected group be identified as at risk as a result of the implementation of these proposals, the authority would encourage the staff of the relevant schools to use the Stonewall Education champion's resources and to increase awareness of any potential issues such as increased risk of bullying.

38) If there are risks that people with different sexual orientations could be disproportionately disadvantaged by the change, decision or proposal, are there reasonable steps or adjustments that could be taken to reduce these risks?

No evidence has arisen during statutory consultation to suggest that people with different sexual orientations could be disproportionately disadvantaged through the implementation of the statutory proposals. However, ameliorating actions stated in para. 33 would be implemented in the event that issues were identified.

39) Are there opportunities to create *positive* impacts for people with different sexual orientations linked to this change, decision or proposal?

While none have been so far identified, any opportunities to create positive impacts for people with different sexual orientations would be implemented, possibly through the implementation of the actions set out in para. 33.

## Human Rights

40) 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)

While there is no specific evidence to suggest that the implementation of the proposal would impact positively on human rights, the rationale for this proposal as originally consulted on is to provide improved educational outcomes for all students on roll in schools in the Coquet Partnership and for those students who would be allocated a place at the satellite site of Barndale Special School in Amble, with a view to improving the life chances of those students.

### PART 3 - Course of Action

Based on a consideration of all the potential impacts, indicate one of the following as an overall summary of the outcome of this assessment:

|          |  |
|----------|--|
| <b>X</b> | The equality analysis has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.   |
|          | The equality analysis has identified risks or opportunities to promote better equality; the change, decision or proposal would be adjusted to avoid risks and ensure that opportunities are taken should they be required.   |
|          | The equality analysis has identified risks to equality which will not be eliminated, and/or opportunities to promote better equality which will not be taken. Acceptance of these is reasonable and proportionate, given the objectives of the change, decision or proposal, and its overall financial and policy context. |
|          | The equality analysis shows that the change, decision or proposal would lead to actual or potential unlawful discrimination or would conflict with the Council's positive duties to an extent which is disproportionate to its objectives. It should not be adopted in its current form.                                   |

41) 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 impacts of the statutory proposals on the groups with protected characteristics, the premise of the proposal as originally consulted on suggests that students on roll at schools in the Coquet Partnership and those students who would be allocated a place at the satellite site of

Barndale Special School in Amble would be disproportionately advantaged. Should a decision be made by the Council's Cabinet to approve the implementation of the statutory proposals, any evidence arising during implementation that suggests that there could be possible negative impacts, identified 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**

42) 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 assessed in the light of feedback from the informal and statutory consultation periods set out earlier in this report. Should the proposals be approved for implementation, the EIA would be further updated during the implementation period. 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](mailto:Irene.Fisher@northumberland.gov.uk). A summary will then be generated corporately and published to the Council's website.*