



# Northumberland

## County Council

### **CABINET**

**Date: 8th March 2022**

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### **Final Decision on the Statutory Proposals for Atkinson House**

Report of the Executive Director of Children's Services - Cath McEvoy-Carr  
Cabinet Member for Children's Services - Councillor Guy Renner-Thompson  
Report prepared by - Sue Aviston, Head of School Organisation and Resources

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### **Purpose of Report**

This report sets out an analysis of the representations (responses) received from interested parties during the four-week statutory consultation, which began on 13 January and closed on 10 February 2022, on proposals for Atkinson House Special School, Seghill, the secondary provision for boys with Social, Emotional and Mental Health needs (SEMH) in Northumberland. The published statutory proposal set out the following proposed prescribed changes to the school: -

1. To relocate Atkinson House Special School from its current site in Seghill, Northumberland to the former Richard Coates school site in Ponteland, Northumberland with effect from 1 September 2022;
2. To change the designation of the school from single sex to co-educational with effect from 1 September 2022, thus enabling the enrolment of girls onto the school roll;
3. Increasing the planned pupil places at the school from 80 to 100 with effect from 1 September 2022.

Cabinet is asked to make a final decision on whether or not to approve the prescribed changes as set out in the Statutory Proposal for implementation with effect from 1 September 2022.

### **Recommendations**

#### **It is recommended that Cabinet:**

1. Note the Council's statutory proposal published on 13 January 2022 to make prescribed changes to Atkinson House Special School to take effect from 1 September 2022, which is attached at Appendix 1 of this report;

2. Note the responses to the Statutory Proposal and the commentary contained within this report.
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 2, approve for implementation the following prescribed alterations to Atkinson House Special School as set out in the statutory proposal:

- **Change in number of pupils in a special school**

The current number of planned pupil places at Atkinson House School is 80. The proposed number of planned pupil places is 100 to take effect from 1 September 2022.

- **Change from single sex school to co-educational**

Atkinson House School currently has provision for boys aged 11 to 16. It is proposed that the school becomes co-educational i.e., admits boys and girls aged 11 to 16, the change to take effect from 1 September 2022.

- **Transfer to a new site**

In order to facilitate the above proposals, transfer the site of Atkinson House School from its current site at Seghill, Northumberland to a new site at the former Richard Coates site in Ponteland, Northumberland, to take effect from 1 September 2022:

The above prescribed alterations were published under Section 19(1) of the Education and Inspections Act 2006.

4. Note the increase of £122k to meet the Home to School transport costs of this proposal, this increase can be met through the £1m growth in the home to school transport budget. Also note the implications for Home to School Transport of the statutory proposal as set out in para. 28 of the report.
5. Allocate £5.5m from the Council's Medium Term Financial Plan to accommodate the capital costs as set out in para. 32 necessary to support the implementation of the prescribed changes set out in Recommendation 3 above.
6. Approve the implementation of the proposed building solution set out in para. 32 of this report.

All of the above conditional upon:

- € the granting of planning permission by 31 August 2022 in relation to the proposed building works;

## **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 11 January 2022 meeting, Cabinet approved the publication of a statutory proposal on 13 January 2022 setting out prescribed changes to Atkinson House proposed to take effect from 1 September 2022. This decision was made following the six-week informal consultation on the proposed changes for the school that took place between 13 October 2021 and closed on 1 December 2021 (all during school term-time).
2. The rationale for the proposal and the outcomes of the informal consultation are set out in the Executive Director of Adult Social Care and Children's Services Report of 11 January 2022, included in the Background Papers to this report. A summary of the informal consultation is provided at paras. 8-13 of this report. This statutory proposal is not related to any other proposals.
3. The statutory proposal was published on the Council's website and a brief notice placed in the Morpeth Herald on 13 January 2022 in line with statutory guidance set out in the DfE's 'Statutory Guidance for proposers and decision-makers: 'Making significant changes ('prescribed alterations') to maintained schools attached at Appendix 2. Copies of the statutory proposal 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 4-week period of formal statutory consultation that closed at midnight on 10 February 2022. During this time all interested parties were invited to submit comments in the form of written representations, including support of or objections to the proposal by the required deadline of midnight on 10 February 2022 in line with statutory requirements. No meetings on formally published proposals take place during the statutory period.
4. 111 representations were received by the deadline in response to the Statutory Proposal, falling into the following groups:
  - 12 Parents of students on the roll of Atkinson House School
  - 22 Parents of pupils on roll in Ponteland schools and Little Tinklers nursery
  - 26 Staff of Atkinson House School
  - Governing Body of Atkinson House Special School
  - 6 Pele Trust Governance and Leadership related (Directors, Headteacher of Richard Coates CE Primary, 4 Governors of Richard Coates CE Primary School)
  - Newcastle Diocesan Education Board
  - 2 Other education professionals
  - 1 other local authority (Newcastle City Council)
  - Ponteland Town Council
  - 17 Residents of Ponteland
  - 22 respondents did not identify themselves within a specific stakeholder group
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 by interested parties during the statutory period are set out in paras. 15 to 24 in this report with commentary, while the full representations are included in Appendix 3 as a link from this report.
6. In making their decision, Cabinet are able to:

- reject the proposal;
- approve the proposal (with or without modification) conditional upon the granting of planning permission by 31 August 2022 in relation to the proposed building works at the former Richard Coates site. If Cabinet decide to make a modification to the proposal, this must be made after consultation with the Governing Body of Atkinson House Special School.

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.

7. Cabinet should note that the decision on the proposals set out in this report must be made by no later than 10 April 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:
  - The Church of England Diocese of Newcastle
  - The Roman Catholic Diocese of Hexham and Newcastle

Atkinson House Special School is a community special school, and Governors therefore do not have rights of appeal to the Schools Adjudicator.

## **BACKGROUND INFORMATION**

### **Summary of Rationale and Informal Consultation**

8. On 12 October 2021, Cabinet approved the commencement of informal consultation on proposals to relocate Atkinson House Special School to the former Richard Coates building in Ponteland, to change the designation of the school from single sex to co-educational in order to admit girls and to increase the number of planned places at the school from 80 to 100. In line with DfE guidance, a six-week informal consultation commenced on 13 October and closed on 1 December 2021.
9. The rationale for the proposals are detailed in the Report of the Executive Director of Adult Social Care and Children’s Services of 12 October 2021 and 11 January 2022.

In summary, the rationale for the proposals is:

- The number of children and young people being diagnosed with special educational needs in Northumberland has been increasing year on year for the past 10 years, equating to an average increase in demand for special school places over this period of 7% each year. Demand from parents for their children to be educated within special school provision continues to grow and nationally there are significant

financial pressures on mainstream schools in supporting SEND provision, for example schools fund the first £6k of support for each SEND learner with an EHCP.

- Within these numbers, there has been a significant increase in the number of children and young people who have been identified with a primary special need of autism and/or social emotional and mental health needs. Northumberland has been successful in bidding for a special free school, the Gilbert Ward Academy constructed through the DfE's free school programme for secondary age young people who have autism and social, emotional and mental health needs but this will not be completed until early 2023. The Dales School in Blyth and Ashington and Hillcrest School in Cramlington have also both had their provision increased recently. The next available school to expand to meet demand would be Atkinson House Special School. However, there is also a growing demand for SEMH provision for girls in Northumberland from Year 7 onwards.
  - The delay in the opening of the Gilbert Ward Academy and the increasing demand outlined above evidences the need for additional SEMH places across the county. It is therefore proposed by relocating Atkinson House to the vacant former Richard Coates CE Primary School building in Ponteland, additional capacity would be available on an ongoing basis, rather than spending additional funding on temporary arrangements to meet demand in the interim. The additional capacity at the proposed site for Atkinson House Special School would also enable the school to expand its provision by moving from a single sex provision to co-educational, thus supporting the growing demand from girls diagnosed with SEMH in the county.
10. Informal consultation commenced on 13 October until 1 December 2021, a six-week period in school term-time, which is in line with DfE guidance. In line with all informal consultation, the intention was to gauge the views of all stakeholders but especially those most affected by the proposals, in particular those views of the parents of Atkinson House Special School as the affected school. In short, 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 interests of the students most impacted, in this case those of Atkinson House Special School, whilst being mindful of the impact on other parties.
  11. A consultation document, including a questionnaire, was drawn up which set out the rationale, background information and implications of the proposal. This document was circulated directly to parents, staff, Governors and other stakeholders. The document was also published on the Council's website, on Twitter and Facebook and a notice highlighting the consultation displayed in the local library at Ponteland. Virtual meetings with key stakeholders took place, and although a public-facing event was not able to take place due to rising COVID cases at the time of the consultation, a 'padlet' containing the proposals and other background information was set up to assist consultees in formulating their views.
  12. The full outcomes of the approved informal consultation, analysis and commentary on feedback received from consultees are provided in the Report of the Executive Director of Adult Social Care and Children's Services 11 January 2022. In summary, feedback from consultees was as follows:
    - The Governing Body of Atkinson House Special School, and the staff, parents and students on role at the school who responded were all in favour of the proposals.

- The Pele Trust and The Newcastle Diocesan Education Board did not support the proposals in the light of their safeguarding concerns in relation to the shared site with Richard Coates CE Primary.
- Little Tinklers nursery, which is also located close to the former Richard Coates building, also discussed concerns about safeguarding during the meeting with NCC officers, although a written response was not received.
- Ponteland Town Council did not support the proposals in the light of their concerns with the location and its potential impact on local schools and residents in relation to increased traffic.
- Of the 2,016 electronic consultation documents sent out directly to consultees, 305 responses were received. Most responses received from stakeholders linked to Atkinson House Special School supported the proposal to relocate, whereas most of the responses received from stakeholders linked to the Pele Trust, Little Tinklers nursery and residents were not in favour of the relocation. The responses for and against the proposal regarding Atkinson House Special School becoming co-educational were closer, with those not in favour slightly ahead of those in favour.

13. In the light of the educational rationale for the proposals, Cabinet approved the publication of the statutory proposal on 13 January 2022 as set out in the Key Issues of this report. However, during the statutory period officers have met with representatives of the Pele Trust to agree safeguarding measures that would be put in place should the proposal be approved for implementation. These are set out in para. 32.

### Representations submitted during the statutory period and commentary

14. Following the publication of the statutory proposal, the Executive Director of Adult Social Care and Children’s Services received 111 representations. Table 1 indicates the interested parties from whom representations were received and their response:

**Table 1**

<b>Respondent type</b>	<b>Support proposals</b>	<b>Object to proposals</b>
• 12 Parents of Atkinson House Special School	12	-
• Governing Body of Atkinson House Special School	1	-
• 26 Staff of Atkinson House Special School, including Headteacher of Atkinson House	26	-
• 22 Parents of schools in Ponteland, including Richard Coates CE Primary School	1	20
	1 parent submitted comments only – no clear statement in favour of or against the proposal	
• Pele Trust Leadership and Governance (Directors response; Headteacher, Richard	-	5

Coates CE Primary School; 3 Governors of Richard Coates CE Primary School		
• Other education professionals	-	2
• Newcastle City Council	1	-
• Newcastle Diocesan Education Board	-	1
• Ponteland Town Council	Comments received only – no clear statement made in favour of or against the proposal	
• 17 Ponteland residents	-	17
• 23 Responses from people who did not identify themselves specifically with a stakeholder group	2	21
<b>Total</b>	<b>43*</b>	<b>66*</b>

*\*Note: As Ponteland Town Council submitted comments only and did not specifically state they were for or against the proposals, they are not counted in total number 'For' or 'Against'.*

As highlighted at para. 6, 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 proposal.

## Summary of representations, themes arising and commentary

### 15. Summary of responses from parents of students on roll at Atkinson House Special School:

- Larger site will enable bespoke choices and a tailored curriculum and therapeutic offer;
- The change to co-educational would create positive opportunities for boys and girls to improve interaction, social development and skills, and academic skills;
- Opportunity for girls [with SEMH] to attend a school that best meets their needs;
- A new site will offer better facilities and more rooms for nurturing and customised education;

#### *Commentary*

All representations received during the statutory period from the parents of students on roll at Atkinson House support the proposals. It is notable that parents believe that not only the site would be more beneficial to their children, but that they believe the inclusion of girls in the school would improve their son's social and academic skills.

While 12 representations were received from parents/carers of Atkinson House students, Cabinet should note that some Atkinson House student's parents are

unused to responding formally in writing to statutory consultation such as this and are reminded that of the 48 responses received from this group of parents during informal consultation via the online questionnaire, 44 supported the relocation and 39 supported co-education.

#### 16. Summary of Response from Atkinson House Special School Governing Body

- The Governing Body is committed to working in partnership with the LA to ensure we provide the best possible environment and outcomes for our students.
- Governing Body confirms it is fully supportive of the proposed relocation to Ponteland and the transition to provide co-educational provision.
- Subject to formal approval, we look forward to the delivery of a successful project in September 2022 and the proposed future developments at the site to ensure we have a world class leading facility for the young people who require our support.

##### *Commentary*

The Governing Body's continuing support of the proposals for the school is noted.

#### 17. Summary of Response from headteacher of Atkinson House Special School

- The Local Authority must support students with additional needs as a priority to enable an inclusive offer;
- The former Richard Coates site offers value for money as it is structurally ready as a school;
- Confident Atkinson House can develop world class facilities for boys and girls across Northumberland with SEMH needs;
- Hope to work with all partners to be creative and inclusive with the right, positive welcoming mindset.

##### *Commentary*

The Headteacher of Atkinson House Special School continues to support the rationale for relocating the school and is also confident that the school can adapt to meet the needs of girls as well as boys. Should the proposal be implemented, it is hoped that all partners, would work collaboratively in the best interests of all children and young people.

#### 18. Summary of Responses from staff of Atkinson House Special School

- Atkinson House has the right management structure and expertise to meet the needs of an expanding school.
- Co-education in SEMH setting offers positive opportunities for interaction and social development. Currently no SEMH provision in county for girls.
- Relocation will enable larger number of pupils able to be accommodated to cater for growing numbers and bespoke design choices, so curriculum and therapeutic offer can be better tailored including Modern Foreign Languages and Humanities.
- Atkinson House support and guidance is second to none, exam entries improving year on year.
- Current premises of Atkinson House inadequate/not fit for purpose for much of strategic vision and not best location. Pupils deserve access to provision that meets their needs.

- Larger building will assist pupils in dealing with social situations more effectively.
- Opposition to the proposals stems from fear of unknown and negative stereotypes of our students.
- Want to forge links with wider community and support them to understand the work we do, e.g., learn Atkinson House is not a 'naughty boy school' or other derogatory terms they have called us, but a school for children with special needs and the positive effects we have on their lives daily.
- Space for more 1:1 work where it's needed. Larger school will assist with growing number of students with ASD.
- Staff and students work tirelessly and have outstanding respect, relationships and trust for each other therefore want to offer them the best opportunity to flourish and grow and move forward in the community without prejudice or made to feel different to pupils in 'normal' mainstream settings.

#### *Commentary*

The comments of staff support the rationale for the proposal that in order to accommodate the growing number of children and young people in the county with SEMH needs, a larger building for Atkinson House Special School is required. Equally staff support the rationale to offer provision to girls in Northumberland with SEMH needs as there is currently no dedicated provision.

#### 19. Summary of responses from parents in other schools and settings in Ponteland

- Hope this gets the go-ahead, every child deserves an equal chance.
- Traffic issues won't be as bad as when the middle and first school were at the site; parents can use 2 large car parks nearby;
- Concern that traffic and pollution will be increased by relocation of Atkinson House
- Concern younger children in adjacent settings will be exposed to bad language and behaviour;
- The needs of the Atkinson House students should not be met to the detriment of the children in adjacent settings;
- Concerns over safeguarding; Atkinson House students will be able to climb fences; will incidents spill over into other settings; how will safeguarding be achieved?;
- Richard Coates CE Primary will be impacted negatively, numbers already falling and this proposal could mean parents take children out of school
- Understand need for more places for SEMH students, but Ponteland is not the right place, nice quiet village.
- Proposal to use Atkinson House rushed, why not consider other locations e.g., former Hexham Middle site.

#### *Commentary*

Most of the representations from parents that oppose the proposals have been submitted by parents of pupils on roll in Richard Coates CE Primary and Little Tinklers nursery as these settings are adjacent to the former Richard Coates building. However, there has been some support of the proposals from a parent of another school in Ponteland who has a child with special educational needs.

Safeguarding of pupils attending Richard Coates CE Primary and Little Tinklers Nursery is the main concern raised by parents of children attending these settings. As this was also a key concern raised during informal consultation, Council officers have met with representatives of the Pele Trust during the statutory period to understand the latter's concerns in more site-specific detail and to formulate solutions that would address these concerns. As a result of the meetings, it is proposed that both schools have their own dedicated site without any sharing of playfields, car parking or external hardstanding areas. Fences that would provide an acoustic barrier, at an appropriate height together with landscaping to provide physical separation between the two schools were favoured by the Trust representatives to address their safeguarding concerns.

As well as the physical changes that can be made to the former Richard Coates site and building to ensure segregation between Atkinson House and Richard Coates Schools, it is envisaged that the headteachers of the schools could work together to implement other safeguarding measures, such as staggering the start and end of the school day at each site. A more detailed summary of the work undertaken between NCC officers and Pele Trust representatives so far is provided at para. 32.

In relation to the impact on traffic should the proposals be approved, it was clarified in the Report of the Executive Director of Adult Social Care and Children's Services on 11 January 2022 that all students on roll at Atkinson House Special School are entitled to home to school transport and are currently transported to school in taxis, save 2 students (one of whom lives around the corner from school and the other is given a lift by a parent as they live close by). As most of the students share the taxis, there are currently around 17 taxis arriving on site twice a day; with the increase in planned places proposed for the school this number would increase but it is unlikely to be significant. It should also be noted that secure on site drop off and pick up arrangements will be in place, avoiding the need for any drop off arrangements being required outside of the school site.

As also reported previously, the headteacher of Atkinson House Special School has already agreed to ensure that the taxis transporting his students would enter the top entrance of the site which is not shared with the other settings from the north end of Thornhill Road. This should avoid adding to the congestion that already appears to exist from traffic entering and leaving at the south end of Thornhill Road.

It was also referenced in the previous report that prior to becoming a two-form entry (420 places) primary school, Richard Coates CE Primary was a 480 places middle school on its former site adjacent to Ponteland First School (as it was), which had capacity for 300 pupils. Therefore, prior to reorganisation there were 780 pupils attending the shared site (not including the nursery), with buses transporting many of the Richard Coates pupils. It may be that concerns around this proposal in relation to increased traffic have been made in the light of the previous level of traffic when the school was a middle school; this included 6 buses and mini buses of a size to transport almost 190 students that parked in a layby on Thornhill Road to drop off Richard Coates students, some of which then carried out to Ponteland High School. Additionally, a number of parents transporting their children to Richard Coates by car would have also parked in the area around the school.

Therefore, it is clear that the number of students attending Atkinson House and the way in which they are transported directly onto site in taxis would have far less impact on existing education settings and the local community should the proposal be approved than under the previous organisation of schools. Furthermore, should this proposal not be implemented, the former Richard Coates site would be developed in some way, either by the council to accommodate another service or sold for development, therefore it is inevitable that additional traffic would be generated at the site whatever the redevelopment solution.

In relation to comments suggesting there would be an impact on pupils at Richard Coates CE Primary and Little Tinklers nursery, Cabinet as the decision-maker will consider in the first instance whether the rationale for the proposals for current and future students of Atkinson House Special School under statutory consultation remain appropriate. However, Cabinet will also take into consideration whether there would be a risk of negative impact on other pupils attending schools and settings in the local area should the proposals be implemented, to what extent and whether ameliorating measures could be put in place to overcome such impact. However, with the appropriate safeguarding measures put in place as agreed in meetings with the Pele Trust representatives during the statutory period, set out in detail in para. 32 of this report, these can now be communicated to parents. It is hoped that this will now provide the required reassurance to parents of Richard Coates, Little Tinklers and Atkinson House that their children are safe and secure in their relevant schools should the proposals be implemented. Furthermore, there are no current concerns with the viability of Richard Coates as it remains popular with parents, especially those living out of county; this is evidenced by the fact that applications for places in Reception classes for September 2022 remain at previous levels.

Ponteland Partnership is one of the four partnerships in the county that currently do not have any specialist provision either as a stand-alone special school or as part of a mainstream school. Ponteland is close to excellent road systems that mean it can be easily accessed from all parts of the county. It is therefore unclear why some respondents believe either the Richard Coates site or Ponteland would not be a suitable location for specialist provision compared to other places in the county in relation to its location.

In relation to the proposal being rushed without consideration of other sites, the availability of the former Richard Coates building has presented an opportunity for the expansion of Atkinson House Special School in relation to increasing its planned places and to include provision for girls and for implementation by September 2022 when additional places are required. However, there is a clear rationale behind the proposal to relocate to the former Richard Coates building, as it is based in a fairly central position within the county in relation to Northumberland's population it is in close proximity to excellent road systems. It also offers the opportunity to serve the west of the county more effectively. While the former Hexham Middle School is available, it is significantly further west than Ponteland and would require the majority of Atkinson House students to travel much further on home to school transport. Kirkley Hall site has also been suggested by some respondents to the consultation, as an alternative site but given the site isn't in the ownership of NCC, it wouldn't be possible to consider this as an option.

## 20. Summary of response from Newcastle City Council

- Agree there is a growing demand for school places for children with special educational needs;
- In recent years there has been increasing demand for specialist places for girls with ASD and SEMH needs;
- Newcastle City Council supports these proposals.

### *Commentary*

Newcastle City Council's comments are noted and support the implementation of the proposals to address the growing need for additional SEND places nationally, as well as in Northumberland.

## 21. Summary of responses from Pele Trust Directors, Headteacher of Richard Coates CE Primary and Governors of Richard Coates CE Primary – all part of the Pele Trust

### *Directors comments*

- Pele Trust acknowledged the work undertaken by NCC officers with representatives of the trust during the statutory period to understand the concerns of the trust in relation to the proposals and to discuss options for mitigating those concerns.
- However, the Pele Trust Directors continue to believe that the proposals are not acceptable or in the best interests of either Atkinson House Special School or Richard Coates CE Primary for the following reasons:
  - Lack of examples of SEMH secondary provision co-located with primary schools other than Lichfield [Longdon Hall School and Lichfield Cathedral Junior School] supports view that the proposal presents an unusually high level of risk;
  - Inability to share facilities because it would be inappropriate and recommendation for 3m fencing when 1.8m is the norm between schools will create significant concerns for prospective parents visiting Richard Coates.
  - Primary Multi Use Games Area will be reduced significantly and relocated to an area that could cause distractions to Yr6 learning through noise. Work required will cause disruption to daily operation of the primary.
  - The level of mitigations required may undermine aims of Atkinson House leadership team by being 'fenced in' re 3m fences and could be counterproductive.
  - Few schools share sites and NCC has vacant sites that would be more appropriate for SEMH provision.
  - Concerns as a result of parental communication that there will be a detrimental impact on Richard Coates CE Primary as a result of reputational damage impacting on pupil numbers and thus school budget.
  - Nothing has been communicated during the consultation period to allay fears of parents if proposals go ahead, with many suggesting they would remove their children.
  - Pele Trust Directors remain committed to working with NCC in the best interests of all children.

#### *Headteacher of Richard Coates CE Primary comments*

- Identifying the former Richard Coates building as a site for the relocation of Atkinson House Special school is just a quick and easy solution and not based on the needs of the school's students as:
  - It is not suitable for students with mobility challenges even operating on the lower floor, no lift and steep access staircases. Accessibility in the 21<sup>st</sup> century is a basic right and another example of how the site is an easy solution rather than forward thinking given to what is right for students.
  - Complete segregation of Richard Coates CE Primary from Atkinson House Special School and a staggered start for the schools is essential to manage safeguarding.
  - NCC has not shared with parents of Richard Coates or local residents how the model would work in practice.

#### *Governors of Richard Coates CE Primary comments*

- A firm undertaking to agree safeguarding provisions with Pele Trust should be included in any agreement. Hope Council reconsiders this proposal at a safer location.
- Little concern shown or understanding of how proposed move will affect Little Tinkler's and Richard Coates and residents on Thornhill Road.
- Safeguarding is paramount – any incident would be serious and impact the guardian.
- Other options such as Kirkley Hall have not been considered.
- Firmly believe many given the responsibility for making the decision may not have exerted the time and energy in considering the documentation provided and concerns eloquently made by Mr McGrane and Mrs Cape.
- Will impact future admissions into Richard Coates CE Primary and Little Tinklers nursery.
- SEMH schools are important, objecting because of proximity to other schools.

#### *Commentary*

The acknowledgement of the Pele Trust that NCC officers have been keen to understand their concerns and to suggest mitigation is welcomed. However, the suggestion of the Pele Trust that a lack of examples of co-location of SEMH schools with primary schools supports the view that such an arrangement equates to a high level of risk is unfounded. Indeed, in the light of the numbers of children and young people presenting with special needs of this nature continuing to grow, the Council will look to set this type of integrated approach of specialist provision with mainstream provision as a principle going forward.

Officers have listened to the concerns of Pele Trust and as a result of these meetings plans for the site have been developed to provide total separation between the two schools with the appropriate physical demarcation, as well as operational practices. It is agreed that in the past, schools were constructed as stand-alone buildings. However, in recent years more schools across the country are becoming co-located (e.g., over 35 schools in Northumberland operate on co-located/shared sites), and in the future this is more likely to include co-location and integration of specialist provision with mainstream provision given the continuing rise of children with special educational needs.

The safeguarding measures agreed with the Pele Trust at their meetings with NCC officers, including the suggestion of a 3m high fence, were in response to the concerns raised by the Pele Trust. Furthermore, it is DfE guidance that fences constructed around special schools, should be at a minimum of 2.4m in height to assist with the safeguarding of those students. These meetings are also evidential that the concerns of the schools, parents and residents in relation to safeguarding have been taken seriously and demonstrate an intent to resolve concerns to the satisfaction of all parties.

Should these proposals be approved, this would not result in a 'shared' site arrangement between Atkinson House Special School and Richard Coates CE Primary, rather the two schools would be adjacent with clearly marked boundaries and no shared usage of any facilities – it is envisaged this arrangement would be preferable in any event given the representations received from parents of Richard Coates and Little Tinklers to this statutory consultation. Students of Atkinson House would enter school in their taxis via the top entrance to the building and the gates would be closed once all pupils are on site. Outside space would also be completely separated, with the required fencing and planting in place.

The Pele Trust's concern that there could be a detrimental impact on Richard Coates CE Primary should Atkinson House relocate are noted. As noted in para. 19, with the appropriate safeguarding measures put in place as agreed in meetings with the Pele Trust representatives during the statutory period, as noted above and set out in detail in para. 32 of this report, these can now be communicated to parents. It is hoped that this will now provide the required reassurance to parents of Richard Coates, Little Tinklers and Atkinson House that their children are safe and secure in their relevant schools should the proposals be implemented. Furthermore, there are no current concerns with the viability of Richard Coates as it remains popular with parents, especially those living out of county; this is evidenced by the fact that applications for places in Reception classes for September 2022 remain at previous levels.

In relation to concerns of the suitability of the former Richard Coates building for Atkinson House Special School students, it can be confirmed that only the lower ground of the building would be used by the school. The Council is aware of its duties under the Disability Discrimination Act to ensure that the building would be made accessible to people with a disability.

As also stated in para. 19, it is true that the availability of the former Richard Coates building has provided an opportunity for Atkinson House Special School to expand the number of students it can educate and extend its designation to include girls. However, the rationale behind the proposal is based on the location of the building being fairly central to the county in relation to population and with close proximity to excellent networks, and also offering the opportunity to serve the west of the county more effectively. While the Pele Trust Governor suggests that Kirkley Hall for example could be considered, the latter forms part of Northumberland College and is therefore outside of the control of the Council.

22. Summary of response from Newcastle Church of England Diocesan Education Board (NDEB)

- NDEB's request for information in relation to how safeguarding would be implemented at the site has not been fully fulfilled, although we are aware of the meetings between NCC and Pele Trust representatives which we believe have been productive.
- NDEB recognises the growing need for specialist provision and supports the right provision at the most suitable location. Also recognise need for provision for girls.
- Access to all 3 buildings on site is openly linked and difficult to segregate without significant work. NDEB wishes to understand what safeguarding measures would be put in place.
- Sadly, aware from visit of Pele Trust representatives to Atkinson House in November of several concerns, (informal smoking area, inappropriate language and students jumping over walls and to our knowledge concerns remain in place).
- As do not yet understand how safeguarding concerns highlighted would be mitigated, unable to support the proposal as it stands.

### *Commentary*

NDEB's position in relation to the statutory proposal is noted. The specific incidents that were relayed to NDEB by Pele Trust representatives following their visit to Atkinson House and that have caused concern have been taken into consideration when developing the safeguarding mitigations proposed to be put in place at the school should the proposals be approved. These mitigations were agreed with the Pele Trust at the meetings NDEB was made aware of according to their submission and a summary is included at para. 31.

### 23. Summary of representation from Ponteland Town Council

- Noted that large number of responses from previous [informal] consultation were against the proposal.
- Recognise need for additional provision for children with SEMH needs but proposal seems rushed, and no alternatives considered.
- Comments from PTCs previous response still relevant i.e., concerns around safeguarding, use of shared space, impact on adjacent school.
- Loss of garage facility at Atkinson House Seghill site if move could impact on students.
- Responses from Pele Trust and NDEB concerned safeguarding, need acceptable way forward for all concerned.
- Potential cost of £2.5m noted – why can't this be delayed until Gilbert Ward facility opens in 2023 as may have spare capacity.
- Transport costs will increase; also seek assurance Headteacher of Atkinson House agreement re transport of students onto site is agreed and adopted.
- Hope additional traffic generated would not impact on local residents.
- PTC request reassurance that various issues outlined dealt with prior to the school opening in Ponteland if proposals go ahead.

### *Commentary*

The reasons why the former Richard Coates building would be suitable for Atkinson House subject to relevant suitability works taking place and the need to have SEMH

places available for September 2022 are set out in the Reports of the Executive Director of Adult Social Care and Children's Services of 13 October 2021 and 11 January 2022. A summary of the proposed mitigations agreed at meetings with the Pele Trust representatives during the statutory period in response to their safeguarding concerns is set out in para. 32.

24. Summary of representations from residents and respondents who did not identify specifically with a stakeholder group

- Fully support/welcome move, provision for SEMH never more needed; will enable boys and girls in Northumberland to gain qualifications and skills for success in adulthood.
- Recognise need for provision for SEMH pupils but shouldn't be to detriment of children at other schools; decision rushed; should be at alternative location.
- Solution to use former Richard Coates building too simplistic; consider other sites e.g., Hexham Middle building.
- Decision to change location should be delayed until Gilbert Ward facility opens in 2023;
- Increase in traffic [if Atkinson House relocates] will increase congestion and pollution;
- Safeguarding concerns for children attending Richard Coates Primary and Little Tinklers nursery; how will Atkinson students be contained?
- Increasing intake and moving to co-educational unsettling for pupils, shouldn't happen at the same time.
- Vulnerable adults near school site, not putting "Residents First" concerned about increase in anti-social behaviour.
- Council needs to think about what is best for all pupils.

*Commentary*

The majority of representations from residents and people who did not specify their interest group share similar concerns around the proposals as parents of children attending Richard Coates and Little Tinklers, namely safeguarding, traffic and understanding need for SEMH places but not in Ponteland – refer to para. 19 commentary.

Some respondents within this group also expressed concern for the wellbeing of vulnerable adults in the residential area close to the school. Para. 31 sets out a summary of how safeguarding issues are proposed to be addressed at the former Richard Coates site should the proposal be approved in order to address concerns raised by the adjacent education settings and the local community. For information, there have been no police incidents in the community involving students of Atkinson House Special School within the last three years under the leadership of the current headteacher.

As stated in para. 19, the availability of the former Richard Coates building has presented an opportunity for the expansion of Atkinson House Special School in relation to increasing its planned places and to include provision for girls and for implementation by September 2022 when additional places are required. However, there is a clear rationale behind the proposal to relocate to the former Richard

Coates building, as it is based in a fairly central position within the county in relation to Northumberland's population it is in close proximity to excellent road systems. It also offers the opportunity to serve the west of the county more effectively. While the former Hexham Middle School is available, it is significantly further west than Ponteland and would require the majority of Atkinson House students to travel much further on home to school transport.

A very small number of respondents in this group support the proposal, echoing the comments of parents of students in Atkinson House Special School and its staff.

## **Conclusion and recommendation**

25. There has been a robust response to the statutory proposal published on 13 January, with 111 representations received from a wide variety of groups.

### Educational Rationale

The primary reason for the proposals to relocate Atkinson House Special School is to provide additional spaces for the growing cohort of both boys and girls in Northumberland who are presenting with SEMH, particularly in relation to girls for whom there is currently no dedicated SEMH provision in the county. There is a desire to have this provision in place for September 2022 in light of the delay to the opening of the Gilbert Ward Academy and to uphold the corporate objective to educate our young people as close to their home areas as possible in order to reduce the need for out of county placements that lead to long travel times for students and increased costs.

The relocation to the former Richard Coates site would enable the required growth in provision of SEMH places for all young people in the county with additional space to tailor the existing curriculum to the needs of students and could be in place for September 2022 if approved. The representations received from the parents of students at Atkinson House, the Governing Body of the school, headteacher and the staff who responded all agree that it would be in the best educational interests of the students for these proposals to be implemented.

Para. 26 provides further information in relation to educational standards.

### Impact of the proposal

The foremost groups impacted by this proposal are the students of Atkinson House Special School and their parents and carers, as well as the staff of the school who would have to prepare carefully for the relocation should it be approved. However, in the light of their representations it appears they are prepared to accept the work involved in relocation in order for the current cohort of students and future cohorts, including girls, to benefit.

The concerns of the Pele Trust Directors, Headteacher of Richard Coates CE Primary and the Governors of the school, and parents of pupils at this school and Little Tinklers nursery who responded also need to be considered. They have raised a number of safeguarding concerns at both informal consultation and statutory consultation phases. Similar safeguarding concerns have been raised by residents and the group of respondents who did not specifically identify their interest in the proposals. However, as set out in para 13, in the light of these concerns NCC officers

organised meetings with Pele Trust representatives during the statutory period to ascertain the specific reasons for these concerns. At these meetings, a range of safeguarding measures were agreed with the Pele Trust should the proposal be approved for implementation. These are set out in para. 31 and has resulted in there being a plan to have no shared areas between Atkinson House Special School and specific arrangements for fencing and landscaping to provide segregation between the two sites. It is envisaged that this collaborative approach would continue, to address any further concerns should the proposals be approved.

Concerns with an increase in traffic and pollution were highlighted by many of the respondents linked to schools and nursery on Thornhill Road and residents in response to the statutory consultation. Para. 19 sets out how the level of traffic experienced by schools and residents on Thornhill Road prior to reorganisation to the 2-tier system in 2017 was much greater than would be experienced should these proposals be implemented. Furthermore, the headteacher of Atkinson House Special School has also agreed to ensure that taxis transporting students would enter the top entrance to the site at the opposite end of Thornhill Road to the junction mainly used by school traffic generated by parents of pupils attending Richard Coates CE Primary and Little Tinklers nursery.

### Conclusion

As noted in para. 6 of this report, 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. In short, it is not the intention that these results should be used as a referendum on the proposals.

Therefore, in the light of the educational rationale for the proposals, whilst being cognisant of the feedback and concerns of all stakeholders received during the informal consultation and the statutory period, Cabinet are recommended to approve the proposals to be implemented to take effect from 1 September 2022.

### **Education Standards and diversity of provision**

26. As the proposal to relocate Atkinson House Special School to the former Richard Coates site includes a proposal to increase the planned pupil numbers and extend provision to include girls with SEMH, more young people would be able to benefit from the specialist SEMH provision at the school. It is envisaged that this would enable more young people in Northumberland to achieve better outcomes, including the opportunity for more students to take more GCSE qualifications, thus reducing the attainment gap between a disadvantaged group of students and their peers.

The Ponteland Partnership is one of only 4 partnerships of 14 within the county that does not currently operate any specialist provision in any of its educational settings and therefore this proposal would increase the diversity of provision in the area.

## **Equal Opportunities issues**

27. An updated Equalities Impact Assessment is attached to this report at Appendix 4.

Cabinet should note that in formulating its decision with regard to these proposals, it must comply with the Public Sector Equality Duty (PSED), which requires them to have due regard 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.

## **Community Cohesion**

28. Should the proposals be approved for the relocation of Atkinson House Special School to Ponteland, this could open opportunities for other schools in the local area to teach their pupils about young people from different backgrounds and communities within Northumberland which would be to their benefit as members of society.

Furthermore, it is the intention of the Governing Body of Atkinson House Special School to change its name to better reflect their school community and the needs of the pupils.

## **Transport, Travel and accessibility**

29. If the relocation of the school is approved, all current students attending would receive Home to School Transport and would be transported directly onto the school site. This is currently achieved through taxis which carry one or more pupils, save for two students, one of whom lives a few yards from school and the other who is dropped at school by a parent en route to work.

Based on the current cohort of students on roll at the school, the initial cost of home to school transport to Ponteland would increase by just over £122k p.a. the additional costs will be met through the £1m growth in the SEN transport budget for 2022/23. However, the majority of these students are based in the South East of the county and it is expected that over time they would be resident more in the central and west areas of the county and transport costs would consequentially reduce. Given the needs of this group of young people, it is not reasonable to expect that they could travel to school other than on Home to School Transport and therefore it is suggested that any impact on sustainable travel is not relevant to this proposal.

As stated in the Report of the Executive Director of Adult Social Care and Children's Services Report 11 January 2022, if the proposal to relocate Atkinson House Special School is not approved there is a potential that given that other special schools in the county are at or near capacity, out of county places would need to be commissioned for students with SEMH for September 2022. Currently the average cost of an out of county placement including transport costs is £10,000 more per annum than the cost of a place with transport in a Northumberland specialist provision.

## **Implications for students of Atkinson House Special School and timeline**

30. If approved to relocate, the school would open in its new building in Ponteland in September 2022. Following the decision, staff would begin a transition period working closely with the students and their families to prepare them for the relocation, including organised visits to the new site.

To aid in the transition, the Governing Body have intimated that they would like to change the name of the school that would reflect the designation of co-educational.

## **Implications for staff of Atkinson House Special School**

31. Should Cabinet approve Atkinson House Special School to change its designation to co-educational, there may be a need to employ additional staff to meet the needs of the additional student numbers and its re-designation as co-educational.

## **Buildings**

### **32. Safeguarding measures**

Following the feedback from public consultation responses during the informal consultation and the engagement with the Pele Trust which highlighted their safeguarding concerns regarding the security of the school site and the interaction between Atkinson House and Richard Coates Primary School pupils and their neighbouring properties, a number of meetings of relevant NCC officers with representatives of the Pele Trust took place during the statutory period as agreed.

The proposed mitigations resulting from those meetings are now able to be set out below. These include the robust designs and safeguarding measures that have been developed by experienced architects and landscape architects to ensure that the former Richard Coates site remains secure and that the concerns raised regarding the interaction between the neighbouring schools/residential properties are appropriately addressed, should the proposals be approved.

These safeguarding measures include:

- Access control to be installed to all external doors.
- Installation of anti-climb acoustic timber fence between Atkinson House School and Richard Coates Primary School play areas.
- Installation of an anti-climb acoustic timber fence between Atkinson House School play area and the neighbouring residential properties.
- Installation of an anti-climb weld mesh fence to taxi drop off/rear staff car park and to the south elevation to contain fire escapes (retaining the existing hedgerow).
- A secure taxi/minibus drop off area for pupils located to the rear of the school building, to allow pupils to enter and leave vehicles within the secure boundary before departing.
- Alteration to the fence line between Richard Coates Primary School and Atkinson House School, to provide a new MUGA for Richard Coates and creating a planted 'buffer zone' between the two schools with mature planting which will assist with acoustics.

- Introduction of a 'buffer zone' between the Atkinson House external play area and neighbouring properties, utilising existing mature trees and planting that sit outside of the school's secure boundary.

The front elevation and landscape of the former Richard Coates building would remain largely unchanged, being used as an entrance for staff, visitors and parents only. Atkinson House Special School students would enter the site at the top entrance of the school via school transport, after which the external gates would be locked. Internally, only the lower floor is planned to be used by Atkinson House Special School and it would be divided into educational zones, that meets the needs and age ranges of the pupils with the installation of access control between zones.

### 33. Building works and funding

During the formal consultation period work has been undertaken to determine the scope of works required for the relocation of Atkinson House Special School, this has included working with headteacher of Atkinson House to ensure the plans meet the curriculum needs of the students as well as working with Pele Trust representatives to ensure there safeguarding concerns were addressed.

The buildings themselves are in relatively good condition having been an operational school only 12 months prior, although there has been some recent vandalism of the building. The site and buildings also allow for all the needs of the current pupils to be met as well as the opportunity to expand the provision for additional pupils. The school was originally built for nearly 500 pupils and the roll of Atkinson is currently 71 pupils with the potential for this to increase to 100 places over time. The additional capacity will also allow the local authority to look at the potential to collocate other services that support the special educational needs of the pupils attending Atkinson House.

Following more detailed work during the statutory consultation period It is estimated that the capital works required to undertake the relocation will be in the region of c.£5.5m. The budget will be met through the use of existing internal and external grant funding streams and are shown in detail below.

<b>Description of works</b>	<b>costs</b>
Refurbishment of internal ground floor accommodation of the former Richard Coates school, together with external works to provide dedicated play areas, redesigned secure parking and drop off pick area and new fencing to site to provide segregation to safeguard pupils.	£5.5m
<i>Total Cost</i>	<i>£5.5m</i>
<b>Funding Source</b>	<b>Contribution</b>
Council Medium Term Financial Plan (SEN capacity growth)	£2.5m
Basic Need Grant	£2.5m
Schools Capital Investment programme	£0.5m
<i>Total</i>	<i>£5.5m</i>

It is worth noting that the ex-Richard Coates buildings form part of a Church Supplemental Agreement with Coates Foundation. Separately, the playing fields for the ex-Richard Coates Site (which are owned by the Local Authority) are currently

under a lease to the Pele Trust. The buildings are in the process of being transferred back to the Local Authority following Richard Coates CofE Primary School's move into the adjacent school buildings previously occupied by Ponteland Primary School – a move which has physically taken place but for which the necessary legal agreements remain outstanding. Key to those agreements is the land swap of the freehold interest in the ex-Richard Coates buildings (still owned by the Coates Foundation) with the freehold interest in Ponteland Primary School (owned by the local authority). This land transfer (and associated termination of the Church Supplemental Agreement) can only take place once the Coates Foundation receive the necessary land valuations of each of the sites, and the DfE approval of the land swap has been obtained. In the meantime, it is proposed that the local authority enter into a licence agreement for the ex-Richard Coates buildings in order that construction works can start prior to the formal land swap taking place. DfE and the Local Authority are targeting the end of the spring term for completion of the land swap.

### **Implementation Plan**

34. Should the proposals be approved, Atkinson House School is proposed to relocate to the former Richard Coates site, increase its planned pupil numbers from 80 to 100 and become co-educational with effect from 1 September 2022.

### **Sport and Recreation**

35. It is important for the physical and mental wellbeing of students at Atkinson House Special School that they are able to have access to appropriate sporting facilities.

During the meetings between NCC officers and Pele Trust representatives referenced in para. 32, it was agreed that should the proposals be approved for implementation, the playing field areas used by Atkinson House Special School and Richard Coates CE Primary would be completely segregated so there would be no interaction between pupils in line with the wishes of Pele Trust. To enable the proposed separation of the external recreation areas, Atkinson House Special School would be allocated the existing MUGA pitch at the site, and a new MUGA would be constructed for Richard Coates CE Primary funded by the Council.

## IMPLICATIONS ARISING OUT OF THE REPORT

<b>Policy:</b>	These proposals are consistent with the Council's corporate priority that all residents should achieve and realise their potential
<b>Finance and value for money</b>	<p>Following the design and feasibility works approved by Cabinet at their meeting on 11 January 2022, a budget of £5.5m would be required to undertake the refurbishment works to the Richard Coates buildings and site. The cost of the project will be funded from a contribution of £2.5m from £6,693,625 gross capital allocation for 2022/23 to support Special Educational Needs. A further £2.5m from the Basic need grant from a balance of £7.2m and the remaining £0.5m from the School Capital Improvement Programme (SCIP). No additional funding is required for the capital works.</p> <p>It is expected that transport costs would be likely to increase by around £122k with the cost being funded from the £1m growth in SEN transport budget 2022/23. Due to the relocation and the additional pupils accessing provision at the new site. However, some costs would be offset by some pupils not having to undertake as long journeys to school as currently, while different arrangements for more effective transport of pupils to the new site would be explored should Cabinet approve implementation.</p>
<b>Legal</b>	DfE statutory guidance for proposers and decision-makers "Making significant changes ('prescribed alternations') to maintained schools, attached at Appendix 2, has been adhered to as part of this informal consultation process.
<b>Procurement</b>	Technical advisers and the appointment of a contractor to carry out the refurbishment works has been approved through the use of the NEEPO framework through direct award, due to the timescales required to deliver the project for the start of the academic year September 2022. The service of both teams have been used to develop the budget costs contained within this report.
<b>Human Resources:</b>	Should approval be given for Atkinson House to increase its planned pupil numbers and change its designation to co-educational, there may be a need to employ additional staff to meet the needs of the expanded service and the girls who attend. Staff will also be expected to relocate which will result in some staff having longer journeys to work, but some will also have shorter journey's to work.

<b>Property</b>	The former Richard Coates site is in the process of being transferred to NCC as set out in para of the report.
<b>Equalities</b> (Impact Assessment attached) Yes <input type="checkbox"/>	An Equalities Impact Assessment has been updated in the light of statutory consultation and is attached at Appendix 4.
<b>Risk Assessment</b>	An initial Risk Assessment and risk register has been carried on the construction works in order to develop the budget and programme for the project.
<b>Crime &amp; Disorder</b>	This report has considered Section 1 (CDA) and the duty it imposes and there are no implications arising from it
<b>Customer Considerations:</b>	The proposal set out in this report is based upon a desire to improve outcomes for a vulnerable group of children and young people and their families in Northumberland.
<b>Carbon Reduction</b>	It is not envisaged that the processes set out within this report will have any impact, positive or negative, on carbon reduction.
<b>Consultation</b>	This report has been considered by the Executive Director for Adults Social Care and Children's Services and the Member for Children's Services
<b>Wards</b>	Seghill with Seaton Delaval  Ponteland North

### Background Papers

Report of the Executive Director of Adult and Children's Services, Proposals for Atkinson House School, 13 October 2021

Report of the Executive Director of Adult and Children's Services, Outcomes of consultation on proposals for Atkinson House School, 11 January 2022

### Report Sign Off

Interim Executive Director of Finance & S151 Officer	Jan Willis
Monitoring Officer/Legal	Suki Binjal
Chief Executive	Daljit Lally
Executive Director of Adult Social Care and Children's Services	Cath McEvoy-Carr
Portfolio Holder	Guy Renner-Thompson

## Data Protection Implications

In carrying out the consultation set out in this report, the Council has acted in compliance with Data Protection Act 2018 via the Council's Data Protection Policy

Specifically,

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

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

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

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## **Appendices**

Appendix 1 – Statutory Proposal, published 13 January 2022

Appendix 2 - DfE Making Significant changes ('prescribed alterations') to maintained schools, statutory guidance for proposers and decision-makers, October 2018

Appendix 3 – Representations received from interested parties during the statutory period 13 January to 10 February 2022 -

[LINK TO RESPONSES](#) [ZOOM TO READ](#)

Appendix 4 – Equalities Impact Assessment (updated)

**NORTHUMBERLAND COUNTY COUNCIL****NOTIFICATION OF STATUTORY PROPOSALS FOR ATKINSON 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:

**Atkinson House School  
Pitt Lane  
Front Street  
Seghill  
Northumberland  
NE23 7EB**

Atkinson House School is a Community Special School for boys aged 11 to 16.

**CHANGE IN NUMBER OF PUPILS IN A SPECIAL SCHOOL**

- The current number of planned pupil places at Atkinson House School is 80. The proposed number of planned pupil places is 100 to take effect from 1 September 2022.

**CHANGE FROM SINGLE SEX SCHOOL TO CO-EDUCATIONAL**

- Atkinson House School currently has provision for boys aged 11 to 16. It is proposed that the school becomes co-educational i.e., admits boys and girls aged 11 to 16, the change to take effect from 1 September 2022.

**TRANSFER TO A NEW SITE**

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 transfer the site of Atkinson House School from its current site at Seghill, Northumberland to a new site at the following location, the transfer to take effect from 1 September 2022:

**The former Richard Coates CE Primary building  
Thornhill Road  
Ponteland  
Newcastle upon Tyne  
NE20 9QB**

**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>

## Implementation.

- Atkinson House School is proposed to transfer site, increase its planned pupil numbers and become co-educational with effect from 1 September 2022.

## Objectives

The objectives of this proposal are to:

- **Change the number of planned pupils at Atkinson House School** - The current planned pupil number is 80 and the proposed planned pupil number is 100. The proposed increase in the planned pupil number is to take effect from 1 September 2022.
- **Change Atkinson House School from a single sex school for boys aged 11 to 16 to a co-educational school for boys and girls aged 11 to 16.** The proposed change in from single sex to co-educational is proposed to take effect from 1 September 2022.
- **Transfer the site of Atkinson House School** - the current site of Atkinson House School is located at Pitt Lane, Front Street, Seghill, Northumberland, NE23 7EB and the proposed site of Atkinson House School is the former Richard Coates CE Primary building, Thornhill Road, Ponteland, Newcastle upon Tyne, NE20 9QB to take effect from 1 September 2022.

## Reasons for proposal (evidence of demand):

The rationale for the proposal is centred on the premise that the number of children and young people who have been diagnosed as having Autism, Social Emotional and Mental Health needs in Northumberland has been increasing year on year for the past 10 years. This demand for special school places equates to an average increase over this period to date of 7% each year (actual variation from year to year has been between 2% and 12%). There continues to be an increasing demand from parents for their children to be educated within special school provision both in and out of the county.

Northumberland County Council has been successful in bidding for a special free school in Blyth (Gilbert Ward Academy) through the DfE's free school programme for secondary age young people who have autism and social, emotional and mental health needs (SEMH), but this will not be completed until early 2023. Other special schools in the county have increased their provision recently and the next available school to expand to meet demand would be Atkinson House School. There is also a growing demand for SEMH provision for girls in Northumberland from Year 7 onwards, with no specific provision for them currently in the county.

Given the delay in the opening of the Gilbert Ward Academy and the increasing demand for additional SEMH places across the county, it is proposed that relocating Atkinson House to the vacant former Richard Coates CE Primary School building in Ponteland would provide additional capacity on an ongoing basis, rather than a temporary solution. The additional capacity at the proposed site for Atkinson House School would also enable the school to expand its provision by moving from a single sex provision to co-educational, thus supporting the growing demand from girls diagnosed with SEMH.

Furthermore, as additional young people with SEMH needs would be able to be educated within Northumberland, it is expected that one of the main benefits of this proposal would be the ability to educate a vulnerable group of young people within or closer to their home communities in appropriate provision.

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

There would be no educational impact or impact on numbers attending on any of the schools in the Ponteland Schools Partnership as a result of the proposal as none currently have any specialist provision. Atkinson House School has provision for boys with an EHCP specifically for SEMH needs and would expand its provision only to meet the needs of girls with an EHCP specifically for SEMH needs. All students attending Atkinson House School even after it relocates would have an EHCP and would be eligible for free home to school transport.

A number of concerns were raised during the pre-publication (informal) consultation from the Pele Trust (specifically in relation to perceived potential impact on Richard Coates CE Primary) and Little Tinklers Nursery, both of which settings are adjacent to the former Richard Coates building on Thornhill Road, Ponteland. These concerns related on the whole to safeguarding concerns around the potential for younger children to come into contact with or overhear inappropriate language from secondary age students at Atkinson House School.

The Council is mindful of the concerns of the above settings, and also of the desire for Atkinson House School to ensure the safeguarding of its own vulnerable students. Therefore, should this statutory proposal be approved for implementation, Council officers would support the involvement of representatives from all the 3 settings adjacent to one another at Thornhill Road to work collaboratively in developing appropriate safeguarding arrangements for all children and young people attending the settings and for ongoing collaboration and information sharing in order to provide continuing assurance to parents, staff and pupils attending their schools and nursery.

### **Project Costs and Proposed Implementation**

Should this Statutory Proposal be approved for implementation, there would be a need to carry out building works to facilitate changes that would be required for students with SEMH needs. Draft building costs for such capital works at the former Richard Coates site are estimated to be in the region of c.£2.5m. Feasibility and design works approved to take place will provide confirmation of the building costs and these will be presented to the Council's Cabinet when they make a final decision on this proposal in March 2022.

The cost of the project would be funded from the circa £6.7 gross capital allocation for 2022/23 to support Special Educational Needs. As additional young people with SEMH needs would be able to be educated within Northumberland, it is expected that one of the main benefits of this proposal would be the ability to educate a vulnerable group of young people within or closer to their home communities in appropriate provision. However, it is envisaged that savings to the Council's special educational needs funding streams would also be made in the medium to long-term from reductions in the need for out of county placements and associated transport costs, which at the moment are estimated to cost £10,000 per place per annum more than an in-county place.

If approved, the prescribed alterations outlined in this Statutory Proposal would be implemented in one stage with effect from 1 September 2022. Staff of Atkinson House would begin preparing the current students on roll at the school for the relocation over the months leading up to the relocation of the school should the proposal be approved.

### **Pupil Numbers and Admissions**

#### Atkinson House School

Atkinson House School currently has provision for 80 students and there were 74 on roll as at Autumn 2021. Additional places are required at the school to manage the intake of students entering Year 7 in September 2022 in Northumberland who have SEMH needs.

The age range of the school is 11-16 and currently provides single-sex education to boys only.

All students on roll at Atkinson House School have an Education and Health Care Plan.

### **Impact on the Community**

There were some concerns raised by consultees during the pre-publication (informal) consultation period around the impact of the relocation of Atkinson House School to the former Richard Coates site on the local community, including safeguarding with 3 education settings adjacent to one another, increase in traffic and congestion, anti-social behaviour and the actual need for additional provision for young people with SEMH needs.

Safeguarding and the need for additional provision for students with SEMH needs in Northumberland has been addressed earlier in this notice. With regard to impact on traffic congestion, all current students on roll at Atkinson House School are eligible for home to school transport and would be transported onto and off the school site in organised taxis. Furthermore, the Headteacher of Atkinson House School has already agreed that if the proposal is approved, he would instruct the taxi firms to transport students to enter and leave with students at the top entrance to the site which is not shared with either Richard Coates CE Primary or with Little Tinklers Nursery via the north end of Thornhill Road, thus avoiding the parental traffic arising from the latter settings. This arrangement would ensure that there would be little or no impact on traffic congestion as a result of the relocation of Atkinson House School and would also assist with ameliorating the safeguarding concerns of some consultees.

Given the home to school transport arrangements that would be in place for students attending Atkinson House School, any contact with the local community would be very limited compared to that of students attending other schools in the Ponteland area.

### **Travel and Transport**

All students on roll at Atkinson House are eligible for Home to School Transport and this would continue to be the case should this proposal be approved for implementation and the school relocate to the proposed site of the former Richard Coates building.

There would be some additional home to school transport vehicles (in the form of taxis) as a result of this proposal due to the proposed increase to planned pupil numbers. However, this is not anticipated to represent a significant increase in car use.

### **Consultation**

Although there is no statutory requirement to carry out a pre-publication (informal) consultation on the proposals set out within this statutory proposal, nonetheless a six week period of informal consultation (all during school term-time) was carried out by the Council from 13 October to and 1 December 2021 inclusive which was in line with the latest DfE Guidelines as set out in *'Making Significant Changes ('prescribed alterations') to maintained schools – statutory guidance for proposers and decision-makers October 2018'*.

#### Process

A consultation document, including a questionnaire, was drawn up which set out the rationale, background information and implications of the proposal. This document was circulated directly to 2,016 interested parties as set out in a Consultation Register. The document was also published on the Council's website, on Twitter and Facebook and a notice highlighting the consultation displayed in the local library at Ponteland and was therefore available generally to the wider public. In addition, an online 'padlet' was set up, which held supporting information including the consultation document and frequently asked questions arising from consultees during the actual consultation period and therefore was a useful substitute for a public facing event.

In the interests of safety for staff and the wider public, meetings during the consultation period with the following interested parties were held virtually:

Ponteland Town Council  
Atkinson House Governing Body  
Atkinson House Staff  
Little Tinklers Nursery Manager

Operational meetings were also held with members of the Pele Trust, including members of the Richard Coates CE Primary school local Governing Body.

#### Outcomes

Notes of the virtual consultation meetings, and all views and responses received during the consultation period are summarised in the Executive Director of Adult Social Care and Children's Services Report to Cabinet – Outcomes of consultation on proposals for Atkinson House Special School, 11 January 2022 available on the Northumberland County Council website at

<https://northumberland.moderngov.co.uk/ieListDocuments.aspx?CId=140&MId=1400>

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

Signature

Publication Date: 13 January 2022

A handwritten signature in black ink, appearing to read 'Cath McEvoy-Carr', with a long horizontal flourish extending to the right.

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

**DfE – Making Significant Changes (‘prescribed alterations’) to maintained schools. statutory  
g for proposers and decision-makers**



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 RC Diocese
LA for voluntary or foundation	Enlargement of premises that meets the threshold	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
LA for voluntary and foundation	Enlargement of premises (below the threshold)	Non statutory process	LA	N/A
GB of all categories mainstream	Enlargement of premises (below the threshold)	Non statutory process	GB	N/A

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

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

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

### The reasons for the expansion

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

### Admission and curriculum arrangements

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

## Governance and administration

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

## Physical characteristics of the school

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

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

LAs should copy any proposal to expand a school onto a satellite site to [schoolorganisation.notifications@education.gov.uk](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 of 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 RC Diocese GB/Trustees
GB community special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	LA	CofE Diocese RC Diocese
LA for community special and foundation special	Increase by 10% or 20 pupils (5 for boarding special)	Statutory process	LA	CofE Diocese RC Diocese

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

## Change of age range

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

**LAs** can propose:

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

**GBs** of foundation and voluntary schools can propose:

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

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

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

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

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

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

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

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

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

## Adding a sixth form

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

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

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

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

- 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 RC Diocese
GB voluntary or foundation	Closure of one or multiple sites	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

## Transfer to a new site

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

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

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

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

## Changes of category

**GBs** of all categories of maintained schools, apart from GBs of foundation special schools, may propose to change category by following the statutory process. The [addition or removal of a foundation](#) is described in [part 6](#). Where GBs are proposing a change of category covering a change in provision (e.g. from mainstream to special school) they are encouraged to seek advice by emailing [schoolorganisation.notifications@education.gov.uk](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 VA to VC	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of voluntary	VC or VA to foundation school VC or VA to foundation school and acquire a foundation VC or VA to foundation school, acquire a foundation and majority foundation governors on GB	Statutory process	GB	For proposals at a VA school when decided by the GB: LA CofE Diocese RC Diocese
GB of foundation	Foundation school to VC or VA	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

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

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

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

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

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

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

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

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

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

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

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

## Change the types of need catered for by a special school

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

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

## Boarding provision

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

**LAs** can propose for:

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

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

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

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

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

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

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

## Remove selective admission arrangements at a grammar school

The table below sets out who can propose the removal of selective admission 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 RC Diocese GB/Trustees
GB of community	Remove selective admission arrangements	Statutory process	LA	CofE Diocese RC Diocese

## Amalgamations

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

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

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

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

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

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

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

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

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

## Publication

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

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

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

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

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

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

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

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

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

## **Representation (formal consultation)**

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

## Decision

The LA will be the decision-maker in all cases except where a proposal is 'related' to another proposal that must be decided by the [Schools Adjudicator](#)<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. 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> 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> A minority (of not less than a third of the governors) notify the clerk of the GB of their wish to publish a proposal to remove a foundation trust/reduce the number of governors appointed by the foundation</p>
Stage 2	Land Issues  (applicable only to removal of trusts)	If not resolved within 3 months, disputes must be referred to the Schools Adjudicator	In cases of removing foundation trusts, the GB, trustees and the LA must resolve issues related to land and assets before a proposal is published
Stage 3	Consultation	<p><b>Majority</b> A minimum of 4 weeks is recommended.</p> <p>or</p> <p><b>Minority</b> No consultation required</p>	<b>Majority</b> It is for the GB to determine the length of consultation
Stage 4	Publication and representation	<p><b>Majority</b> 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. 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](http://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](http://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](http://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](http://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](http://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](http://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](http://www.legislation.gov.uk/uksi/2012/1034/contents/made)
- [The School Governance \(Constitution and Federations\) \(England\) \(Amendment\) Regulations 2014](http://www.legislation.gov.uk/uksi/2014/1257/pdfs/uksi_20141257_en.pdf)  
[www.legislation.gov.uk/uksi/2014/1257/pdfs/uksi\\_20141257\\_en.pdf](http://www.legislation.gov.uk/uksi/2014/1257/pdfs/uksi_20141257_en.pdf)
- [The School Governance \(Miscellaneous Amendments\) \(England\) Regulations 2015](http://www.legislation.gov.uk/uksi/2015/883/pdfs/uksi_20150883_en.pdf) [www.legislation.gov.uk/uksi/2015/883/pdfs/uksi\\_20150883\\_en.pdf](http://www.legislation.gov.uk/uksi/2015/883/pdfs/uksi_20150883_en.pdf)
- [The School Governance \(New Schools\) \(England\) Regulations 2007](http://www.legislation.gov.uk/uksi/2007/958/pdfs/uksi_20070958_en.pdf)  
[www.legislation.gov.uk/uksi/2007/958/pdfs/uksi\\_20070958\\_en.pdf](http://www.legislation.gov.uk/uksi/2007/958/pdfs/uksi_20070958_en.pdf)
- [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](http://www.legislation.gov.uk/uksi/2013/1624/contents/made) [www.legislation.gov.uk/uksi/2013/1624/contents/made](http://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](http://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](http://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:

Statutory proposals to relocate Atkinson House Special School to the former Richard Coates building in Ponteland, increase the planned pupil numbers from 80 to 100 and change the designation of the school to become co-educational. The former Richard Coates building is adjacent to Richard Coates CE Primary School and to Little Tinklers Nursery.

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

The Council carried out informal consultation on a proposal to relocate Atkinson House Special School from its current location in Seghill to a former school building in Ponteland with effect from September 2022 from 13 October to 1 December 2021. Following approval by the Council's Cabinet on 11 January 2022, a statutory proposal to relocated Atkinson House Special School to the former site of Richard Coates, increase its planned pupil numbers from 80 to 100 and to change the designation of the school from single sex for boys to co-educational and thereby include specific provision for girls with SEMH. The rationale for this proposal is generally to be able to accommodate the growing numbers of young people in the county being identified with SEMH needs including girls, and in particular to accommodate the students who would have been offered places at the new Gilbert Ward Academy free school had it's opening not been delayed until September 2023.

This EIA has been updated in light of the statutory consultation undertaken in line with DfE guidance.

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, there is no reason to believe that the proposed statutory proposal would affect more positively or negatively than their peers any group of children, parents or staff defined by their religion, race or gender-reassignment status. Should the Council decide to implement the proposed statutory proposal at a future date, 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.

It is not envisaged that this proposal would result in the need for staff redundancies at Atkinson House Special School and indeed there are likely to be additional opportunities for employment. In the event, existing HR policies covering relocation of a place of work would apply to staff employed at any of the school where appropriate. 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?

All students on roll at Atkinson House Special School have an EHCP for SEMH special educational needs and therefore would be disproportionately impacted should the approval be given to implement the proposal at a future date. The intention of the proposal is that it would have a positive impact on Atkinson House students and future students. Students views on the proposal have been gained as part of the informal consultation process and the majority are in favour of the

proposal. However, a number of students did have some concerns around the move to the alternative site in Ponteland.

The staff of Atkinson House Special school are trained to manage the anxieties that could arise with this group of students as result of this proposal it was approved for implementation. Staff would plan to have a phased approach to the transition with students if the relocation goes ahead, including individual transition plans according to need, to ensure that the impact of the transition is minimal and managed effectively.

Any parent or a carer of a student at Atkinson House Special School or member of staff at the school who has a disability would not be affected disproportionately by the proposal as any reasonable adjustments or arrangements already in place to support a parent, pupil or staff member would be re-provided at the new location and appropriate reasonable adjustments would be made.

It is not expected that any member of staff at one of the adjacent educational settings, parents of pupils at these settings or members of the public would have need of regular access to the grounds or building of Atkinson House Special School should it relocate to the former Richard Coates building.

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.)

It is not envisaged that the implementation of the proposed statutory proposal would affect any current arrangements for disabled people to participate in public life as the former Richard Coates building is currently empty and not used by any other Council service or by members of the community.

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

There is a possibility that public attitudes towards young people with SEMH could be impacted by the relocation of Atkinson House Special School to Ponteland. There is no specialist SEND provision within the Ponteland Partnership of schools, either as stand-alone provision or within any of the schools in the partnership.

Feedback received from those consultees who responded during the informal consultation indicates that there is some anxiety among staff at the adjacent educational settings, parents of pupils at these settings and members of the public about the possible behaviour of students at Atkinson House Special School as a result of their SEMH needs.

Should the proposal be approved, appropriate safeguarding measures would be put in place to ensure that all students (including those on roll at Atkinson House) are safe and that all 3 educational provisions and the wider public feel safe.

While there has been some positive feedback from the public about the proposal, there has been a minor element of public feedback that has demonstrated a lack of understanding of the condition of SEMH and use of offensive statements towards this group of vulnerable young people.

Assimilation of the school into the Ponteland community would need to be very carefully managed to engender good and collaborative relationships, and the Governing Body and Leadership Team of the school are fully cognisant of this need.

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

Further to para. 8, there could be a risk of harassment or victimisation of young people attending Atkinson House Special school if the transition is not managed effectively and the school is not able to assimilate within the community.

The measures set out in para. 8 regarding relationships with adjacent settings and the wider community would need to be put in place.

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 proposal is that the educational experience of young people attending Atkinson House would be enhanced by the relocation to the former Richard Coates building and therefore there is a disproportionate advantage of the proposal to them.

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

Refer to 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?

Currently Atkinson House Special School is designated as a single sex provision for boys diagnosed with SEMH special educational needs aged 11 to 16. Under the proposal, the school would not only relocate, but would extend its provision to secondary aged girls diagnosed with SEMH as there is no dedicated provision currently for them in Northumberland.

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

While the proposal to relocate the school would advantage the current and future cohort of boys attending Atkinson House Special School, it would disproportionately advantage girls as provision for them would start to be offered at the school.

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 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 proposal. However, ameliorating actions stated in para. 5 would be implemented in the event that issues were identified.

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)

To date, there has been no evidence to suggest that public attitudes to people with people of a certain gender. However, ameliorating actions such as those stated in para. 5 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 proposal be implemented, the risk of harassment of victimisation of people of a certain gender would be monitored. Should evidence be identified that risk of harassment had increased, the relevant actions such as those stated in paragraph 5 would be implemented.

There is currently no evidence to suggest that any member of the public, pupil in one of the adjacent education settings, parent of a pupil in one of the adjacent education settings or member of staff at one of the adjacent education settings of certain genders would be more or less likely to be at risk of harassment or victimisation should approval be given to implement the proposal. However, should any of member of this protected group of people be identified as at risk as a result of the implementation of this proposal, the authority would encourage staff of Atkinson House Special School to put in place amelioration actions and suitable education programmes to increase awareness of any potential issues such as increased risk of bullying.

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

proposal. However, ameliorating actions stated in para. 2 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?

While none have been so far identified, any opportunities to create positive impacts for people with different genders would be implemented.

## 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?

Atkinson House Special School provides specialist education to pupils with SEMH needs between 11 and 16 and it is this group of young people who would be most affected by the proposal.

Staff at the school are employed equitably in accordance with the relevant school and council's employment policies. No staff at the school would be at risk of redundancy should the proposal be approved for implementation and indeed there may be additional staff required as a result of the proposed increase in student numbers and redesignation to become co-educational.

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

All students on roll at Atkinson House Special School have an EHCP for SEMH special educational needs and therefore would be disproportionately impacted should the approval be given to implement the proposal at a future date. The intention of the proposal is that it would have a positive impact on Atkinson House students and future 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 that the proposed statutory proposal 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 a possibility that public attitudes towards young people with SEMH could be impacted by the relocation of Atkinson House Special School to Ponteland, but more as a result of the SEMH needs rather than their age.

Refer to para. 8 for further information.

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

There could be a risk of harassment or victimisation of the young people attending Atkinson House Special school if the transition is not managed effectively and the school is not able to assimilate within the community.

From consultation feedback, there is a level of concern from some consultees who responded regarding the potential behaviour of Atkinson House Special School students in the Ponteland community and therefore there could be a perceived risk of harassment. As stated, the Governing Body and Leadership team of the school would be keen to build relationships with their adjacent educational settings and the wider community to reduce any levels of concern about the presence of students with SEMH and provide a wider understanding of their needs.

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?

Ref. Para. 23.

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 proposal is to create a positive impact for this group of young people with SEMH needs.

Through the Governing Body and Leadership team of the school working with their educational neighbours and the wider community there could be opportunities to broaden their understanding of special educational needs and in particular SEMH which could be to their advantage.

## **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 proposal would create any barriers to students of Atkinson House Special School accessing the school should it relocate to Ponteland as all student as they would receive Home to School Transport.

In addition, any parent of a student at Atkinson House who may be pregnant or who has other children under 26 weeks old would not be disadvantaged due to the eligibility of students for transport.

Any staff of Atkinson House Special School who may be pregnant would have the same rights extended to them at the proposed site as at the current school site.

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

No, for the reasons set out in 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.)

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

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 consultation to suggest that the statutory proposal 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 evidence has been identified during the consultation period that would suggest that the protected group could be disproportionately disadvantaged by the implementation of the statutory proposal for the reasons set out above.

However, if a decision is made to take the next steps towards implementation of the statutory proposal, and any disproportionate disadvantages are identified during the subsequent phases of consultation and implementation, these would be reviewed and solutions to remove such disadvantages would be sought.

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?

Ref. 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 at Atkinson House Special School or a member of staff who identifies as LGBT 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 Atkinson House Special School 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 Atkinson House Special School 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 consultation to suggest that different sexual orientations would be disproportionately advantaged or disadvantaged by the implementation of the statutory proposal. 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.)

There is currently no evidence from 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 proposal. 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)

To date, there has been no evidence 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 proposal be implemented, the risk of harassment or 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 paragraph 33 would be implemented.

There is currently no evidence to suggest that any member of the public, pupil in one of the adjacent education settings, parent of a pupil in one of the adjacent education settings or member of staff at one of the adjacent education settings who identifies as LGBT would be more or less likely to be at risk of harassment or victimisation should the approval be given to implement the proposal. 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 this proposal, the authority would encourage the staff of Atkinson House Special School 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 so far been identified to suggest that people with different sexual orientations could be disproportionately disadvantaged through the implementation of the statutory proposal. 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 is to provide additional and appropriate educational support and facilities for a vulnerable group of young people with SEMH needs and therefore this would improve the life chances of the 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:

	The equality analysis has not identified any potential for discrimination or adverse impact and all opportunities to promote equality have been taken.
<b>X</b>	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 proposal on the groups with protected characteristics, there is evidence to suggest that the students of Atkinson House Special School would be disproportionately advantaged simply by virtue of the premise of the proposal and its rationale set out at para. 2. Should a decision be made by the Council's Cabinet to take move to the formal statutory process, any evidence arising from the statutory consultation 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 consultation period. Should the proposal be approved and the process move to the publication of a statutory proposal, the EIA would be further updated at the end of the statutory 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.*