

NOTICE OF MEETING

Cabinet Member Signing

FRIDAY, 4TH JANUARY, 2013 at 10:30 HRS - CIVIC CENTRE, HIGH ROAD, WOOD GREEN, LONDON N22 8LE.

AGENDA

1. URGENT BUSINESS

The Cabinet Member will advise of any items of Urgent Business that they have accepted and these will be considered under agenda item 3.

2. DETERMINATION OF PROPOSALS OUTLINED IN A PUBLISHED NOTICE IN RESPECT OF CLOSURE OF A JUNIOR SCHOOL AND THE ENLARGEMENT OF THE AGE RANGE OF AN INFANT SCHOOL (PAGES 1 - 214)


This report considers the proposals of the governing bodies of St Mary's CE Infant school and St Mary's CE Junior school to close the Junior school and to enlarge the age range of the Infant School from its current age range of 3 – 7 (including up to 60 nursery children) to ages 3 – 11. The objective of these proposals is to establish an all-through primary school, St Mary's CE Primary School, with an age range from Nursery to Year 6.

3. NEW ITEMS OF URGENT BUSINESS

To consider any new items of Urgent Business admitted under Item 1.

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Report for:	Cabinet Member Signing 4 January 2013	Item Number:	
Title:	Determination of Proposals Outlined in a Published Notice in Respect of Closure of a Junior School and the Enlargement of the Age Range of an Infant School		
Report Authorised by:	 Libby Blake, Director of Children and Young People's Service		
Lead Officer:	Eveleen Riordan Ext: 3607 eveleen.riordan@haringey.gov.uk		
Ward(s) affected: Hornsey Ward, Crouch End Ward and any ward where children who are accepted into the school live	Report for key Decision		

1. Describe the issue under consideration

1.1 This report considers the proposals of the governing bodies of St Mary's CE Infant School and St Mary's CE Junior School to close the Junior School and to enlarge the age range of the Infant School from its current age range of 3 – 7 (including up to 60 nursery children) to ages 3 – 11. The objective of these proposals is to establish an all-through primary school, St Mary's CE Primary School, with an age range from Nursery to Year 6. A statutory notice on these changes was published on 2 November 2012 and a representation period ran for a statutory period of six weeks from that date, ending on 14 December 2012. This report considers the proposed changes as set out in the statutory notice together with any representations received as a result of the consultation, and recommends that the proposals outlined in the statutory notice issued on 2 November 2012 are approved.

2. Cabinet Member introduction

2.1 The Cabinet Member's introduction is not included here as it is the Cabinet Member who will consider the contents of this report and make the decision as to whether or not to approve the proposals set out in the statutory notice.

3. Recommendations

3.1 For the information and reasoning contained in paragraph 5 below it is recommended that the Cabinet Member for Children:

- Agrees the closure of St Mary's CE Junior School with effect from 4 January 2013
- Agrees to the enlargement of the age range of St Mary's CE Infant School from its current ages 3 – 7 (including nursery aged children) to ages 3 – 11 so that it forms an all through Primary school encompassing children from Reception to Year 6 and nursery aged children with effect from 4 January 2012.

4. Alternative options considered

4.1 As part of the deliberation by the governing bodies of the two schools on the future of the schools, a number of options were considered for the schools' future. These options were: 1) for the schools to stay as they are – as St Mary's CE Infant School and St Mary's CE Junior School, 2) to become an academy, 3) hard federation, 4) close both schools and put forward a proposal to open a new school, and 5) the proposal now before you for consideration - close the Junior school and to enlarge the age range of the Infant School from its current age range of 3 – 7 (including nursery children) to ages 3 – 11.

4.1 Following the governing bodies' consideration of all options, the proposals to close the Junior school and to enlarge the age range of the Infant School from its current age range of 3 – 7 (including nursery children) to ages 3 – 11 were put before stakeholders, including staff and parents and carers, from January 2012. Since that time, and taking into account representations made as part of that consultation, no alternative options have been considered.

5. Background information Schools

5.1 St Mary's CE Infant and Junior schools are voluntary aided schools in Hornsey ward. The Infant school address is Church Lane N8 and the Junior School address is Rectory Gardens N8. Both schools are two form entry (60 pupils are admitted into Reception and Year 3 each year) and the Infant School also has a nursery attached to it providing places for pre-school children. The Infant School is owned by the local authority and the Junior School is owned by the Church.

Ofsted inspections 2011

5.2 At its Ofsted Inspection on 2-3rd November 2011 St Mary's CE Infant School was judged to be Outstanding. The following week, 10-11th November, St Mary's CE Junior School was placed into Special Measures by Ofsted. The two relevant Ofsted reports are included at Appendix 2 to this report. The

Headteacher of the Junior School subsequently left the school (effective from January 2012) and the Headteacher of the Infant School became the Interim Headteacher of the Junior School at the start of the Spring term 2012.

Action following Ofsted Inspections

- 5.3 Following the two Ofsted Inspections the Chairs and Vice Chairs of the governing bodies (GB) of the two schools met with the Director of Schools Support Services and the Schools Manager Advisor in the London Diocesan Board for Schools (LDBS) and agreed to consult and publish a notices setting out proposals to discontinue the Junior School and enlarge the age range of the Infant School to form an all-through primary school on the present two sites of the Infant and Junior Schools. Before agreeing to consult on taking these steps going forward the GBs also considered other various options for the future which are outlined in para 5.16 below.

Guidance

The Department for Education (DfE) Guidance Closing a Maintained Mainstream School the GB(s) provides guidance on the action that needs to be taken for a maintained mainstream school to be closed. The DfE Guidance Making Changes to Maintained Schools: A Guide for Local Authorities and Governing Bodies sets out, among other things, how to make changes to the age range of a school. Both of these documents are included at Appendix 5 to this report.

Statutory consultation preceding the issue of a statutory notice

- 5.4 Following the meeting outlined above the governing bodies of the two schools each passed a resolution to begin a period of six weeks of consultation with stakeholders on the proposals (24 January 2012 – see Appendix 4). The starting date for this consultation was 26 January 2012. On the 27 January 2012 a statement of the proposals was circulated to parents and the staff of both schools. The governing bodies held three meetings to consult with staff, parents and the wider community –

1. On the 9 February 2012 a staff meeting was held at the Infants Schools
2. On the 9 February 2012 a parent and carer meeting was held at the Infants school
3. On the 6 March 2012 a meeting was held at Hornsey Parish Church (The Church of St Mary with St George) for consultation with the wider community.

- 5.5 A steering group also met five times to guide the schools through the consultation process and to agree, among other things, consultation documents, union liaison, HR issues, press releases, communication with stakeholders, financial issues, feedback from the consultation, and the next steps.

Publication of notice and representation stage

- 5.6 At a joint governing body meeting of the two schools on 14 March 2012 (outlined in the consultation report at Appendix 4) it was agreed that a statutory notice would be published and a representation period on the closure of the Junior school and enlargement of the age range of the Infant school would then commence. A statutory notice was duly published in the Haringey Advertiser on 18 March 2012.
- 5.7 Under the provisions of the Department for Education (DfE) Guidance Closing a Maintained Mainstream School the GB(s) is required to, among other things, send a copy of the complete proposal to the local authority (LA) within one week of the publication of the notice. Under the provision of the DfE Guidance Making Changes to Maintained Schools: A Guide for Local Authorities and Governing Bodies, the GB(s) is required to send a copy of the complete proposal to the LA within one week of the publication. Due to an administrative error a hard copy of the complete proposals, while the school has said were served on the LA, there is no record of their receipt, meaning that the published notice was not determined within the prescribed time period (two months from the end of the statutory representation period), nor was it referred to the schools adjudicator as is required if it is not determined by the LA within the prescribed time period. The time period for referral to the schools adjudicator is two months and one week from the end of the statutory notice period. Para 4 of the Guidance sets out who the decision maker for any proposal(s) can be – either the LA or the schools adjudicator.
- 5.8 As a result of this sequence of events pertaining to the determination of the proposals the GBs of the two schools issued a further statutory notice in respect of both of the schools on 2 November 2012 and withdrew the March 2012 notice (as is required by the DfE Guidance) at the same time. A statutory representation period of six weeks is required for the closure of any school (this period cannot be lengthened or shortened). This period of representation ran from 2 November 2012 to 14 December 2012.
- 5.9 Para 4.7 to 4.14 of the Guidance sets out the four key issues that the Decision Maker (the LA) should consider before judging the respective factors and merits of the statutory proposals. These are:
- 5.10 **Is any information missing?** – the schools have served on the LA the published notice, the complete proposals, and a copy of the notice as it was published in the Haringey Advertiser on the 2 November 2012. This is in accordance with para 2.9 of the Guidance.
- 5.11 **Does the published notice comply with Statutory Proposals?** – it is considered that the notice as received by the LA is valid as it has been compiled in accordance with the guidance outlined in para 2.3 – 2.4 of the Guidance and

Annex A of the Guidance, and the school has confirmed that it has been published in a local newspaper and posted at all entrances to the schools.

- 5.12 **Has the statutory consultation been carried out prior to the publication of the notice?** – the schools have provided detailed evidence of the statutory six week representation period that took place with parents, staff and the local community prior to the publication of the statutory notice. Full details of the consultation that they carried out, including minutes of meetings with stakeholders (pupils, staff and the local community) is outlined in Appendix 4 to this report. These minutes have previously been made available by the school to anyone who has asked for them. This includes a letter to parents and a flier sent out to the local community. The schools have confirmed that they received no representations objecting to the proposals during this first representation period. The LA has received no representations as a result of the publication of the statutory notice.
- 5.13 In coming to a recommendation on the proposals officers have taken into account the sufficiency and quality of the consultation as part of our overall judgements of the proposals as a whole and consider that the consultation was adequate in that it 1) allowed adequate time (26th Jan to 16 March 2012), 2) provided sufficient time for those being consulted to form a considered view (six weeks), 3) made clear how their views can be made known (letter, email, public meeting) and 4) were able to demonstrate how they have taken into account the views expressed during consultation – the schools have confirmed that there were no objections expressed to the proposals, but that there was support expressed as part of the public meetings.
- 5.14 **Are the proposals related to other published proposals?** – The proposal to close the Junior school is related to the proposal to enlarge the age range of the Infant School. The Guidance (para 4.10) sets out that such related proposals must be considered together. The proposals before you do consider these related proposals together.
- Consideration of the complete proposal.**
- 5.15 The GBs of St Mary’s CE Infant and Junior schools decided to proceed with consultation on the closure of the Junior school and the enlargement of the age range of the Infant school to include pupils between the ages of 7 and 11. This decision was taken following an outstanding Ofsted inspection at the Infant school in November 2011 and, in the same month, the placing of the Junior school into the Ofsted category of Special Measures.
- 5.16 The governing bodies of the two schools considered a number of options to address the placing of the Junior school into special measures. The options considered included –

- 1) Keep both of the schools as they are and working to bring the junior school out of special measures and maintain the Infant school as outstanding,
- 2) The Junior School would become an Academy,
- 3) Hard federation between the two schools,
- 4) Close both schools and submit a proposal to the Department for Education (DfE) to open a new school.
- 5) Close the Junior School and enlarge the age range of the Infant School to include ages 8 – 11.

- 5.17 Having considered all options the GBs decided that the most appropriate option to raise standards was to close the Junior school, enlarge the age range of the Infant School to include children aged 7 – 11, and appoint the Head teacher of the Infant School as the Head teacher of the all through primary school. The Infant Head teacher has recently been judged (November 2011) as 'outstanding' when considering how effective leadership and management is at the school. This latest Ofsted Inspection report, along with the latest Ofsted report for the Junior School, is included at Appendix 2 to this report.
- 5.18 The governing bodies of both schools have carried out the necessary consultation (the first stage of the statutory process) with the relevant stakeholders, including the London Diocesan Board for Schools, parents and local residents. This consultation was carried out at the beginning of 2012. Support for the closure of the Junior school and enlargement of the age range of the infant school so that its age range is through primary has been strong. This is shown by the minutes of the meeting held with parents dated 9 February 2012 (Appendix 4) where the overall consensus was that the proposals would be a positive development for both of the schools. Parents of children who are currently in the Infant school felt that they would benefit from their children moving into KS2 in a school that is led by a HT who has led an outstanding Infant school. One parent of an Infant school child fed back during the consultation period that, after the Ofsted inspection of the Junior school, she had intended that her child wouldn't progress from the Infant school to the Junior school but, with the proposed change in the organisation of the two schools, she was now happy for her child to progress through a newly enlarged school, to be known as St Mary's CE Primary school and led by the current Infant School head teacher.
- 5.19 The statutory notices set out how representations could be made to the proposals. During the representation period no representations, either for or against the proposals were received by the Council. As a result this report contains no analysis or comment on representations received as there is nothing to report. The schools have confirmed that they have complied with para 1.3 of the Guidance which sets out interested parties should be consulted with by the proposers including 1) the LA, 2) families of pupils, teachers, and other staff at the school, 3) the appropriate diocesan authorities.

- 5.20 Para 4.15 to 4.16 of the DfE Guidance Closing a Maintained Mainstream School sets out the factors that must be taken into consideration by the decision makers in determining a proposal or proposals. These factors are: 1) effect on standards and school improvement, 2) need for places, 3) impact on the community and travel, 4) school characteristics, 5) specific age provision issues, 6) special educational needs provision, 7) “other issues” including the views of interested parties.
- 5.21 These factors are considered below.
- Effect on standards and school improvement**
- 5.22 Appendix 1 of this report contains the provisional KS1 results for St Mary’s Infant School for the academic year 2011/12 (provisional). The results are broken down into reading, writing and maths and are also provided as an overall score and compared to national averages and to local authority averages. In performance terms pupils are performing significantly above the national averages particularly for those pupils who are achieving Level 3. This strong performance is reflected in the outcome of the Ofsted report at the end of 2011.
- 5.23 The Guidance sets out that a ‘System Shaped by Parents’ should be aimed for, with a dynamic system where weak school are closed quickly and best school are able to expand. The proposals before you allow this by the proposed closure of the Junior School and the enlargement of the age range of the Infant School.
- 5.24 The Guidance also sets out that proposals should aim to raise local standards of provision and that where a school is to be closed so that it may be amalgamated with a more successful and/or popular school, the Decision Maker should normally approve these proposals. The Guidance says that where a school is causing concern and a proposal is to close it the Decision Maker should be approved “subject only to checking that there will be sufficient accessible places of an acceptable standard available in the area to meet foreseeable demand and to accommodate the displaced pupils”. The proposal to enlarge the age range of the Infant School will ensure that the displaced pupils from any closure of the Junior School are provided with sufficient places of an acceptable standard in an Infant School that has been judged as Outstanding by Ofsted. In terms of ‘Diversity (para 4.28 of the Guidance) the Junior School does not provide places “recognised by the LA as being reserved for pupils with special educational needs” – see paragraph 5.33 below.
- 5.25 In terms of the balance of denominational provision the Infant School, once its age range is enlarged, will offer the same number of denominational places as the Junior School currently offers (36 places out of each cohort of 60).

Need for places

- 5.26 The proposed changes will not result in the loss of or the creation of any new places. In terms of place planning it maintains the current status quo. The aim of the statutory proposals is not to make a change in the provision of the number of school places currently available across both of the schools.

Impact on the community and travel

- 5.27 There is not an impact in terms of community or travel for current or future pupils. Across the current Infant and Junior Schools 420 places (60 places per cohort, spread over two forms of entry) are provided with faith criteria being the first criteria in both schools' admission arrangements. The admission arrangements for both schools are that the Governing Bodies have designated 36 of the 60 available places to be offered to people whose families are regular worshippers (i.e. once a month over the course of a year) at the:

Parish Church of St Mary with St George, Hornsey, including St Mary's Tower

Baptist Church, Campsbourne

Methodist Church, Middle Lane

The Moravian Church, Priory Road (which is located in the Parish of Hornsey),

Parish Church of Christ Church, Crouch End

Parish Church of Holy Innocents

Parish Church of Holy Trinity, Stroud Green

Parish Church of St Paul's Wightman Road

Or

A member Church of the Churches together in Britain and Ireland

- 5.28 Written evidence of applicants' commitment to the above places of worship (in the form of a clergy reference) will be required at the time of application.

- 5.29 Where the school is over-subscribed the following criteria are used:

1. Children who are in public care ("looked after children"). Written supporting evidence should be supplied, at the time of application, from the relevant Local Authority;

2. Children who will have a brother or sister in the school at the time of admission. This category includes foster brothers and sisters, half brothers and sisters or stepbrothers and sisters. Parents should note that in all these cases the brother or sister must be living at the same address as the child for whom the application is being made. (However this does not include younger siblings in the school's nursery class).
3. Children with social/medical reasons, evidence should be supplied at the time of application, from a relevant professional, such as, a doctor, social worker or educational psychologist.
4. The supporting evidence should state the reason why this particular school is the most suitable and the difficulties that would be caused if the child had to go to another school.
5. The nearness of the home to the Fire Station, Priory Road, N8, which is the geographic and historic centre of the parishes of St Mary and of St George, united in 1982 into the present parish of St Mary with St George, Hornsey. A computerised mapping system maintained by the London Borough of Haringey will be used to ascertain the nearness of the home to the Fire Station.

5.30 Following the closure of the Junior school and the enlargement of the age range of the Infant school to include ages 8 – 11 the admission arrangements will remain the same for the through primary school as they are for the current Infant and Junior schools' admission arrangements. The school buildings currently used for the infant School (Church Lane N8) and the Junior School (Rectory Gardens N8) will remain with a split site for foundation/KS1 (Church Lane) and KS2 (Rectory Gardens). Travel arrangements to and from the school will therefore remain as they currently are if the proposals are implemented. The two sites are within walking distance of one another.

School characteristics

5.31 This report is accompanied by an EqIA. This EqIA is attached at Appendix 6 to this report. The conclusion of the EqIA is that this proposal will directly benefit children in the area who meet the criteria to attend the school and current children at the school. This is because, although the Junior school is closing, the age range of the Infant school will be enlarged to include children at KS2. It is anticipated that pupils from the Infant school who would have applied for places at the Junior school and moved there at the end of KS1, will now stay on at St Mary's CE Primary school from age 4 – 11. Early years provision in the form of a nursery is retained as part of the changes. A negative impact of the changes, as currently assessed are, therefore, minimal to non-existent on existing and future pupils of the through primary school.

Specific age provision issues

5.32 Early years provision in the form of a nursery for up to 60 children is retained as part of the changes.

Special educational needs

- 5.33 The schools are not special schools but they do respond to individual SEN needs and make provision in response to individual pupil(s) including but not limited to those pupils who have a statement of SEN. Arrangements for this provision will remain with the changes that are being proposed. Children with special educational needs will continue to have their needs met at School Action and School Action Plus including those with statements. See also paragraph 5.24 above.

“Other issues” including the views of interested parties

- 5.34 No representations were received by the Council as a result of the GBs’ publishing of statutory notices on the 2 November 2012. At the point of consultation by the governing bodies of the schools prior to the publishing of statutory notices, the representations and feedback outlined in Appendix 4 of this report show that there was support within the school community for the changes outlined in the statutory proposals. This support is evidenced in the minutes of the meetings held with stakeholders. For example, during the initial consultation on the changes proposed one parent said that she would be so satisfied by implementation of the proposals that she would leave her daughter in the through primary as opposed to taking her out before she entered the Junior School – which had been her initial plan when the Junior school was placed in to special measures.

The Local Authority’s view

- 5.35 The local authority does not object to the proposal to close the Junior School. The Junior School has been judged to be failing by Ofsted and does not offer the standard of education to its pupils that the authority expects for all children in the borough. The current Head of the Infant School has led a school that has been judged by Ofsted to be good with outstanding aspects. The governors of her school, St Mary’s CE Infant School, consider that she has the capacity to successfully lead a school that has an age range of ages 4 – 11. The local authority are in agreement that the Infant Head has led the Infant School well and that she has the capacity within her senior leadership team to lead an enlarged school that encompasses pupils aged 8 – 11 as well as the foundation and KS1 pupils that she already leads. This is evidenced by the recent Ofsted Inspection of the Infant school which described its management as follows - “The head teacher gives a strong lead. In her first year she has familiarised herself thoroughly with the school and knows clearly what needs improving. She is well supported by a team of senior and middle managers who are ever more accountable for attainment, tight record keeping and the quality of teaching and learning in their responsibility areas”. Further, the governing body of the Infant school was described by Ofsted as giving “a good strategic lead in financial and premises matters and are increasing their ability to question how different groups of pupils perform academically”.

- 5.36 The report concluded that: “Pupils, parents, carers and staff hold the head teacher in high esteem. Many parents and carers justifiably believe the school is going from strength to strength under a head teacher who is energetic, determined and dedicated. Since her arrival, she has methodically identified what the school does well and what needs to be improved. She regularly monitors the quality of teaching herself and is now including a wider range of senior leaders to assist in this quality assurance. Senior leaders collaborate particularly well to enliven the curriculum with innovative ideas best matched to the pupils’ needs. The school development plan is a useful, working document, carefully identifying the steps to further improvement and pinpointing precisely which member of staff should be accountable for the success of each priority”.
- 5.37 The recent 2011 Ofsted report for the Junior School concluded that while there are certain things St Mary’s Junior school does well such as the pupils moral and cultural development, the school was found to be less successful in assuring pupils progress through reading, writing and mathematics. It also said that evidence of a gradual decline in achievements has been shown in previous national test results. The report sets out that the governing body and leadership team at St Mary’s CE Junior School would need extra help to improve the school, hence the school was placed in special measures.

Types of Decision which may be made

Paragraph 6.64 of the Guidance sets out that the Decision Maker can decide to

- Reject the proposals
 - Approve the proposals
 - Approve the proposals with a modification (e.g. the school closure date)
 - Approve the proposals subject to them meeting a specific condition
- 5.38 The published notice seeks an implementation date of the 1 January 2013. The timeframe between the end of the statutory representation period (14 December 2012) and the earliest opportunity for the LA to make a decision on the proposals does not allow for a decision to be taken before the 4 January 2013. This is because of the need for the LA to consider the proposal, consider the content of any representations received (none received), write a report, publish the report on the Council’s website and allow five clear days between publishing the report and the Cabinet Member for Children’s decision on the recommendations contained in the report. If the Cabinet Member for Children decides to agree the recommendations outlined in this report an implementation date of 10am on the 11 January 2013 for the proposed changes can be made by the schools. It is therefore recommended that the implementation date of the proposals is modified as set out below.
- 5.39 Having considered all material factors as set out above it is recommended that the statutory proposals set out in the statutory notice dated and published 2 November 2012 are agreed with a modification of the date of the closure of the

Junior School and the enlargement of the age range of the Infant school from the published 1 January 2013 to the date of the 11 January 2013.

6. Comments of the Chief Finance Officer and financial implications

6.1 The Chief Finance Officer comments that the financial balance of a closing school reverts to the local authority. As at the end of the summer term the Junior School had a deficit of £119k. Provision for a deficit of £88k had been set aside in closing the 2011-12 accounts leaving a balance of £31k to be set against the Dedicated Schools Budget in 2012-13.

6.2 The governing body has notified the authority of a projected deficit due to the additional costs of the organisational change. It is in the process of applying for a licensed deficit to cover the deficit. The governing body's estimate of the deficit is £146k but £59k of this has been met through an allocation from the Contingency for Schools in Financial Difficulty as agreed by a Panel of the Schools Forum.

6.3 The organisational change will result in a saving of £110k to the Dedicated Schools Budget in 2013-14.

7. Head of Legal Services and legal implications

7.1 The Head of Legal Services has been consulted on the contents of this report.

7.2 Section 14 of the Education Act 1996 states that a local authority shall secure that sufficient schools for providing primary and secondary education are available in the authority's area with particular regard to the need to secure special educational provision.

7.3 By section 13A of the Education and Inspections Act 2006 (the 'EIA') a local authority shall ensure that their functions relating to the provision of education are exercised by the authority (so far as they are capable of being so exercised) with a view to promoting high standards, ensuring fair access to educational opportunity and promoting the fulfilment of every child's educational potential. Section 15(2) of the EIA states that where the governing body of a voluntary school propose to discontinue the school they must publish their proposals under this section. The proposals must contain such information and be published in such manner as may be prescribed by regulation and submit the proposals in accordance with the regulations to the local authority. The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007, as amended, set out what is required in relation to proposals for discontinuance.

7.4 Sections 18 and 19 of the EIA relate to alterations to school. The School Organisation (Prescribed Alteration to Maintained Schools) (England) Regulations 2007, as amended, provide that those bringing forward statutory proposals must consult with interested parties and in doing so must have regard to the Secretary of State guidance. The authority must also have due regard to that guidance when considering or determining proposals. The Cabinet Member for Children's attention is drawn to the guidance attached at Appendix 5 to the report and in particular paragraphs 5.3; 5.7; 5.10 to 5.14 and paragraphs 5.20 to 5.34 of the report.

7.5 When determining proposals the local authority may -

- (a) reject the proposals;
- (b) approve the proposals without modification
- (c) approve the proposals with such modification as the authority think desirable before approving any proposals with modifications the authority must consult the governing body
- (d) approve the proposals subject to them meeting a specific condition (which apply only in limited circumstances which do not appear to apply in relation to the proposals under consideration

7.6 The proposals must be implemented in the form in which they are approved.

7.7 Due consideration must be given to responses received as a result of the consultation before any final decision is reached concerning the proposals outlined. An overview of the consultation is set out at section 5.4 – 5.5 of the report and appendix 4. Further Information in relation to the consultation is provided in the Equality Impact Assessment at Appendix 6. The Cabinet Member for Children's attention is drawn, in particular, to paragraphs 5.18 and 5.19 of the report.

7.8 Due regard must also be had to the authority's public sector equality duty before a final decision is reached taking into account the information in the Equality Impact Assessment attached at Appendix 6. Member's attention is drawn to the public sector equality duty under section 149 of the Equality Act 2010, the details of which are set out at Appendix 7 to the report and to which the authority must have regard.

8. Equalities and Community Cohesion Comments

8.1 An Equality Impact Assessment has been completed which concludes that there is no adverse impact on any of the protected characteristics. Ofsted has raised concerns in regards to the teaching standards the data shows the current education attainment for all protected characteristics is on par with the national average. The concern raised by Ofsted was that the Junior school had not improved since the last Ofsted report. The proposal being set forward is an administrative change only to bring the Junior school under a new leadership

team; and therefore will not affect the admissions criteria or number of children at the school.

- 8.2 The existing barriers, which are the school admission criteria, will not be altered. The aim of the proposal is to increase the standard of education at the Junior School and continue to provide the current level at the Infant School. Therefore the barrier for the protected groups for educational attainment at the Junior School will be reduced.
- 8.3 This proposal will directly benefit children in the area who meet the criteria to attend the school and current children at the school. Children are more likely to stay at the school for the Primary age range as an additional application process for parents is removed and as the school standards improve. This will also benefit parents who struggle with the admissions application process and the prospects of the pupils at the Infant and Junior school will be improved.
- 8.4 This will have a positive impact as children are more likely to stay on at the Junior School and receive a better education. Ofsted Inspectors noted that “the proportion of pupils speaking English as an additional language is much higher than that found in most primary schools. However, only a very few are at the early stages of learning to speak English” (Ofsted 2011). Pupils with English as a second language is not a protected characteristic but these children are likely to be from a BME group.

9. Policy Implication

- 9.1 Council Priority 4: Improve school standards and outcomes for young people
- 9.2 This report provides information on the proposals set out in a statutory notice published on 2 November 2012 to close St Mary’s CE Junior School and enlarge the age range of St Mary’s CE Infant School from its current ages 3 – 7 to ages 3 – 11. The proposals were published following careful consideration by the governing bodies of both schools on how to address areas of concern that meant Ofsted Inspectors had placed the Junior School into the category of ‘special measures’. This report confirms that consultation prior to the publication of the notice bought broad support for the changes and that consultation immediately following the publication of the statutory notices bought no representations. The performance of the Junior school does not meet with the Council’s vision, aim and expectation that all children have the opportunity to achieve their potential, and Officers support the proposals set out in the published notice as a well considered and reasoned action to improve outcomes for children at or entering the Junior School.

10 Reasons for Decision

- 10.1 St Mary's CE Infant School has recently (November 2011) been judged to be an Outstanding school by Ofsted Inspectors. Its KS1 results for its pupils are at or above national and borough averages and the school has been judged to have outstanding leadership. In contrast, during the same month St Mary's CE Junior School was placed into Special Measures by Ofsted Inspectors (November 2011) with concerns expressed about leadership and about teaching and learning.
- 10.2 Following these two Ofsted reports (Appendix 2) the governing bodies of the two schools appointed the existing head of the Infant school to be interim head of the Junior school. This appointment followed the retirement of the Head teacher of the Junior School at the beginning of 2012.
- 10.3 Having considered a number of options for the future of the two schools the governing bodies resolved to publish statutory notices on the closure of the Junior School and the enlargement of the age range of the Infant School to include KS2 pupils (ages 8 – 11). This decision followed consultation carried out with stakeholders on the future of the schools which showed a broad support for the proposals to close the Junior School and enlarge the age range of the Infant School. Full details of this consultation process carried out by the schools and the representations received are set out in Appendix 4 to this report.
- 10.4 A statutory notice was published on the 2 November 2012 – to close the Junior School and enlarge the age range of the Infant School from its current 3 – 7 to 3 – 11. The publishing of the statutory notice marked the beginning of a six week representation period. During this period no representations for or against the proposals were made.
- 10.5 The implementation of the proposals outlined in the statutory notice provides a carefully considered and calculated opportunity for the children at KS2 to improve their outcomes. It is based on using the proven leadership and management and resultant strong KS1 results of the Infant School. The proposals have been agreed by both governing bodies of the schools and initial consultation showed support for the reorganisation from the school community. There were no objections as a result of the statutory representation which ran from 2 November 2012 to 14 December 2012.
- 10.6 Taking into account all of the above factors it is recommended that the proposals outlined in the statutory notice dated 2 November 2012 are agreed subject to the modification of the implementation date from 1 January 2013 to 11 January 2013.

9 Use of Appendices

Appendix 1 – KS1 results for Infant School for academic year 2011/2012 (provisional)

Appendix 2 – Most recent Ofsted reports for Infant and Junior schools – set out in a separate PDF appendix

Appendix 3 – Statutory notices dated 2 November 2012 (a PDF of the notices as they appeared in the paper are also attached as a separate appendices)

Appendix 4 – Notes of consultation carried out by schools' governing bodies prior to publication of a statutory notice

Appendix 5 - The Department for Education (DfE) Guidance Closing a Maintained Mainstream School and the DfE Guidance Making Changes to Maintained Schools: A Guide for Local Authorities and Governing Bodies

Appendix 6 - EqIA

Appendix 7 – Equality Act 2010 – the Public Sector Equality Duty

Appendix 8 – Complete Proposals

10 Local Government (Access to Information) Act 1985

This report has drawn on information from a wide variety of sources including:

- Ofsted inspection reports on the Infant and Junior Schools from November 2011
- Closing a Maintained Mainstream School (Feb 2010) – Department for Children, Schools and families (now the Department for Education)
<http://dera.ioe.ac.uk/11215/>
- The School Organisation (Establishment and Discontinuance of School) (England) Regulations 2007 (as amended)
<http://www.legislation.gov.uk/uksi/2007/1288/contents/made>
- Equality Act 2010
<http://www.legislation.gov.uk/ukpga/2010/15/contents>

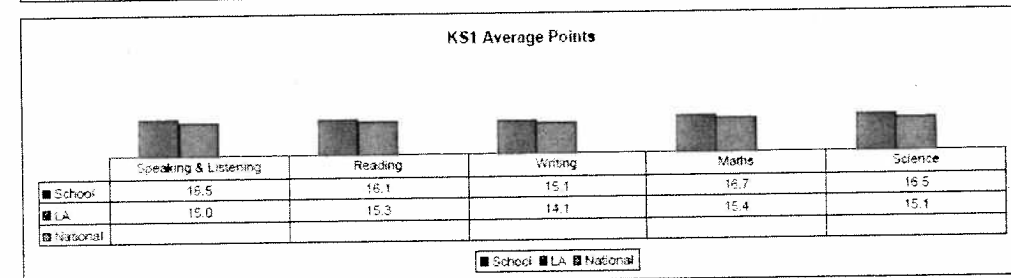
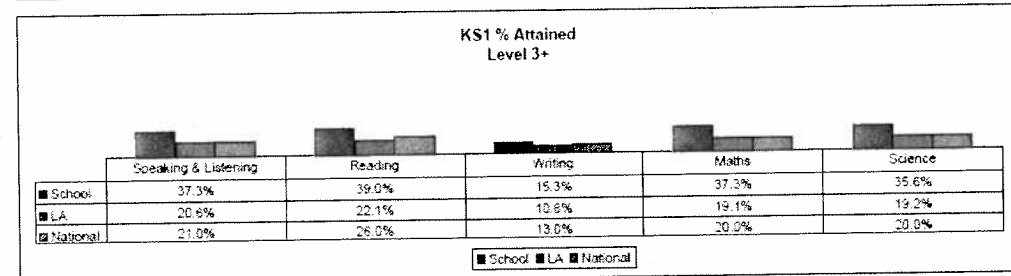
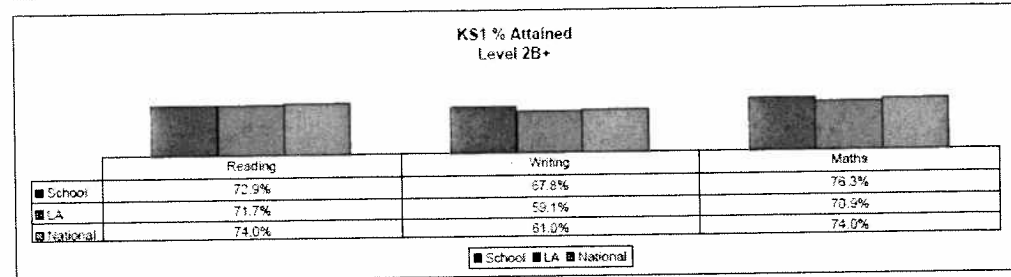
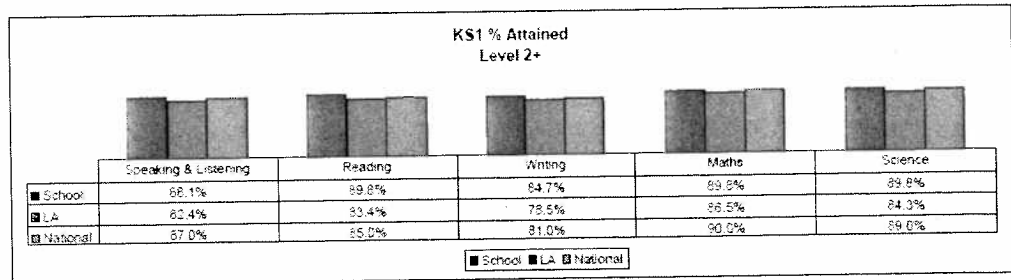
Raiseonline data for both schools

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Appendices

Appendix 1

1. School KS1 Performance - Current Year	
11/12	
St. Mary's CE Infant	
3093306	
All Pupils	59



Appendix 2
OFSTED REPORTS FOR INFANT AND JUNIOR SCHOOLS

St Mary's CofE Infant School

Inspection report

Unique Reference Number	102139
Local Authority	Haringey
Inspection number	376672
Inspection dates	2-3 November 2011
Reporting inspector	Sarah McDermott

This inspection of the school was carried out under section 5 of the Education Act 2005.

Type of school	Infant
School category	Voluntary aided
Age range of pupils	3-7
Gender of pupils	Mixed
Number of pupils on the school roll	230
Appropriate authority	The governing body
Chair	Clare Goymer
Headteacher	Fran Hargrove
Date of previous school inspection	8-9 March 2007
School address	Church Lane Hornsey London N8 7BU
Telephone number	020 8348 7805
Fax number	020 8341 7284
Email address	head@stmaryscof.haringey.sch

Introduction

This inspection was carried out by three additional inspectors. The team observed 10 lessons taught by eight teachers. The inspectors held meetings with the headteacher, members of the governing body, staff and groups of pupils. They scrutinised pupils' work and looked at the data the school had collected on pupils' academic progress and attendance. They also looked at the school development plan, investigated procedures for keeping pupils safe and analysed the responses to questionnaires from pupils, staff and 103 parents and carers. The inspection team reviewed many aspects of the school's work. It looked in detail at a number of key areas.

The extent to which pupils, particularly those who speak English as an additional language, make enough progress in reading.

The extent to which teaching and the curriculum enable Black African and Black Caribbean pupils to progress at the same rate as other pupils.

The effectiveness of all leaders and managers in monitoring the quality of teaching and learning and successfully raising the pupils' performance.

Information about the school

This is an average-sized primary school. The proportion of pupils known to be eligible for free school meals is above average. Over three quarters of pupils are from minority ethnic groups, predominantly of other White backgrounds or of Black African or Black Caribbean origin. Nearly half of pupils do not speak English as their first language, with few at the early stages of learning the language. The proportion of pupils with special educational needs and/or disabilities is average. Their needs mostly relate to speech, language and communication difficulties.

The Early Years Foundation Stage comprises one Nursery class and two Reception classes. Parents are able to pay for extra nursery care beyond the allowance provided by the government. The school manages its own breakfast club and after-school club that formed part of this inspection. The school holds the Healthy Schools Award. It works closely with St Mary's Church of England Junior School.

Inspection judgements

Overall effectiveness: how good is the school?	1
The school's capacity for sustained improvement	2

Main findings This is an outstanding school. It provides an exceptional array of activities to inspire and engage the pupils. One parent justifiably commented, 'I am very impressed with the curriculum, especially the way the classroom environment stimulates and enriches the children as well as showcasing some beautiful work.' Teachers find interesting ways to link different parts of the curriculum into fun-packed lessons, yet never lose sight of effective learning. Topics and themes are planned with the interests of pupils in mind, so Black African and Caribbean pupils find learning just as motivating as pupils from White and other backgrounds. Pupils are often out and about investigating local landmarks. They show great artistic talent and proudly display their colourful paintings of the local clock tower and Alexandra Palace. They are very active members of their own school community and, for infant pupils, are remarkably involved in what is going on in the local neighbourhood. Pupils love coming to school because all staff greet them with a very warm welcome and ensure they are looked after extremely well. One parent added, 'Both my daughters love school – it is so friendly and inclusive and nurturing.' Pupils from a wide range of different ethnic backgrounds all much enjoy their learning. They make good progress and attain high levels in reading, writing and mathematics because teaching is of a consistently good quality. On occasion the higher-attaining pupils do not receive challenging activities. Teachers mark work frequently and give pupils positive verbal feedback, but do not always note in writing that pupils have been given guidance on how to improve their work even more. Pupils who speak English as an additional language are successfully helped to overcome language barriers to reading and writing, so make similarly good progress. The care and attention paid to pupils with special educational needs and/or disabilities are particularly well organised and very specifically directed. As a result these pupils make exceptional progress. Pupils behave well and know the importance of healthy eating and regular exercise. Their spiritual, moral, social and cultural development is outstanding, founded on a strong Christian ethic which successfully encourages all pupils to care for each other and have a very positive outlook on life. The school community is extremely cohesive and is really effective in making those very important first steps in preparing pupils particularly well to socialise and work with people from all walks of life.

The headteacher gives a strong lead. In her first year she has familiarised herself thoroughly with the school and knows clearly what needs improving. She is well supported by a team of senior and middle managers who are ever more accountable

for attainment, tight record keeping and the quality of teaching and learning in their responsibility areas. Governors give a good strategic lead in financial and premises matters and are increasing their ability to question how different groups of pupils perform academically. Excellent partnerships have been established to promote pupils' learning and guidance. The school provides good quality information to parents and carers and successfully informs them how to help their children's learning from home. The school has good capacity for sustained improvement because it has raised pupils' achievement, met challenging academic targets and improved the provision for information and communication technology (ICT) since the last inspection. As one parent perceptively commented, 'The school has a real feeling of forward momentum.'

What does the school need to do to improve further?

ensuring work is always challenging enough for the higher-attaining pupils
adding comments when marking books to note that pupils have understood
how to improve their work.

Outcomes for individuals and groups of pupils

1

Most pupils arrive in Year 1 with levels of skills above those typically expected for their age. All pupils, whatever their ethnic background or gender, make good progress and over several years have been leaving at the end of Year 2 with high attainment. In 2011 significantly more pupils than nationally attained expected levels; all the more impressive when a third of the year group had learning difficulties. However, only average numbers of pupils attained the higher Level 3 in reading and writing.

Observations in lessons and the school's tight data tracking indicate that many current pupils are able learners and are achieving well not only in the core areas of reading, writing and mathematics but also in history, art and ICT. Pupils thoroughly enjoy school, using words such as 'fantastic', 'super', 'brilliant' and 'I love it' to describe their feelings. Attendance rates have rapidly improved recently and are currently above average. Pupils are well versed in school routines, settling down to learning quickly and eagerly. Lessons are invariably interspersed with pupils' observant comments or keen chatter – all very positive factors of animated learning. However, on occasion lessons can become a little noisy and progress slows. Pupils put good effort into their learning, persevering with challenging concepts. In a Year 1 English lesson, pupils put much thought into how to spell 'are' and 'they', feeling very proud when they successfully 'had a go' and wrote them correctly. Pupils work well together and make the most of talking partners to spark ideas off each other.

Pupils are the key factor in St Mary's very strong community ethos. They welcome new classmates with open arms, helping them if they are at the early stages of learning English or they have learning difficulties. In assemblies, pupils sing with

panache, but still bow heads quietly for prayer and reflect sensibly on what is right and wrong. Pupils have an extremely well-developed sense of how to keep themselves safe, turning to adults or the playground buddies if they are worried. The many excursions walking in the neighbourhood prepare them very well in road safety. Pupils are active, lively and devour plenty of fruit helping the school achieve Healthy Schools status, although a few do not eat as many green vegetables at lunch as they know they should. They keenly take on small jobs around the school, such as helping in assembly or participating in the school council. Their involvement beyond the school in the Hornsey area is particularly impressive, including planting bulbs in the churchyard and helping to lobby local businesses to support the Christmas fair. For infants, writing letters to the local authority asking for a Christmas tree outside the school or offering suggestions on the school lunch menu shows a very advanced sense of citizenship and democratic rights.

These are the grades for pupils' outcomes

Pupils' achievement and the extent to which they enjoy their learning	Taking into account:	1
Pupils' attainment:	The quality of pupils' learning and their progress	
	The quality of learning for pupils with special educational needs and/or disabilities and their progress	
		1
		2
		1
The extent to which pupils feel safe		1
Pupils' behaviour		2
The extent to which pupils adopt healthy lifestyles		2
The extent to which pupils contribute to the school and wider community		1
The extent to which pupils develop workplace and other skills that will contribute to their future economic well-being	Taking into account: Pupils' attendance:	2
		2
The extent of pupils' spiritual, moral, social and cultural development		1

1 The grades for attainment and attendance are: 1 is high; 2 is above average; 3 is broadly average; and 4 is low

How effective is the provision?

Teachers make every moment a learning moment through a day well planned to stimulate and engage pupils. From encouraging pupils to recite the alphabet as they settle for a story to gently correcting grammar as they line up for lunch, teachers always pay close attention to making the most of the pupils' time at school. They introduce topics to stretch pupils and have high expectations of their input. One example, the Guy Fawkes theme, successfully introduced firework safety to the pupils. It also effectively resulted in Year 2 pupils being able to recount the origins of bonfire celebrations linking them to King James 1 and his troubles with the Catholics. Younger pupils extend their learning outside very effectively. For example, pupils

used their mathematical knowledge to design a building with blocks, write a list of materials needed and even work out how many biscuits were needed for the tea break. The school day is interspersed with plenty of sport, including football, tennis and gymnastics. Teachers make appropriate use of workbooks to reinforce numeracy skills, although on occasion the higher-attainers find the exercises too simple and do not progress as fast as they could. Lessons are well organised and resources always available for pupils to access easily and independently. Teaching assistants are deployed especially well to ensure pupils who need extra help make great strides in their learning. Teachers mark work with encouraging comments. They discuss with each pupil what they could do even better. The easy access to computers in each classroom means ICT is a standard part of each lesson, helping pupils to make the most of modern technology across the curriculum. Outstanding care, guidance and support have resulted in good and outstanding outcomes in pupils' personal development because pupils not surprisingly feel safe, secure and very well looked after. The school liaises very closely with specialists and outside agencies to find the right support for pupils whose circumstances make them more vulnerable and those with particular special educational needs and/or disabilities. The breakfast and after-school clubs provide calm, safe and supportive places where pupils can play productive games or finish homework and rest after a busy day.

These are the grades for the quality of provision

The quality of teaching Taking into account: The use of assessment to support learning	2
	2
The extent to which the curriculum meets pupils' needs, including, where relevant, through partnerships	1
The effectiveness of care, guidance and support	1

How effective are leadership and management?

Pupils, parents, carers and staff hold the Headteacher in high esteem. Many parents and carers justifiably believe the school is going from strength to strength under a Headteacher who is energetic, determined and dedicated. Since her arrival, she has methodically identified what the school does well and what needs to be improved. She regularly monitors the quality of teaching herself and is now including a wider range of senior leaders to assist in this quality assurance. Senior leaders collaborate particularly well to enliven the curriculum with innovative ideas best matched to the pupils' needs. The school development plan is a useful, working document, carefully identifying the steps to further improvement and pinpointing precisely which member of staff should be accountable for the success of each priority. The school maintains a good bank of data to track how each pupil or group of pupils is progressing. It is in the process of transferring assessment information to a new computer system to ensure even more effective analysis. The governing body is knowledgeable about the context of the school and takes well-considered decisions to move the school

forward. It ensures procedures to safeguard pupils are robust and effective, with regular checks on the effectiveness of recruitment and child protection systems. Parents receive very good quality information on school events, their children's progress and how to help learning from home. They are valuable members of the school community and reciprocate by being active fund raisers and providing a great deal of voluntary help. However, a few parents and carers too readily keep their children off school causing disruption to smooth learning when pupils return and need the teacher's extra attention to catch up. Partnerships with business, the local authority and diocese promote learning and well-being very effectively. Pupils with special educational needs and/or disabilities achieve exceptionally well because of extremely successful links with professional experts. Strong connections with the junior school ensure pupils' smooth transition into Year 3. Community cohesion is at the heart of the school. Pupils are really proud of their different heritages and gladly share their customs and ways of life with others. With a very sound Christian understanding, pupils show tremendous enjoyment finding out about a wide range of religious festivals and visiting different places of worship. The school is well informed on the different backgrounds of pupils, ensuring they all have the same opportunities to achieve equally well.

These are the grades for leadership and management

The effectiveness of leadership and management in embedding ambition and driving improvement 2
 Taking into account: The leadership and management of teaching and learning

2

The effectiveness of the governing body in challenging and supporting the school so that weaknesses are tackled decisively and statutory responsibilities met 2

The effectiveness of the school's engagement with parents and carers	2
The effectiveness of partnerships in promoting learning and well-being	1
The effectiveness with which the school promotes equality of opportunity and tackles discrimination	2
The effectiveness of safeguarding procedures	2
The effectiveness with which the school promotes community cohesion	1
The effectiveness with which the school deploys resources to achieve value for money	2

Early Years Foundation Stage

Children love their time in the Nursery and Reception classes. One parent commented, 'My child is very happy to go to Nursery – even at the weekend if he could.' The care and attention paid to each individual child is excellent and means parents can leave their offspring with confidence. Staff have become expert at settling in new children as they arrive at the beginning of Nursery and Reception. Children very soon become independent and self-possessed. They behave well, get

on positively with each other and come on in leaps and bounds in their personal development. They move on to Year 1 as sensible and polite pupils. Children make good progress in all areas of learning and leave at the end of Reception with skill levels above what would be expected. Children achieve particularly well in physical and creative development because they are given plenty of opportunities to explore, climb and use their initiative. Inside and outside areas are set up with an exciting range of activities for painting, junk-modelling and building. A generous complement of staff interacts well with the children, encouraging plenty of conversation and instilling a love of books and reading. The newly established key worker system means each member of staff can concentrate on ensuring children in their small group are achieving as they should. Key workers plan activities to match individual need, whether for children with learning difficulties or those who are able and talented. Systems to assess progress are effective but on occasion notes on what each child can do are not filed quickly enough to ensure all the most up-to-date information on each child is in one place for quick identification of any dips in achievement. The early years leader, based in the Nursery, is clear about the strengths and areas for development and is working well with her reception colleagues to maintain a cohesive and strong foundation stage.

These are the grades for the Early Years Foundation Stage

Overall effectiveness of the Early Years Foundation Stage Taking into account: Outcomes for children in the Early Years Foundation Stage The quality of provision in the Early Years Foundation Stage The effectiveness of leadership and management of the Early Years Foundation Stage 2

2

2

2

Views of parents and carers

The vast majority of parents and carers are happy with all that the school does for their children. They nearly all agree that their children enjoy school and are kept safe. All believe the school is led and managed effectively. The inspection team concurs with all these positive sentiments. A few parents and carers have concerns that the school does not help them to support their children's learning or keep them informed about progress. The inspection team judges that the school communicates well with parents involving them positively in their children's learning.

Responses from parents and carers to Ofsted's questionnaire

Ofsted invited all the registered parents and carers of pupils registered at St Mary's Church of England Infant School to complete a questionnaire about their views of the school. In the questionnaire, parents and carers were asked to record how strongly they agreed with 13 statements about the school.

The inspection team received 103 completed questionnaires by the end of the on-site inspection. In total, there are 230 pupils registered at the school.

Statements	Strongly agree		Agree		Disagree		Strongly disagree	
	Total	%	Total	%	Total	%	Total	%
My child enjoys school	75	73	27	26	1	1	0	0
The school keeps my child safe	67	65	35	34	1	1	0	0
The school informs me about my child's progress	42	41	52	50	5	5	1	1
My child is making enough progress at this school	53	51	46	45	2	2	0	0
The teaching is good at this school	56	54	44	43	0	0	0	0
The school helps me to support my child's learning	52	50	43	42	5	5	1	1
The school helps my child to have a healthy lifestyle	50	49	47	46	2	2	0	0

The school makes sure that my child is well prepared for the future (for example changing year group, changing school, and for children who are finishing school, entering further or higher education, or entering employment)	48	47	40	39	2	2	0	0
The school meets my child's particular needs	48	47	47	46	4	4	0	0
The school deals effectively with unacceptable behaviour	46	45	49	48	2	2	0	0
The school takes account of my suggestions and concerns	39	38	55	53	1	1	0	0
The school is led and managed effectively	62	60	36	35	0	0	0	0
Overall, I am happy with my child's experience at this school	69	67	33	32	1	1	0	0

The table above summarises the responses that parents and carers made to each statement. The percentages indicate the proportion of parents and carers giving that response out of the total number of completed questionnaires. Where one or more parents and carers chose not to answer a particular question, the percentages will not add up to 100%.

Glossary

What inspection judgements mean

Grade	Judgement	Description
Grade 1	Outstanding	These features are highly effective. An outstanding school provides exceptionally well for all its pupils' needs.
Grade 2	Good	These are very positive features of a school. A school that is good is serving its pupils well.
Grade 3	Satisfactory	These features are of reasonable quality. A satisfactory school is providing adequately for its pupils.
Grade 4	Inadequate	These features are not of an acceptable standard. An inadequate school needs to make significant improvement in order to meet the needs of its pupils. Ofsted inspectors will make further visits until it improves.

Overall effectiveness of schools

Type of school	Overall effectiveness judgement (percentage of schools)			
	Outstanding	Good	Satisfactory	Inadequate

Nursery schools	43	47	10	0
Primary schools	6	46	42	6
Secondary schools	14	36	41	9
Sixth forms	15	42	41	3
Special schools	30	48	19	3
Pupil referral units	14	50	31	5
All schools	10	44	39	6

New school inspection arrangements were introduced on 1 September 2009. This means that inspectors now make some additional judgements that were not made previously. The data in the table above are for the period 1 September 2010 to 08 April 2011 and are consistent with the latest published official statistics about maintained school inspection outcomes (see www.ofsted.gov.uk). The sample of schools inspected during 2010/11 was not representative of all schools nationally, as weaker schools are inspected more frequently than good or outstanding schools. Percentages are rounded and do not always add exactly to 100. Sixth form figures reflect the judgements made for the overall effectiveness of the sixth form in secondary schools, special schools and pupil referral units.

Common terminology used by inspectors

Achievement: the progress and success of a pupil in their learning, development or training. **Attainment:** the standard of the pupils' work shown by test and examination results and in lessons. **Capacity to improve:** the proven ability of the school to continue improving. Inspectors base this judgement on what the school has accomplished so far and on the quality of its systems to maintain improvement.

Leadership and management: the contribution of all the staff with responsibilities, not just the Headteacher, to identifying priorities, directing and motivating staff and running the school. **Learning:** how well pupils acquire knowledge, develop their understanding, learn and practise skills and are developing their competence as learners. **Overall effectiveness:** inspectors form a judgement on a school's overall effectiveness based on the findings from their inspection of the school. The following judgements, in particular, influence what the overall effectiveness judgement will be.

The school's capacity for sustained improvement.

Outcomes for individuals and groups of pupils.

The quality of teaching.

The extent to which the curriculum meets pupils' needs, including, where relevant, through partnerships.

The effectiveness of care, guidance and support.

Progress: the rate at which pupils are learning in lessons and over longer periods of time. It is often measured by comparing the pupils' attainment at the end of a key stage with their attainment when they started.

This letter is provided for the school, parents and carers to share with their children. It describes Ofsted's main findings from the inspection of their school.



4 November 2011 Dear Pupils Inspection of St Mary's Church of England Infant School, London N8 7BU Thank you very much for welcoming us to your school. Yours is an outstanding school. You make good progress. Teaching is good because teachers plan very interesting activities and lessons are fast paced. We think the school provides you with a very exciting range of trips, visitors and clubs. We are particularly impressed with your art and your historical work about Guy Fawkes. Your behaviour is good and you get on very well with each other. You know how to look after each other and are especially good at keeping yourselves safe. We like the way you keep yourselves healthy by eating plenty of fruit, enjoying sport and walking to school. We think you are all very community minded and are valuable members not only of St Mary's but also of Hornsey. To make your learning even better, we have asked your teachers to set the most able of you tasks that really challenge you. Also we have asked them to make notes when marking your books to show that you understand how to improve your work further. We certainly enjoyed our visit to your school. We know that your teachers and their assistants make your school a special place for you. All of you can help by always striving to do your best and making your families and the school proud of you. Yours sincerely Sarah McDermott
Lead inspector

St Mary's C of E Junior School

Inspection report

Unique Reference Number	102138
Local Authority	Haringey
Inspection number	376671
Inspection dates	10–11 November 2011
Reporting inspector	David Wynford Jones

This inspection of the school was carried out under section 5 of the Education Act 2005.

Type of school	Junior
School category	Voluntary aided
Age range of pupils	7–11
Gender of pupils	Mixed
Number of pupils on the school roll	216
Appropriate authority	The governing body

Chair	Linda Turton
Headteacher	Rosalind Wilkinson
Date of previous school inspection	30 March 2009
School address	Rectory Gardens Hornsey London N8 7QN
Telephone number	020 8340 4898
Fax number	020 8341 6501
Email address	admin@stmarysjuniors.co.uk

Introduction

This inspection was carried out by three additional inspectors. Inspectors visited an assembly and 11 lessons, observing 10 teachers. They held meetings with members of the governing body, staff and groups of pupils. They scrutinised a wide range of documentation, including the school's data on pupils' attainment and progress, procedures for keeping pupils safe and the priorities for the school development plan. Inspectors analysed 51 questionnaires completed by parents and carers, together with those from staff and pupils. The inspection team reviewed many aspects of the school's work. It looked in detail at a number of key areas.

Whether pupils' attainment in English and mathematics is declining and their rate of progress slowing.

How effectively assessment information is used by teachers to plan work that meets the different needs of pupils so that they make at least the expected rate of progress.

Whether pupils know their targets and how to achieve them.

How effectively leaders and managers at all levels are contributing to the development of the school.

Whether the school evaluates its performance accurately and with sufficient rigour to demonstrate that it has the capacity for sustained improvement.

Information about the school

St Mary's C of E Junior School is similar in size to most primary schools. Most pupils come from minority ethnic backgrounds and there are many nationalities represented within the school. The largest groups are represented by pupils of Black Caribbean and Black African heritage. The proportion of pupils of White British origin is much lower than the national average. The proportion of pupils speaking English as an additional language is much higher than that found in most primary schools. However, only a very few are at the early stages of learning to speak English. Although the percentage of pupils identified as having special educational needs and/or disabilities is higher than that found in most primary schools, the proportion with a statement of special educational needs is average. The proportion of pupils known to be eligible for free school meals is much higher than that found nationally. The school holds National Healthy School status and has gained the International School award. The school has

recently established a formal working relationship with its feeder infant school and entered into a school partnership improvement contract with the local authority and the diocese. The school runs a breakfast club during term time.

Inspection judgements

Overall effectiveness: how good is the school? 4

The school's capacity for sustained improvement 4

Main findings

In accordance with section 13 (3) of the Education Act 2005, Her Majesty's Chief Inspector is of the opinion that this school requires special measures because it is failing to give its pupils an acceptable standard of education and the persons responsible for leading, managing or governing the school are not demonstrating the capacity to secure the necessary improvement. Pupils' academic achievement is inadequate. Pupils do not make enough progress during their time at the school. Although attainment is broadly average in English and mathematics, it has declined since the last inspection. Standards in science have also fallen. The school's assessment records confirm that the majority of pupils currently attending the school have not made the expected progress in reading, writing and mathematics from their starting points. This is because recommendations made at the time of the last inspection have not been addressed well enough. Issues remain relating to the equality of opportunity provided for pupils and the rigour and urgency with which leaders are monitoring and evaluating the quality of teaching and learning. As a result, teaching is inadequate overall, expectations are too low and pupils are not always challenged. Lesson planning provides a reasonable structure to lessons but teachers do not consistently use assessment information to plan work that meets pupils' differing needs and abilities. Strategies to enhance learning through the setting of targets, and to improve teachers' marking so that it provides sufficient guidance to pupils on how they can improve or self-evaluate their own work, are at an early stage of development. Scrutiny of pupils' exercise books and the school's assessment information shows that teaching is inconsistent and pupils do not make the expected rate of progress over time. There are a few examples of good teaching but this expertise is not being used sufficiently to help other teachers to improve their practice and to accelerate pupils' learning.

The headteacher has a generally accurate view of the school's strengths and weaknesses. However, some aspects of the school's self-evaluation of its performance are inaccurate or inflated. The governing body has not challenged senior and middle leaders or held them to account for the lack of progress in tackling the key recommendations from the last inspection and, in turn, leaders have failed to hold staff to account. Middle leaders have yet to make a significant contribution to the development of the school. The school has recently introduced a number of strategies to bring about improvements but it is too early to see the impact on pupils'

progress. Taking all these factors into consideration, without external support and more rigorous monitoring, the school does not have the capacity to secure sustained improvement. There are strengths within the school. These mainly relate to pupils' personal development. The school is inclusive. Pupils from many different nationalities get on well together. Community cohesion is promoted effectively. Pupils have a good understanding of other cultures. Relationships between staff and pupils are good. The quality of care provided for all pupils, including those at an early stage of learning English as an additional language, pupils whose circumstances may make them vulnerable and those with special educational needs and/or disabilities, is satisfactory.

What does the school need to do to improve further?

Raise attainment and accelerate pupils' rate of progress in reading, writing and mathematics across the school by:

- providing pupils with more opportunities to take responsibility for, and evaluate their own learning

- ensuring that teachers' marking consistently provides pupils with clear guidance on how to improve their work

- consolidating and extending pupils' reading, writing and mathematical skills across the curriculum and in all subjects.

Improve the quality of teaching and learning to at least good by:

- consistently using assessment information to plan work that challenges and closely matches the needs and abilities of all groups of pupils

- ensuring teachers have high expectations of what pupils can achieve
- giving staff more opportunities to share and build on good practice.

- improving the skills of senior and middle leaders to enable them to rigorously monitor and drive improvement to the quality of teaching and its impact on pupils' progress

- developing the skills of the governing body in holding the senior leadership team to account and in promoting rapid school improvement.

Outcomes for individuals and groups of pupils

Most pupils enter the school with skills and knowledge that are at least in line with those expected for their age. Recent assessments show that attainment on entry is rising. National assessment results for 2011, although unvalidated, show that the school is beginning to increase the proportion of more-able pupils who make the expected rate of progress. However, the school is less successful in ensuring that pupils of middle and lower ability make sufficient progress. The attainment and progress of the majority of pupils with special educational needs and/or disabilities,

those known to be eligible for free school meals and pupils who speak English as an additional language is below that found nationally. In recent years test results show that girls, and particularly those of Black African and Black Caribbean heritage, are not doing as well as they should. Strategies to close the gap in their attainment with that of other groups of pupils have not been successfully implemented. Nevertheless, pupils' average attendance, their ability to get on well together and their broadly average attainment in English and mathematics gives them satisfactory foundations and the necessary personal skills to prepare them for their future lives. The majority of pupils throughout the school have a positive attitude, want to learn and enjoy school. They respond well to effective teaching and readily engage in lessons. In those lessons which capture their interest, they work with sustained concentration and behave well. For example, during a literacy lesson, pupils in Year 5, worked together to review the features of a newspaper and to create a headline which involved alliteration. They came up with several examples which included 'the friendly, funny, frolicking fox' before moving on to create a newspaper headline about Guy Fawkes and the gunpowder plot. In this example, the choice of subject successfully linked the task to pupils' interests and the history curriculum. However, in too many lessons, pupils' enthusiasm is not captured to this extent. Comments from pupils included, 'I don't know what I have to do to make my work better', 'Sometimes the work is too easy and sometimes too hard', and 'Some of the work is boring.' Most pupils have a good understanding of healthy lifestyles and enjoy taking part in physical activities. This has assisted the school in gaining Healthy School status. Pupils contribute much to the school and the wider community. They actively raise funds for charity and take part in local events. Pupils proudly and seriously undertake their roles as members of the school council, peer mediators, the peace patrol, Eco rangers and house leaders. Pupils have a satisfactory understanding of how to keep themselves safe and feel confident that the school will address any concerns.

These are the grades for pupils' outcomes

Pupils' achievement and the extent to which they enjoy their learning Taking into account: Pupils' attainment ¹ The quality of pupils' learning and their progress The quality of learning for pupils with special educational needs and/or disabilities and their progress	4
	3
	4
	4
The extent to which pupils feel safe	3
Pupils' behaviour	3
The extent to which pupils adopt healthy lifestyles	2
The extent to which pupils contribute to the school and wider community	2
<small>¹ The grades for attainment and attendance are: 1 is high; 2 is above average; 3 is broadly average; and 4 is low</small>	
The extent to which pupils develop workplace and other skills that will contribute to their future economic well-being Taking into account: Pupils' attendance ¹	3
	3
The extent of pupils' spiritual, moral, social and cultural development	2

How effective is the provision?

Too many lessons are not taught well enough. This has led to the inadequate progress made by pupils by the end of Year 6. Some teachers do not routinely use their knowledge of pupils' attainment and learning needs to plan work that meets the range of ability in lessons. Some teaching assistants are not always used effectively, particularly at the start and the end of lessons. Occasionally, lesson introductions are too long and pupils are not given sufficient opportunity to take responsibility for, and to evaluate, their own learning. In the more effective lessons, teachers have high expectations of what pupils can achieve, capture their interest and set them challenging work. Effective questioning in some lessons is used well to check pupils' understanding and eliminate any misunderstandings before moving on. Activities sometimes engage pupils in the learning process and some teachers offer pupils clear guidance to improve their work, but this good practice is not yet consistent throughout the school. Planning to develop pupils' skills, knowledge and understanding in English and mathematics is satisfactory. This enables the majority of pupils to reach the level of attainment expected by the end of Year 6. However, pupils are not always given enough opportunities to apply their reading, writing and mathematics skills across the curriculum. The school has adopted a commercial scheme to enhance pupils' writing skills and recently introduced a 'back-to-basics' approach in mathematics. The teaching of other subjects has been recently reviewed and a topic-based approach has been adopted. However, opportunities to promote pupils' basic literacy and numeracy skills in other lessons have not been implemented consistently. Art and music are strengths within the school. This is reflected in the range of colourful displays around the school and in pupils' enthusiasm to take part in musical events. The curriculum is enhanced by a good range of extra-curricular activities and educational visits, for example, to Paris and more locally to Alexandra Palace. There are established links with the church and numerous organisations. These contribute much to enhancing the pupils' personal development but have yet to prove effective in accelerating their academic progress.

Appropriate procedures are in place to ensure the safety and well-being of pupils. The level of care is generally supportive and ensures that potentially vulnerable pupils are included in the life of the school. Pupils know that they can turn to staff for help. Transition arrangements from the feeder infant schools and to the secondary schools are well organised. As a result, pupils quickly settle into Year 3. Attendance is monitored and any unexplained absence followed up promptly. The school offers a breakfast club which many pupils enjoy attending on a daily basis. One parent wrote,

'The breakfast club is good value. My child really looks forward to attending it.'

These are the grades for the quality of provision

The quality of teaching Taking into account: The use of assessment to support learning	4
	4
The extent to which the curriculum meets pupils' needs, including, where relevant, through partnerships	3
The effectiveness of care, guidance and support	3

How effective are leadership and management?

The school has correctly identified the key priorities for development. However, there is insufficient drive within the leadership team to bring about rapid improvement in pupils' attainment and progress. The school improvement plan has yet to be completed. Systems for monitoring the quality of teaching are in place, but lesson observations do not link closely enough the quality of the teaching with the amount of progress pupils make in lessons. At a strategic level, pupils' attainment and progress are analysed but this information is not used sufficiently to challenge underperformance and to raise teachers' expectations. The governing body is supportive and ensures that the school meets the statutory requirements for safeguarding. The correct procedures are in place and staff are suitably trained. The school welcomes the recent partnership contract with the local authority and the diocese, and the working relationship with the feeder infant school to enhance pupils' learning and accelerate their progress. A governing body committee is in the process of being set up to focus on pupils' attainment and progress. It is too early to judge the impact of these initiatives. Actions to address the long-standing differences in performance between boys and girls, and pupils of different abilities, have not been effective. Consequently, the promotion of equality of opportunity is inadequate. In contrast, the school makes a good contribution to promoting community cohesion in this culturally diverse area. Pupils of all backgrounds get on well together throughout the school. They show respect for each other's religious and cultural background. Links exist with schools in Devon, France and China, which broaden pupils' experiences and understanding beyond the locality. Exchange visits take place. These have helped the school gain the International School award. The school is projecting a financial over-spend by the end of the financial year. This has still to be agreed by the local authority. The projected over-spend, coupled with the inadequate outcomes for pupils, means that the school does not provide value for money.

These are the grades for leadership and management	
The effectiveness of leadership and management in embedding ambition and	4

driving improvement Taking into account: The leadership and management of teaching and learning	4
The effectiveness of the governing body in challenging and supporting the school so that weaknesses are tackled decisively and statutory responsibilities met	4
The effectiveness of the school's engagement with parents and carers	3
The effectiveness of partnerships in promoting learning and well-being	4
The effectiveness with which the school promotes equality of opportunity and tackles discrimination	4
The effectiveness of safeguarding procedures	3
The effectiveness with which the school promotes community cohesion	2
The effectiveness with which the school deploys resources to achieve value for money	4

Views of parents and carers

The proportion of questionnaires returned by parents and carers was lower than in most primary schools. All stated that their children enjoy school and nearly all said that their children are kept safe. The majority of parents and carers who responded to the questionnaire are positive about the school. However, a small minority of parents and carers felt that the school is not well led and managed, that the school does not take account of their suggestions and concerns, and that their children are not making enough progress. Inspectors found that, while there are some strengths within the leadership and management of the school, overall it is inadequate. The school has not made enough progress since the last inspection and the large majority of pupils do not make the expected rate of progress. The school welcomes the involvement of parents and carers in their children's education and is seeking ways to ensure they are more involved.

Responses from parents and carers to Ofsted's questionnaire

Ofsted invited all the registered parents and carers of pupils registered at St Mary's C of E Junior School to complete a questionnaire about their views of the school. In the questionnaire, parents and carers were asked to record how strongly they agreed with 13 statements about the school.

The inspection team received 51 completed questionnaires by the end of the on-site inspection. In total, there are 216 pupils registered at the school.

Statements	Strongly agree		Agree		Disagree		Strongly disagree	
	Total	%	Total	%	Total	%	Total	%
My child enjoys school	24	47	26	51	0	0	0	0

The school keeps my child safe	21	41	28	55	1	2	0	0
The school informs me about my child's progress	17	33	32	63	2	4	0	0
My child is making enough progress at this school	14	27	26	51	6	12	4	8
The teaching is good at this school	13	25	33	65	5	10	0	0
The school helps me to support my child's learning	12	24	35	69	2	4	0	0
The school helps my child to have a healthy lifestyle	12	24	34	67	4	8	1	2
The school makes sure that my child is well prepared for the future (for example changing year group, changing school, and for children who are finishing school, entering further or higher education, or entering employment)	16	31	26	51	8	16	0	0
The school meets my child's particular needs	8	16	31	61	9	18	1	2
The school deals effectively with unacceptable behaviour	9	18	32	63	6	12	3	6
The school takes account of my suggestions and concerns	11	22	30	59	7	14	3	6
The school is led and managed effectively	15	29	22	43	5	10	7	14
Overall, I am happy with my child's experience at this school	18	35	26	51	6	12	0	0

The table above summarises the responses that parents and carers made to each statement. The percentages indicate the proportion of parents and carers giving that response out of the total number of completed questionnaires. Where one or more parents and carers chose not to answer a particular question, the percentages will not add up to 100%.

Glossary

What inspection judgements mean

Grade	Judgement	Description
Grade 1	Outstanding	These features are highly effective. An outstanding school provides exceptionally well for all its pupils' needs.
Grade 2	Good	These are very positive features of a school. A school that is good is serving its pupils well.
Grade 3	Satisfactory	These features are of reasonable quality. A satisfactory school is providing adequately for its pupils.

Grade 4	Inadequate	These features are not of an acceptable standard. An inadequate school needs to make significant improvement in order to meet the needs of its pupils. Ofsted inspectors will make further visits until it improves.
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Overall effectiveness of schools

Type of school	Outstanding	Overall effectiveness judgement (percentage of schools)		
		Good	Satisfactory	Inadequate
Nursery schools	43	47	10	0
Primary schools	6	46	42	6
Secondary schools	14	36	41	9
Sixth forms	15	42	41	3
Special schools	30	48	19	3
Pupil referral units	14	50	31	5
All schools	10	44	39	6

New school inspection arrangements were introduced on 1 September 2009. This means that inspectors now make some additional judgements that were not made previously. The data in the table above are for the period 1 September 2010 to 08 April 2011 and are consistent with the latest published official statistics about maintained school inspection outcomes (see www.ofsted.gov.uk). The sample of schools inspected during 2010/11 was not representative of all schools nationally, as weaker schools are inspected more frequently than good or outstanding schools. Percentages are rounded and do not always add exactly to 100. Sixth form figures reflect the judgements made for the overall effectiveness of the sixth form in secondary schools, special schools and pupil referral units.

Common terminology used by inspectors

Achievement: the progress and success of a pupil in their learning, development or training. **Attainment:** the standard of the pupils' work shown by test and examination results and in lessons. **Capacity to improve:** the proven ability of the school to continue improving. Inspectors base this judgement on what the school has accomplished so far and on the quality of its systems to maintain improvement. **Leadership and management:** the contribution of all the staff with responsibilities, not just the headteacher, to identifying priorities, directing and motivating staff and running the school. **Learning:** how well pupils acquire knowledge, develop their understanding,

learn and practise skills and are developing their competence as learners. Overall effectiveness: inspectors form a judgement on a school's overall effectiveness based on the findings from their inspection of the school. The following judgements, in particular, influence what the overall effectiveness judgement will be.

The school's capacity for sustained improvement.

Outcomes for individuals and groups of pupils.

The quality of teaching.

The extent to which the curriculum meets pupils' needs, including, where relevant, through partnerships.

The effectiveness of care, guidance and support.

Progress: the rate at which pupils are learning in lessons and over longer periods of time. It is often measured by comparing the pupils' attainment at the end of a key stage with their attainment when they started.

This letter is provided for the school, parents and carers to share with their children. It describes Ofsted's main findings from the inspection of their school.



15 November 2011

Dear Pupils **Inspection of St Mary's C of E Junior School, Hornsey N8 7QN**

Thank you for making us so welcome when we visited your school, for completing the questionnaire and talking to us so politely. There are some things that your school does well, for example, the way staff have helped you gain a good understanding of healthy living, encouraged you to make a good contribution to the school and the wider community, and promoted your spiritual, moral, social and cultural development. The relationships between adults and pupils are good and everyone is made welcome. The school has been less successful in making sure that you make enough progress in your reading, writing and mathematics. There has been a gradual decline in pupils' achievements and this is shown in the national test results since the last inspection. Although attainment in English and mathematics by the end of Year 6 is broadly in line with that of most schools, it should be higher and many of you could be doing better. The inspectors found that the governing body, the leadership team and the staff need extra help to improve your school. Consequently, we have placed the school in 'special measures'. This means that inspectors will visit on a regular basis to check that you and your school are making enough progress. We have asked the governing body, the senior leaders and the staff to do three things.

First, to make certain you make quicker progress in reading, writing and mathematics by getting you more involved in your learning, giving you more opportunities to develop

these skills in other lessons and subjects, and providing you with clear guidance on how to improve your work.

Second, to use the information from assessments of your work better so that teachers plan work that is just right for you. We have also asked your teachers to share good practice in teaching so that all lessons help you to do much better.

Third, to develop the skills of the governing body and leadership team in monitoring the work of the school to ensure that it improves rapidly.

Please remember, to make your school better you must play your part by always working hard. Yours sincerely David Wynford-Jones
Lead inspector

**Appendix 3 – Statutory notice published in Haringey Advertiser 2
November 2012**

ST MARY'S CE SCHOOLS N8: NOTICE

**St Mary's CE Schools N8: Proposal to significantly enlarge the age-range of the Infants
School (DFE:309/3306) on the discontinuation of the Junior School(DFE:309/3305)**

Notice is given in accordance with sections 15(2) and 19(3) of the Education and Inspections Act 2006 that the Governing Bodies' of St Mary's CE Schools N8 intends to make a prescribed alteration to the Schools by discontinuing the Junior School on 31st December 2012 and significantly enlarging the age-range of the Infants School by incorporating into it from 1st January 2013 the current capacity of the Junior School.

All statutory consultation requirements relating to this proposal have been complied with, including the holding of Consultation meetings with Staff and Parents and the Church and the wider community.

It is proposed that the enlarged age-range of the Infants school will, from 1st January 2013, incorporate the current Years 3-6 capacity of the present St Mary's CE Junior School. The current capacity of St Mary's CE Junior school is 240 and the proposed capacity of the enlarged age-range School will be 480. The admission number for the school will remain at 60. Years 3-6 will occupy the Rectory Gardens site presently occupied by the Junior School.

Copies of the complete proposal can be obtained from:

Lorraine Christou, St Mary's CE Infants School, Church Lane, N8 7BU, and are also available on the website of the Infants School, stmarys-infants.ik.org, and of the Junior School, stmarys-juniors.ik.org.

Within six weeks from the date of publication of these proposals, any person may object or make comments on the proposals by sending them to:

FAO Jennifer Duxbury, Directorate of Children and Young People's Services, 48 Station Road, Wood Green, London N22 7TY.

The age-range enlarged school will have one Headteacher and two Deputy Headteachers. One Deputy Headteacher will be responsible for the Nursery-Year 2 age-range and the second Deputy Headteacher will be responsible for Years 3-6. The Governing Body will reflect the School's all-through Primary age-range.

Publication Date: 2nd November 2012

ST MARY'S CE SCHOOLS

**ST MARY'S CE SCHOOLS N8: Statutory Notice dated
21st March 2012 setting out the Governing Bodies' Proposal
to discontinue St Mary's CE Junior School (DFE:309/3305)
and significantly to enlarge the age-range of St Mary's CE
Infants School (DFE:309/3306)**

The above statutory notice dated 21st March 2012 in respect of St Mary's CE Schools is being withdrawn in accordance with the provisions of paragraph 4.67 of the Department for Education's guidance 'Making changes to a Maintained Mainstream School'

Appendix 4 – Consultation

This appendix contains the following documentation:

1. An overview of the consultation process as provided by the schools to the LA
2. Letter to parents dated 2 Feb 2012 inviting them to a public meeting.
3. Minutes of the meeting with parents on 9 Feb 2012
4. Minutes of the meeting with staff on the 9 Feb 2012
5. Minutes of the community meeting held on 6 March 2012
6. Governor Statement on proposed changes
7. Community Consultation invite (sent to local community stakeholders and to MP)
8. Invite to staff
9. Questionnaire for parents

- 1) Summary of Consultation carried out by St Mary's Infant and Junior Schools (summary compiled by the GB and given to the LA)

Consultation on Proposal to amalgamate St Mary's CE Infants School and St Mary's CE Junior School by discontinuing St Mary's CE Junior School and significantly enlarging the age-range of St Mary's CE Infants to form St Mary's CE Primary School.

At its OFSTED inspection, **November 2-3rd 2011**, St Mary's CE Infants School was judged to be Outstanding. The following week, November 10-11th, St Mary's CE Junior School was placed in Special Measures. The Headteacher of the Junior School subsequently took early retirement. The Headteacher of the Infants School, Fran Hargrove, has also become the Interim Headteacher of the Junior School since the start of this term.

The Chairs and Vice-Chairs of the two schools met with Liz Wolverson, Director of Schools Support Services, and Penny Harvey, Schools Management Adviser, of the LDBS, on 17th January to discuss a proposal to discontinue the Junior School and significantly enlarge the age-range of the Infants School to form an all-through primary school on the present two sites.

Following this the Governing Bodies of the two schools each passed a resolution to begin a period of consultation on a proposal

- I in the case of the Junior School, to discontinue the school
- li in the case of the Infants School, to extend the age-range of the Infants School intake to include years 3-6.

The process of consultation began next day, **26th January**. The Chairs and Vice-Chairs act as the Steering Group for the consultation, with a designated P.A., Lorraine Christou, admin2stmarysCEharingey.sch.uk.

On **27th January** a statement of the proposal was circulated to parents of both schools, and further circulated to the staff of both schools.

Three meetings for consultation of Staff, Parents and the wider community were set up:

i for all Staff of both schools on Thursday **9th February** at 5.30 p.m. at the Infants School

ii for Parents and Carers of children at both schools on Thursday **9th February** at 6.30 p.m. at the Infants School. Speakers to be Penny Harvey, LDBS, and Lynn Hargreaves, LDBS, and a speaker from Haringey Children's Services.

Two notices were circulated to Staff and Parents and Carers for these two meetings. The Staff notice contained the Governors Statement which had already been circulated to Parents and Carers, as above.

iii A Church and Community meeting for consultation of the wider community is planned for Tuesday **March 6th** at Hornsey Parish Church to be chaired by the Rector, Fr Bruce Batstone.

We have to date consulted from Haringey:

i Preliminary notice to Jan Doust

ii John Rehann, who has advised us on setting up the meeting with Staff

iii Claire Saul, Press

iv Steve Worth, who has met with the Steering Group over present and future issues of Finance.

The Steering Group has met five times:

1 Meeting of 27th January: CG, DLD, AP. Apologies LT.

The meeting lasted 3 ½ hours. At the first SG meeting we agreed to set up a Steering Group file of all papers that would eventually go to the Local Authority as written background material to the Consultation process.

Fran (present for part of the meeting) suggested LORRAINE CHRISTOU to be the SG PA. It was agreed that all correspondence to both schools, GBs etc from the SG should be via Lorraine.

Fran told the meeting that JAN DOUST of the LA had offered support to the SG with:

Press Office

Personnel advice

Finance Advice

Legal Stability of the school

CG to liaise with Jan Doust.

Letters were needed from the SG to Staff, Unions plus invitation to Staff meeting, Haringey (NB. later advised by Penny Harvey, LDBS, to keep the LA informed but not by letter)

Agreed various meetings to be set up : Staff

Parents

Community and Church

Fran early next term

Urgent action: Fran's pay as Interim Head

Other actions:

early Summer Term: Fran's revised Job Spec;

Instruct Payroll re Fran's salary – ½ paid by the Infants; ½ paid by the Juniors;
additional costs paid by Juniors;

Monthly invoices to Juniors for Staff costs (NB. another process suggested by LA later)

CG to ensure that requisite dates entered into Infants GB minutes.

Agreed: Further dates for SG and to work with Federation WP plus Transition WP.
Agenda for next SG meeting

CLARE SAUL Haringey Press Officer rang at this time – DLD explained above. CS to send out Press Release for Community meeting.

There followed a long discussion about the makeup of the Steering Group with a frank evaluation of the views and sensitivities of Infant and Junior Governors.

2 Meeting of 31st January:

CG and DLD met with Lorraine Christou to go over the role of SG PA and to bring her up to speed. Drafted letters to Staff and Parents; spoke to Infant Staff Union reps about draft letter and arrangements for Staff Consultation meeting.

3 Meeting of 3rd February: CG, DLD, LT, LC. Apologies AP.

The meeting lasted approximately 1 ¾ hours
LC reported on the SG file.

HT's salary: LT to obtain information on Dep Hd's salary urgently.

DLD reported back on conversation with Steve Worth, LA Finance.

DLD reported back on conversation with John Rehann, LBH Personnel, re how to charge % of salaries (additional costs) from Infants to Juniors.

Arrangements for both Consultation Meetings of **9th February** were agreed. Date for Community meeting to be arranged.

CG advised that the Infant GB agreed that the Transition Working Party should be involved in the Federation Working Party. Update from the SG will be given at the FEDwpty on **29th February**.

Actions: LT to liaise urgently with Fr Bruce re Community meeting date.
CG/LT to talk to members of the congregation who represent community interests.

LC to find out what the Publication Notice entails (8th March NOW 16th MARCH)
LC to work on Question for both Staff and Parents
LC to chase AP for the Preamble.

Next meetings arranged and rudimentary agenda.

10th January meeting snowed off.
Half Term.

4 Meeting of 20th February: CG, DLD, LC, Paul Walker invited for Finance feedback re Steve Worth, Fr Bruce invited to discuss Community Meeting, Fran present for part of the meeting.

Apologies LT, AP was off the group for now.
The meeting lasted approx 2 ½ hours.

Feedback from Fran and Helen on the meeting with Steve Worth about how to set the two budgets with a third shadow budget.

PW invited on to the SG to fill the vacancy from the Juniors. Agreed by all. To be ratified by JunGB in due course.

FH proposed that John Hoggard's role as Link Finance Governor for the InfGB be extended to include linking with the JunResources Committee. Agreed, PW to invite JH.

Community meeting arrangements were agreed.
Decided to invite local shopkeepers and businesses; PW and Fr Bruce to deliver fliers.

Q re name of the new school. Discussed. (NB. Penny Harvey advice v. renaming at this stage)

Next meeting arranged and rudimentary agenda. Meeting thereafter prior to FEDwpty.

5 Meeting of 24th February CG, DLD, LC, PW; Apologies LT
The meeting lasted approximately 4 hours.

Discussion re correspondence received from LT re make up of the SG; comments noted. Discussed a proposal to conduct business electronically, decided face to face meetings are more effective.

Consultation meetings notes agreed and to be circulated.

Community meeting **6th March** at 6,00p.m. Final arrangements discussed. Minimum of two representatives from both GBs.

Actions: LC to produce flyer for Community meeting.

LC to contact Clare Saul re press release

LC to contact Michael Thompson for clarification on contact list

LC to invite Federation of Residents Associations

LC to e-mail LT re reps from JunGB on panel

LC to liaise with Fr Bruce re speakers etc. (Anna Cumbers to be invited)

SG members on the door to meet and greet

PUBLICATION: CG updated on legal aspects following discussions with PH and Michael Thompson

PH to put some details into the Notice Builder, send to CG, CG to add in final details

PH advised that Publication can be at any time after the end of the Informal Consultation. On Publication we announce when Formal Consultation starts which will be **17th March** (subsequently carried out on **2 November 2012**) (Representation)

Meeting dates agreed including for both GBs to approve further motions to Publish. CG to send motion to LT for JunGB.

The interim Head's salary was discussed and approved (following an earlier discussion with HT)

SG PA to give update on number of hours spent as PA.

FEDwpty to receive report from SG on progress and draft notice for Publication.

2) LETTER FROM GBs INFANT AND JUNIOR SCHOOLS DATED 2 February 2012

Dear Parents and Carers

Consultation on Proposal to amalgamate St. Mary's C.E. Infants School and St. Mary's C.E. Junior School by discontinuing St Mary's C.E. Junior School and significantly enlarging the age range of St Mary's C.E. Infants School to form St Mary's C.E. Primary School

Last week we sent you a statement from the Governors setting out our proposal to establish one future St Mary's CE Primary School on both sites.

As part of the initial consultation process we would like to invite you to a meeting to explain the process and to answer any questions you may have about the proposal.

We have invited representatives of the London Diocesan Board for Schools, Haringey Education and the Governing Bodies of the two Schools.

This meeting is to seek your views as parents and carers of children in our two schools.

The meeting will be held in the Infants School on Thursday 9th February at 6.30pm.

We very much look forward to seeing you there.

With best wishes

From the Chairs and Deputy Chairs of the Governing Bodies: Clare Goymer, Debbie Langdon-Davies, Linda Turton, Annie Perkins

3) Minutes of Parent Consultation on 9th February 2012

Present for Panel: Claire Goymer, Chair of Governors, Infants
Linda Turton, Chair of Governors, Juniors
Debbie Langdon Davies, Vice Chair of Governors, Infants
Lorraine Christou, PA to the Steering Group
Lynne Hargreaves
Ros Cook
Mark Jameson

Claire/Linda welcomed all the Parents and outlined the proposal to establish a new Primary School by discontinuing the Junior School and extending the age range of the Infants School up to Year 6. They explained that the proposal is about keeping the two schools together and the sites remaining as they are, therefore having one Primary School on two sites.

Lynne Hargreaves reiterated what had been proposed and said that there are huge benefits of merging the two schools together. It would mean that Junior School would cease and the Infants School would significantly enlarge extending the age range up to year 6. There would be no extra children. It would all operate in the same place with the same children and same staff. If the results of the proposal are successful it would mean one Primary School with the Infants and Juniors operating in their existing buildings. Mrs Hargrove would be the Headteacher of the School, operating between both sites.

Claire explained that the Governing Body have been moving toward getting a common curriculum across the schools for some time especially with what happens in the transition from Infants to Juniors.

LH then opened it up for any questions.

Q: Will there be two Governing Bodies

A: There will be one.

Q: Will the roles be changing

A: There will be one GB moving forward. We will ensure all everyone works closely together to make it as smooth as possible. The new GB will not increase in size. We would need augmentation, the Infant GB will continue on paper but w need Junior Governors as well.

Q: Is there any obligation to obtain those that are with the GB.

A: The obligation is to obtain an all through age range but we need Junior Representation eg: of staff. We have to reflect that in the new Primary School

Comment: As an Infant Parent I would be very happy for the Junior GB to be despanded. I would be very happy for the Infant GB to take over and continue. I am fully in favour of this amalgamation and for Fran Hargrove to continue as Headteacher along with her team.

Q: My child is in the Infants, and I am really pleased about the change. What steps are you taking about the Juniors

A: It's important to emphasise that the two schools are remaining on both sites. Since the results of the Juniors was published we have had a lot of help from the LBA and we are keen to secure Fran Hargrove as Headteacher. There is a really stringent plan in place and that will continue. The HMI will continue to monitor and the GB will make sure that it won't slip. The improvement drive at the Juniors will continue.

Q: Has sufficient thinking been made so that Fran Hargrove has been given sufficient support in her SLT. Do we have reassurance that she is supported?

A: It is a very rigorous plan and Fran has recognised what she needs, these have been put in place and will continue.

Q: Have we got the reassurance that she is supported by LEA/LDBS to have the right staff

A: In effect it's about the GB as we have the say in what goes on. The Finance and HR people are coming to our steering group to work with us and Fran is working with us.

Q: Does that mean there will be more staff or will the staff be taking on bigger workloads

A: There is the existing staff. No-one's workload has increased beyond an acceptable level. The staff are being looked after. We are monitoring it along with the budgets. The Infants school receives a substantial support from the Grieg Trust – a charity that we receive an annual award from.

Q: On a financial aspect has Haringey given a budget to work with. What is the financial advantage of the Schools merging. Can we also have a monthly update.

A: Yes we will give updates.

- At the moment discussions are taking place with the two Office Managers and Fran Hargrove regarding the managing of the budgets.
- Steve Worth is thinking about how to work out what the budgets are now and what the budget will be for the future. There is a meeting arranged and they will report to the Steering Group. He will let us know the implications.
- The Financial Advantage, in the Infants there is a healthy budget and not so healthy in the Juniors. As there will be two sites for one school the procurement will be better. We have already taken advantage of that in terms of Insurance, photo copiers etc.

We have a stringent resource committee. We are conscious that to make improvements we need to spend money.

Q: On the assumption that the Primary School is agreed, when will we have information from HMI about how it is done.

A: There will be a period when HMI will be looking at it. They will be watching very carefully. If they think progress is being made year on year then they will stop. They will continue to do the Annual check and the timing of this is on the OFSTED website.

Q: What I understand is that the Infant School Governing Body will continue. There are some very good Parent Governors at the Juniors that are keen to see change. It would be good for them to be added to the GB. Will that happen.

A: The first priority is that there is adequate representation from Parents and Staff. We need to keep to the 16.

Q: Can the Parents play any part in the selection

A: Through your elected governors. The Chair of Governors is elected by the GB. Its important that the Parents want to influence the GB and to let their views known. This can be done through the PSA or by coming to the GB meetings. Any views in writing should be sent to Lorraine Christou.

Q: Will there be representations from GB to Junior Staff to tell them what has been said

A: Fran Hargrove is Headteacher and what goes to staff is only partly up to Governors. It will be drawn to Fran's attention.

Q: Are staff happy with the proposal

A: Unions and Staff are all happy with the Proposals.

Comment from Parent – worth noting that the last time there was a vote there was a very poor response

Comment from Parent – There is miscommunication at the Junior School. Can we have more text/emails etc

Q: It's very rare to have one school with two sites so far apart. What are the risks.

A: When we went into Federation we took Haringey's advice to look at this. The Federation worked. There are many schools that operate apart. It can work as Fran has looked at how it is possible. The Infant children have always been taken to the Juniors anyway. One advantage is that the children will not have to apply anymore to go to the Juniors.

Q: I want to thank Mrs Hargrove. I took my son of the Junior School list when the OFSTED report came out but I will now apply for him. Are the children moving site.

A: No, the children will stay where they are. The teachers will meet as one school.

Q: Have you considered the cost of moving the teachers out of the classroom

A: From September there will be an arrangement where the teachers will be and they will stay with that class. I believe the instance you referred to is when Ms Fennel came out of class. This was to build a stronger leadership.

Q: There are different ways of looking at different skills. In terms of teaching, is there any thought of teachers splitting between KS1 and KS2.

A: There will be discussions. Expectations are that skills will be looked at. Staff will be asked what their preferences are but they will not be expected to work in an area they are not comfortable in.

Q: I am very pleased that we have got to this point. Can you explain the strategies that were looked at.

A: The strategies were

- Stay as we are
- Being forced into an academy
- Hard federation
- The route that we have taken and keep Fran as Headteacher
- Closed both schools and put proposal to open new school

Q: Most people are talking about support, our assumption is that Fran will continue. A problem could be that in helping the Juniors the Infants could suffer. What will happen if Fran is not here in 3 to 4 years.

A: Things will not happen overnight but assurances are given that the Infant GB is not anticipating that happening.

It is an important point to make but when we met with HMI they were satisfied with the processes in place to improve.

Fran Hargrove has already made provisions to ensure that her staff have all the right skills.

Q: Can we have the Governing Body meeting dates in newsletters please.

A: Yes. The next meeting for the Infants is 20th March

Comment: We all have to remember that the team at the Infants is brilliant. My child has just started in Year 3 and I have noticed a difference in my son. However it has changed so much since Fran has been there. Fran is always on the gate talking to Parents.

Q: Will training be given to Teachers. I want to be assured that if my son goes to the Juniors he will continue to do well.

A: A rigorous programme is being put in place. Impress on your teacher to enquire how your child is doing.

Q: Will we have access to that

A: Fran is producing a plan

Q: Will both schools be kept updated on what is going on

A: You will be kept updated at each stage. As Parents you can see as a school what we are doing.

Q: Do we trust the Processes and the Teachers, I want to trust everything but find it hard to trust the Juniors.

A: We are in a position where we don't want the Juniors to be so we have to try and put in place a programme as soon as possible.

Q: The teachers at the Juniors, are they being groomed

A: Yes absolutely, it's about making sure everyone reaches their potential.

Claire Goymer thanked everyone for attending the meeting. She reminded everyone of the Community meeting which is on 6th March in the Church Hall. Any further questions should be put through Lorraine Christou, PA to the Steering Group.

4) Minutes from Staff Consultation on 9th February 2012

Present for Panel: Claire Goymer
Linda Turton
Debbie Langdon Davies
Lorraine Christou
Penny Harvey
Ros Cook
John Rehahn
Mark Jameson

Present for Union Sean Fox – Unison
Julie Davis – NUT
Pat Forward – Unison
Kim Slater - NUT

Claire welcomed all staff and outlined the proposal to establish a new Primary School by discontinuing the Junior School and extending the age range of the Infants School up to Year 6. She introduced all the panel and explained that the meeting would be minuted

Penny Harvey explained that there was no need to worry. The proposal was that the Junior School would cease and the Infants School would significantly enlarge. It would all operate in the same place with the same children and same staff. All Junior School staff would be TUPE'd over to St Mary's Primary School and the Infant's Staff would remain the same but would just have a new employer – St Mary's Primary School.

PH then opened it up for any questions.

Q: When will it happen? When will new contracts start

A: Proposed to start on 1st September 2012. Discussions will take place individually before that.

Q: So new contracts will start on 1st September and discussions before that

A: Yes, 6 week informal consultation then 6 week formal consultation. It started on 26th January.

Terms and conditions will not change, people will move forward in current jobs and you will be protected from the moment of transfer.

Q: Will the switch from Junior to Primary happen overnight. Will we lose any pay.

A: Yes and there will be no loss of pay.

Q: With regards to OFSTED, you say start on a clean sheet.

A: The proposal is to enlarge the Infants School. OFSTED and HMI will be looking and there is likely to be an inspection. The HMI visits will stop but it doesn't stop the OFSTED visits for the new School.

(FH) advised that HMI didn't think that visits would stop entirely and that there was likely to be one more visit.

(PH) advised that as the School that is in special measures will close then the visits should stop.

(LT) advised that the process will continue up to July.

Q: With regards to the Infants – does that rating still apply

A: Yes.

Comment: Sometimes Teachers in Juniors do not want to work in Infants – the School is doing its best for the children so teachers will be put where they feel confident. A form will go out to all staff asking for their preference. This is the usual practice. It doesn't however stop people requesting to work in another area.

Q: In terms of next process, how do Parents get involved

A: There are 3 consultations – Staff meeting tonight, Parents meeting tonight and a community meeting on 6th March.

Q: Is there a point where it stops

A: The three consultations. There is also a question being sent out to Parents and Staff of both Schools to obtain their views.

What should be made clear is that the sites won't change and it will remain the same.

Q: After the consultations will we get feedback

A: There will be feedback after the consultations end on 7th March. A decision will be made whether we go out to Formal discussion. This will go on for a further 6 weeks. After this there will be serious discussions individually.

Q: What will happen to Governing Bodies

A: There will be one Governing Body.

Q: Who makes the final decision

A: Governors only. The Governors decide to go for formal consultation. Once completed they ask the LA's to approval. The LA have 2 months to make a decision.

CG advised that the advice by LDBS is that this decision is the best for the Schools. The Governors have been very supportive. It gives the opportunity to move towards the federation.

Q: What will happen to the two Deputy Heads

A: They remain exactly as they are. Peoples contracts remain the same and SLT remains the same.

Q: What happens to the contracts like LGFL.

A: We will negotiate on all contracts and go with whatever is best. Procurement is better for us

Q: Are there any loop holes in the Government, proposed changes etc.

A: No

Q: As we are in consultation, can the Government not say that we have to be an Academy.

A: Not necessarily but as it is happening It is Status quo. The structural solution is very clear and it would be perverse for the Government to step in now.

The DFE believe that it is a viable option.

Q: At the end of the consultation will we be given a letter to say what is happening.

A: You should expect to be kept updated regularly. The Steering Group meets once a week and the notes go to all the Governors. They can go on Staff notice boards.

Unison stated that they were supporting the fact that the School is taking action which is a good option. It is the best of the options that are available.

GMB said that everyone is working closely together.

Claire Goymer thanked everyone for attending the meeting and advised that all staff will be kept informed of developments. All notes will be put on notice boards. She reminded everyone of the Community meeting which is on 6th March in the Church Hall. Any further questions should be put through Lorraine Christou, PA to the Steering Group.

5) Minutes of Community Consultation Meeting 6th March 2012

Speakers: Father Bruce
 Anna Cumbers
 Linda Turton
 Clare Goymer

Father Bruce welcomed everyone and outlined the purpose of the meeting. He talked about the relationship between the Church and the School and expressed what a privilege it is to have the Church linked with both the Schools. He explained that Church Schools offer a place of learning and faith and how the Church considers St Mary's to be part of the Community.

Anna Cumbers talked about the history of the two Schools, explaining that the original Infant's School was on the corner of Harold Road and Tottenham Lane and was part of the original St Mary's Parish. In 1971 the School moved to its existing site which was the original St Mary's Church site.

The original St Mary's Juniors was an old Victorian building on the site where Greig City Academy now stands. In 1964 the existing Junior Building was opened as St David's Secondary School. This closed in the early 1970's and merged with St Katharine's Secondary School. In mid 1970's The Junior School took up residence in this building and has been there ever since. The name Greig City comes from David Grieg who attended both Infant's and Junior Schools. We still have to send through on a yearly basis the number of children who attend both the Schools. The Greig Trust fund paid for a lot of the Infant's School

Father Bruce talked about the Grieg Trust and its generosity. David Grieg wanted to ensure there was a good Christian formation.

Linda Turton and Clare Goymer gave a brief introduction for the proposals for the two schools. The Junior School didn't have a good OfSTED. She explained that there have already been two schools in Soft Federation which could have gone into Hard Federation. Another option was to close both Schools and open a new one. The Governing Body had already taken action to start improvements before the OfSTED and will continue to do so. The natural step is to bring the two Schools together. There

will be the same number of children and same staff. Fran Hargrove will be the headteacher for the new School.

CG said that LT had outlined the proposals and background. The most important thing is that there will not be any major changes for the children or staff. This form of change comes from the LDBS who met with the Chairs and Vice Chairs of both the Governing Bodies to decide on the best option for the Schools. The Junior School will discontinue on 31st August and the new School will open on 1st September. The Infant School becomes the Governing Body for both Schools. Everything else remains the same. The planning for the new School is going through a Steering Group which meets every week. This community meeting is the end of Stage 1 which is the 6 week consultation period. The notices of Publication will go out on 17th March. CG apologised in advance for the way the publication will be written but stressed that it is guided by the LDBS and has to be written in a certain way.

The meeting was then opened up to questions and comments:

Q – When children go from Infants to Juniors will they need to complete an application form anymore.

A – No, it will be automatic, the only difference is that they will be on a different site.

Q – What will happen to Junior Governors

A – The new Governing Body must reflect the change in the School but must not go over 16.

Comment – I must applaud the move. Is there any question whether they will rationalise the sites. How do you know that when OfSTED come next time the Junior School would not have had an adverse affect on the Infants School.

A – There is an action plan that is being drawn up and that will be followed rigorously. Inevitably there is a lot of work to do to get us to a point where all the things will be judged. Making sure the Action Plan has a firm focus on Teaching and learning and Leadership and Management. OfSTED will not disappear and there will probably be a visit in the not too distant future.

With regards to rationalising the sites, at the moment this is not possible. There would need to be a larger building. The difficulty is that the Junior building is owned by the Church and the Infants building is owned by the Local Authority. It would not be financially beneficial to sell the site.

It is far more beneficial to keep two sites. Really good high quality early education is better when taught away from the older children. We would fight to keep two sites and focus highly upon early education.(FH)

Q – In terms of staff are they happy

A - Yes we all work as team in the Infants and we want to pas that on in the Juniors. We have had really good leadership, firstly with Anna Cumbers and now with Fran Hargrove.

A - Staff are also happy at the Juniors. There is a clear direction to move forward and a strong sense of working together.

Comment from Father Bruce- I must say I was pleased at the Staff Consultation where there was a good sense of everyone working together, it seemed like one team.

Q – Will there be one OfSTED or two.

A – Juniors are in special measures and the Infants are not. Whatever OfSTED say the standards in the Infants will not slip and Junior's will only improve. What OfSTED says as one school, we don't know but we will be inspected as one school.

Father Bruce said initially the name of the School will remain the same but a decision will be made in the future when the Schools become one School. Therefore the School will be called St Marys CE Primary School.

Father Bruce thanked everyone for attending then meeting

6) Governor statement

GOVERNORS' STATEMENT

We are writing to let you know that following meetings of both the Governing Bodies of St Mary's Schools, **we are working towards establishing one future St. Mary's C.E. Primary School and are writing now to start seeking your views as parents and carers.**

So that we could start consulting with you and others, the following resolutions were passed at each Governing Body.

The Junior School Governing Body, on Monday 23rd January 2012, passed a resolution formally agreeing the process of consultation on a proposal to close the Junior School. Taking note of this, the Infant School Governing Body, on Wednesday 25th January 2012, passed a resolution formally agreeing to begin the process of consultation on a proposal **to extend the age-range of the Infant School intake to include Years 3-6.**

Both these proposals were necessary so that St Mary's Infants could be extended to form **an all-through Primary (ages 3-11) school.** Fran Hargrove will continue to be headteacher.

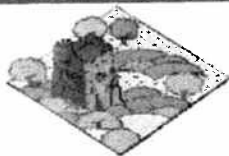
In other words, we plan that from September your children will be attending St. Mary's C.E. Primary School, on the same sites and with the same staff.

We will be consulting on these proposals through meetings with staff, parents, community and the Church. We will let you know the time and place of meetings as soon as possible by Newsletter so that we can work together for our children's future.

From the Chairs and Deputy Chairs of the Governing Bodies: Clare Goymer, Debbie Langdon-Davies, Linda Turton, Annie Perkins.

- 7) Community consultation Invite (sent to community and to MP)

St Mary's CE Infants and Junior Schools



The Governing Bodies of St Mary's Infants and Junior Church of England Schools invite you to a meeting to discuss our proposals for the future of both Schools. The proposal is to discontinue and close the Junior School and simultaneously extend the Infants School age range to become one Primary School operating on the current Infant and Junior School sites.

The Church of St Mary with St George is hosting a consultation meeting for our widest community to come and hear about the proposal and give us your views. The meeting takes place as follows:

Tuesday 6th March at 6pm
At
Hornsey Parish Church
The Church of St Mary with St George
Cranley Gardens
London
N10 3AH

All will be warmly welcomed and we look forward to seeing you there.

- 8) Invite letter to staff 2 February 2012

2 February 2012

To All Members of Staff

**St Mary's C.E Infants School
St Mary's C.E. Junior School**

The Governors sent the attached statement to all Parents of both Schools last Friday (27.01.12)

We would like to invite you to a meeting of all staff to answer questions that you may have.

The meeting will be held at the Infant School on Thursday 9th February at 5.30pm.

John Rehahn (Haringey Education Personnel), Lynn Hargreaves of the LDBS and your local Trade Union Representatives have been invited to the meeting.

We look forward to seeing you there.

From the Chairs and Deputy Chairs of the Governing Bodies:
Clare Goymer, Debbie Langdon-Davies, Linda Turton, Annie Perkins

9) Questionnaire for parents

St Mary's C.E. Infant's School

In the amalgamation of St. Mary's C.E. Infant's School and St. Mary's C.E. Junior School the Infant School will take on the whole age range of the Junior School.

Are you broadly in favour of this?

Yes

No

Comments

Name.....

Parent Staff LA Community (please circle)

St Mary's C.E. Junior School

In the amalgamation of St. Mary's C.E. Infant's School and St. Mary's C.E. Junior School the Junior age range will be transferred to St Mary's C.E. Infant's School under significant enlargement proposals and the Juniors as a separate entity, will cease.

Are you broadly in favour of this?

Yes

No

Comments

Name.....

Parent Staff LA Community (please circle)

Appendix 5

Making Changes to a Maintained Mainstream School

(Other than Expansion, Foundation,
Discontinuance & Establishment Proposals)

A Guide for Local Authorities and Governing Bodies

For further information:

School Organisation & Operations Team
DfE
Mowden Hall
Darlington
DL3 9BG

Tel: 01325 735749

Email: school.organisationproposals@education.gsi.gov.uk

Website:

<http://www.education.gov.uk/schools/leadership/schoolorganisation/b0075166/other-changes-to-a-school>

Last updated 1 February 2010

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MAKING CHANGES TO A MAINTAINED MAINSTREAM SCHOOL (OTHER THAN EXPANSION, FOUNDATION, DISCONTINUANCE & ESTABLISHMENT PROPOSALS) - A GUIDE FOR LOCAL AUTHORITIES AND GOVERNING BODIES

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MAKING CHANGES TO A MAINTAINED MAINSTREAM SCHOOL (OTHER THAN EXPANSION, FOUNDATION, DISCONTINUANCE & ESTABLISHMENT PROPOSALS) - A GUIDE FOR LOCAL AUTHORITIES AND GOVERNING BODIES

(Covering: removal of sixth form; adding/removing nursery provision; other changes to age range; adding/removing SEN provision; changing from single sex to mixed or vice versa; transfer to a new site; adding/changing/removing boarding provision; removing selection; discontinuance of one of a school's sites and change of category to VA or VC)

Introduction (Paragraphs 1-28)

1. This guide provides information on the procedures established by The Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended by The School Organisation and Governance (Amendment) (England) Regulations 2007 which came into force on 21 January 2008 and The School Organisation and Governance (Amendment) (England) Regulations 2009 which came into force on 1 September 2009). For your convenience, a consolidated version of the Prescribed Alteration Regulations and the two sets of Amending Regulations can be found at:

<http://www.education.gov.uk/schools/leadership/schoolorganisation/b0075147/school-organisation-regulations-and-decision-table>

The relevant provisions of EIA 2006 came into effect on 25 May 2007.

2. This guide contains both statutory guidance (i.e. guidance to which local authorities (LAs) and governing bodies have a statutory duty to have regard) and non-statutory guidance, on the process for making the following changes to a maintained mainstream school:

- Alteration of the upper and lower age limit - including the addition or removal of nursery provision and removal of sixth form provision (addition of sixth form provision is covered in separate guidance – details below);
- Special educational needs - addition/alteration/removal of provision recognised by the LA as reserved for pupils with special educational needs (SEN);
- Sex of pupils - changing provision from single sex to mixed or vice versa;
- Boarding - addition/alteration/removal of boarding provision;
- Transfer to a new site;

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- Discontinuance of use of site – closing one of a school’s split sites;
- Admission arrangements - removing selection;
- Changes of category - to voluntary aided or voluntary controlled (foundation proposals are covered in separate guidance – details below).

Supplementary guidance is available for special schools under the relevant guidance section on the School Organisation website at

<http://www.education.gov.uk/schools/leadership/schoolorganisation>

Throughout this guide any reference to “prescribed alterations” covers the above changes.

NOTE: for more detailed information on when proposals are required, see paragraphs 11 to 18 below.

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

3. If you have any comments on the content or layout of this guide please send these to the School Organisation & Operations Team (using the Department’s “Contact Us” facility [www.education.gov.uk/contactus] or by email to: school.organisationproposals@dscf.gsi.gov.uk) making sure that you identify the title of the guide and quote the page and paragraph numbers where relevant.

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

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

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

- Expanding a maintained mainstream school by enlarging or adding a sixth form available on the DofE website; www.education.gov.uk
- Becoming a Foundation or “Trust” school (changing category to foundation; a foundation school acquiring a foundation (i.e. a Trust); a Trust school acquiring a majority of foundation governors on the governing body) - “Changing school category to foundation” and

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“Trust school proposals“ available on the DofE website;
www.education.gov.uk

- Opening a new school – “Establishing a new maintained mainstream school” available on the DofE website;
www.education.gov.uk and
- Ceasing to maintain a school – “Closing a maintained mainstream school” available on the DofE website; www.education.gov.uk

School Organisation Planning Requirements (Paragraphs 6-8)

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

7. Parents can make representations about the supply of school places and LAs have a **statutory duty** to respond to these representations. Further statutory guidance on this duty is available in “Duty to Respond to Parental Representations about the Provision of Schools” which is on the School Organisation available on the DofE website; www.education.gov.uk

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

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

Children’s Trusts are the sum total of co-operation arrangements and partnerships between organisations with a role in improving outcomes for children and young people in each area. The Trust is not in itself a separate legal entity; each partner retains its own functions and responsibilities within the partnership framework. However, the Apprenticeships, Skills, Children and Learning Act 2009 strengthens Children’s Trusts by requiring all local authorities to have a Children’s Trust Board in place by April 2010.

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It also extends the number of statutory “relevant partners” who will be represented on the Board to include schools (including Academies), colleges, Job Centre Plus and the management committees of short stay schools (formerly PRUs).

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

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

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

10. The Secretary of State does not decide statutory proposals relating to schools, except where proposals have been published by the Learning and Skills Council (LSC)¹ under Section 113A of the Learning and Skills Act 2000 (as inserted by Section 72 of the Education Act 2002), for changes to 16-19 provision in schools. For further information please see guidance “School Organisation Proposals by the Learning and Skills Council” available at:
<http://webarchive.nationalarchives.gov.uk/20100111083323/http://www.teachernet.gov.uk/docbank/index.cfm?id=4390>

When are proposals required? (Paragraphs 11-12)

11. Schedules 2 and 4 of The School Organisation (Prescribed Alterations to maintained Schools)(England) Regulations 2007 (“the Regulations”) (as amended) set out the alterations that can be made by governing bodies and LAs.

12. The changes to community, voluntary aided, voluntary controlled and foundation schools, which require statutory proposals that are covered by this guide are:

a. **Alteration of Upper Age Limit** – a change in the upper age limit by a year or more (including the removal of sixth form provision – see NOTE below), except where the alteration is:

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

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- i. to provide or remove provision for pupils over compulsory school age who are repeating a course of education completed before they reached compulsory school age (This is not about raising the school leaving age. From 2013 all young people will be required to continue in some form of education or training post-16. We are increasing the minimum age at which young people can leave learning in two stages, to the end of the academic year in which they turn 17 from 2013 and until their 18th birthday from 2015.);
- ii. to provide part-time further education for pupils aged over compulsory school age, or full-time further education for persons aged 19 or over i.e. under section 80(1) of SSFA 1998; or
- iii. temporary and will be in place for no more than 2 years.

NOTE: A separate Guide is available on “expansions” which includes increasing the upper age limit to add a sixth form: – “Expanding a maintained mainstream school by enlarging or adding a sixth form” - available on the DofE website; www.education.gov.uk

- b. **Alteration of Lower Age Limit** – which, when taken together with previous changes (i.e. in the past 5 years; since the school opened or since any previous age change proposals were implemented), would result in a lower/higher age limit by at least one year. This would include the addition or removal of early years provision for 3 and 4 year olds. Proposals are not required for temporary changes that will be in place for no more than 2 years;
- c. **Special educational needs** - the addition, change or removal of provision that is recognised by the LA as reserved for pupils with SEN;
- d. **Admissions arrangements** - proposals by the governing body of a designated grammar school to end selection (section 109 of the School Standards and Framework Act 1998);
- e. **Sex of pupils** - a change from single-sex to mixed, or vice versa. If a school is single sex, but admits pupils of both sexes to its sixth form, it will be regarded as single sex, providing admission to the sixth form is 25% or less of the other sex;
- f. **Boarding** - the introduction or ending of boarding, or an increase or decrease in boarding provision by 50 pupils or 50% of capacity, whichever is the greater;
- g. **Transfer to a new site** - the transfer of a school to a new site, except where the main entrance of the new site is within 3.2 kilometres (2 miles) ‘as the crow flies’ of the main entrance of the existing site (unless the school is

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transferring to a site within the area of another LA);

h. **Discontinuance of use of site** - the discontinuance of a split site, where a school occupies more than one site, and the main entrance of any of the school's remaining sites is one mile or more from the main entrance of the site which is to be discontinued; and

i. **Changes of Category** - a change of school category from community, foundation, voluntary aided, or voluntary controlled to voluntary aided or voluntary controlled. A school **cannot** change category to become a community school.

NOTE: Separate guidance is available on "foundation" proposals (changing category to foundation; a foundation school acquiring a foundation (i.e. a Trust); a Trust school acquiring a majority of foundation governors on the governing body) - "Changing school category to foundation" and "Trust school proposals" - available on the DofE website; www.education.gov.uk

Local Authority Maintained Nursery Schools (Paragraph 13)

13. The only prescribed alteration to a LA maintained nursery school that requires statutory proposals, is the transfer of the school to a new site, except where the main entrance of the new site is within 3.2 kilometres (2 miles) 'as the crow flies' of the main entrance of the existing site (unless the school is transferring to a site within the area of another LA). The process for establishing and closing a LA maintained nursery school are covered under the relevant Guides (see paragraph 5).

Change of Category to Voluntary Aided (Paragraph 14)

14. If a school proposes to change category to voluntary aided (VA), evidence **must** be provided that the governing body are able and willing to meet their financial responsibilities for building work after the proposed implementation date (Form 18 **should** be provided - available from the School Organisation website via the Members' Area, under 'Standard Forms'). Whilst the Secretary of State has the power to provide grant aid for up to 90% of building work costs, (100% in exceptional circumstances) the governors **must** provide the remaining 10% themselves. In bringing forward proposals, the governing body **should** be able to demonstrate that it has access to sufficient funds to enable it to meet 10% of its overall liabilities for at least 5 years from the date of implementation. The governing body could submit a schedule with the proposals outlining an estimate of the costs of capital work for the forthcoming five years and a statement as to how it will meet its liabilities for such costs.

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VA schools – what if the governing body can no longer meet their financial contribution? (Paragraph 15)

15. Under Section 19(4) of EIA 2006, if the governing body of a VA school is unable or unwilling to carry out their financial obligations for funding capital building work, they must publish prescribed alteration proposals to change category to become a foundation or voluntary controlled school.

Schools wishing to acquire, change or lose a Religious Character (Paragraph 16)

16. It is not possible for a community, voluntary or foundation school to acquire, lose or change religious character by making a prescribed alteration to the school. To make a change from, for example, a community school to a voluntary school with a religious character, the LA would need to publish proposals to close the community school, and a faith organisation (as proposers) would need to bring forward “related” proposals to establish a new voluntary school with a religious character (either through “competition” under section 7 of the EIA 2006, or “exemption” under section 10 of the EIA 2006). Please refer to our guides on establishing and closing schools (see paragraph 5).

Grammar schools (Paragraph 17-18)

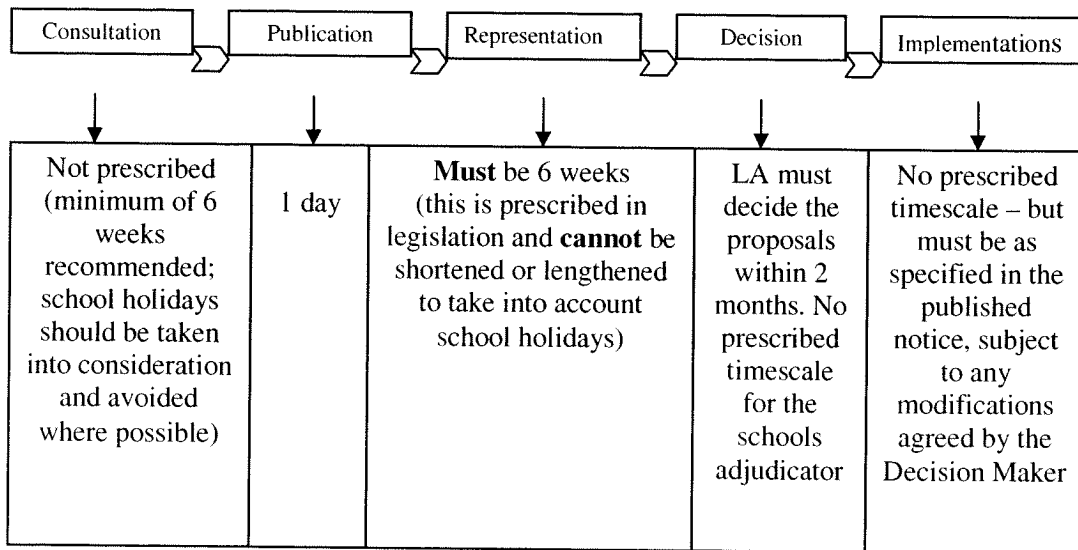
17. Where a school has been designated as a grammar school by the Secretary of State, its selective admission arrangements can only be removed through the parental ballot arrangements or through statutory proposals to remove selection. Only the governing bodies of designated grammar schools may publish proposals to remove selection. Proposals to remove selection will fall if the LA are notified that a petition, which will trigger a ballot, has been received before the proposals are due to be implemented.

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

Overview of Process (Paragraph 19)

19. There are 5 statutory stages for a statutory proposal to make a prescribed alteration to a school:

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Who Can Publish Prescribed Alteration Statutory Proposals? (Paragraph 20)

20. The Regulations prescribe who can publish the different types of proposals for each category of school, but the table below summarises the provisions:

Who?	Type of Proposals
Local Authority	<p>Community Schools:</p> <ul style="list-style-type: none"> - Enlargement of premises; - Alteration of upper age limit including ‘addition/removal of a sixth form’; - Alteration of lower age limit including ‘addition/removal of nursery provision’; - Addition, removal or change of SEN provision; - Change of gender; - Addition, removal or change of boarding provision; - Transfer to a new site; - Discontinuance of use of a site. <p>Foundation and Voluntary schools:</p> <ul style="list-style-type: none"> - Enlargement of Premises; - Alteration of upper age limit to provide sixth form education; - Addition or removal of SEN provision. <p>Nursery schools:</p> <ul style="list-style-type: none"> - Transfer to a new site. <p>Proposals to be relieved of the duty to implement previously approved proposals published by the LA.</p>
Governors of Foundation and	<ul style="list-style-type: none"> - Enlargement of premises; - Alteration of upper age limit including ‘addition/removal of a sixth

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Voluntary Schools	form'; - Alteration of lower age limit including 'addition/removal of nursery provision'; - Removal of selection (grammar school); - Addition, removal or change of SEN provision; - Change of gender; - Addition, removal or change of boarding provision; - Transfer to a new site; - Discontinuance of use of a site; - Change of category from: - Voluntary controlled to voluntary aided or foundation; - Voluntary aided to voluntary controlled or foundation; - Foundation to voluntary controlled or voluntary aided. Proposals to be relieved of the duty to implement previously approved proposals published by the Governing Body.
Governors of Community Schools	- Enlargement of premises; - Alteration of upper age limit to provide sixth form education; - Removal of selection (grammar school); - Change of category from community to voluntary controlled, voluntary aided or foundation. Proposals to be relieved of the duty to implement previously approved proposals published by the Governing Body.

LSC Powers to publish proposals (Paragraphs 21-23)

21. The Learning and Skills Council (LSC)² will work with LAs to support the improvement of sixth form provision. The LSC has the power to publish proposals for the closure of an inadequate school sixth form. Where a school sixth form has been judged to require Significant Improvement in two consecutive Ofsted inspections, or where a maintained school for 16-19 year olds has been judged to require Special Measures in two consecutive Ofsted inspections, the LSC may publish proposals to close the sixth form or 16-19 school. The proposals will be decided by the LA or schools adjudicator in accordance with the same procedures as set out in Stage 4 of this guide.

22. In addition to the above, the LSC can publish proposals to add or remove a school sixth form provision, or enlarge existing provision in the following circumstances:-

- following an area inspection report; or
- where the LSC can demonstrate that a reorganisation will increase

² References throughout this document to the LSC only apply up to April 2010. The Apprenticeships, Skills, Children and Learning Act (ASCL) Act 2009 will transfer the responsibilities of the LSC in respect of 16-19 education and training to LAs, supported by the Young People's Learning Agency. This guidance will be revised by April 2010 to take account of these changes.

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participation and achievement of, and range of learning opportunities for, 16-19 year-olds.

23. These proposals are decided by the Secretary of State.

Where to Start? (Paragraph 24)

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

Capital Funding (Paragraphs 25-27)

25. Where proposals require capital resources for their implementation the funding for the proposals **should** be in place when the proposals are decided (see paragraph 4.46-4.48 of the decision makers' guidance section). Where proposers require capital funding to implement their proposals, they **should** secure this before publishing proposals.

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

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

Amalgamations/Mergers (Paragraph 28)

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

- a. The LA or GB (depending on school category) can publish proposals to close two (or more) schools and the LA or a proposer other than the LA (e.g. Diocese, faith or

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parent group, Trust) depending on category, can publish proposals to open a new school, either through a competition (under section 7 of EIA 2006), or after receiving exemption from the Secretary of State* (under section 10 of the EIA 2006). This results in a new school number being issued for the new school.

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

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

STAGE 1 - CONSULTATION

Stage 1 – Consultation (Paragraphs 1.1-1.7)

1.1 The Regulations provide that those bringing forward statutory proposals to make a prescribed alteration to a school **must** consult interested parties, and in doing so **must** have regard to the Secretary of State's guidance. The statutory guidance for this purpose is contained in paragraphs 1.2 to 1.4. Where an LA or governing body carries out any preliminary (informal) consultation to consider a range of options, and/or principles, for a possible reorganisation, this would not be regarded as the statutory (formal) period of consultation as required by regulations. The statutory consultation would need to cover the specific prescribed alteration to the school in question.

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

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

1.3 The Regulations require proposers to consult the following interested parties:

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

STAGE 1 - CONSULTATION

representatives of any trade union or any other staff at schools who may be affected by the proposals;

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

1.4 Under Section 176 of the Education Act 2002 LAs and governing bodies are also under a duty to consult pupils on any proposed changes to local school organisation that may affect them. Guidance on this duty is available on the Department's Publications website <http://www.education.gov.uk/publications> and is entitled "Pupil Participation Guidance: Working Together – Giving Children and Young People a Say".

Conduct of Consultation (Paragraphs 1.5-1.7)

1.5 **How** statutory consultation is carried out is not prescribed in regulations and it is for the proposers to determine the nature of the consultation including, for example, whether to hold public meetings. Although regulations do not specify the consultation's duration, the Department strongly advises that the proposers **should** allow at least 6 weeks for this. This will allow consultees an opportunity to consider what is being proposed and to send their comments. Proposers **should** avoid consulting on proposals during school holidays, where possible.

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

STAGE 1 - CONSULTATION

consult afresh on this option before proceeding to publish statutory notices.

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

Remember:

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

STAGE 2 - PUBLICATION

Stage 2 – Publication (Paragraphs 2.1-2.11)

2.1 The table at paragraph 20 of the Introduction section of this guide sets out who may publish prescribed alteration proposals for the different categories of school. Proposals **should** be published within a reasonable timeframe following consultation so that the proposals are informed by up-to-date feedback. Proposals **should** therefore be published within 12 months of consultation being concluded.

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

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

2.4 To help proposers prepare their statutory notice, the School Organisation website includes an online Notice Builder tool which will help ensure that the statutory notice complies with the Regulations and offers an opportunity for the notice to be checked by the School Organisation & Competitions Unit of the DCSF. Proposers are strongly advised to use this facility. The Notice Builder can be found at <http://www.education.gov.uk/schools/leadership/schoolorganisation>

To gain access the proposer needs to register for the “Members’ Area” on the website but this is free of charge. A template for the complete proposal is provided automatically by the Notice Builder when the draft statutory notice is finalised, alternatively the template can be found in “Standard Forms” in the Members’ Area of the website.

Related Proposals (Paragraph 2.5)

2.5 Where proposals are interdependent (linked) they **should** be identified as “related”, either by being published in a single notice or the link to the other proposals made clear in each notice. Where proposals by the LA are “related” to proposals by governing bodies or other proposers (e.g. where an entire area is to be reorganised) the LA and governors or proposers may publish a single notice but this **must** make it clear who is making which proposals, under their respective powers, and there **should** be separate signatures for each relevant

STAGE 2 - PUBLICATION

section. Where proposals are not “related”, they **should not** be published on the same notice unless the notice makes it very clear that the proposals are not “related”.

Implementation date (Paragraph 2.6)

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

Explanatory Note (Paragraph 2.7)

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

Invalid Notice (Paragraph 2.8)

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

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

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

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

STAGE 2 - PUBLICATION

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

- any person who requests a copy; and

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

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

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

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

Compulsory Purchase Orders (Paragraph 2.11)

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

STAGE 3 - REPRESENTATIONS

Stage 3 – Representations (Paragraphs 3.1-3.2)

3.1 Once proposals are published there follows a **6 week statutory representation period** during which comments on the proposals can be made. These **must** be sent to the LA. Any person can submit representations, which can be objections as well as expressions of support for the proposals. The representation period is the final opportunity for people and organisations to express their views about the proposals and ensure that they will be taken into account by the Decision Maker.

3.2 The representation period is specified in legislation for the prescribed alterations covered by this guide as **6 weeks** and **must not** be altered e.g. cannot be shortened or extended to fit in with scheduled meetings or to take into account school holidays – meetings will need to be rescheduled and every effort **should** be made to advise stakeholders during the consultation period when the notice is likely to be published.

STAGE 4 - DECISION

Stage 4 – Decision (Paragraphs 4.1-4.69)

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

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

4.2 Section 21 of EIA 2006 provides for regulations to set out who **must** decide proposals for any prescribed alterations. The Regulations make detailed provision for the consideration of prescribed alteration proposals (see in particular Schedules 3 and 5). Decisions on the prescribed alterations covered in this guide will be taken by the LA with some rights of appeal to the schools adjudicator. Only if the prescribed alteration proposals are “related” to other proposals that fall to be decided by the schools adjudicator, will the LA not be the decision maker in the first instance.

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

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

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

4.5 The following bodies may appeal against an LA decision on prescribed alteration proposals:

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

4.6 Any appeals **must** be submitted to the LA within 4 weeks of the notification of the LA’s decision. On receipt of an appeal the LA **must** then send the proposals, and the representations received (together with any comments made on these representations by the proposers), to the schools adjudicator

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within 1 week of the receipt of the appeal. The LA **should** also send a copy of the minutes of the LA's meeting or other record of the decision and any relevant papers. Where the proposals are "related" to other proposals, all the "related" proposals **must** also be sent to the schools adjudicator.

Checks on Receipt of Statutory Proposals (Paragraph 4.7)

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

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

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

4.8 The Decision Maker **should** consider whether the notice is valid as soon as a copy is received. Where a published notice does not comply with statutory requirements - as set out in the Regulations - it may be judged invalid and the Decision Maker **should** consider whether they can decide the proposals.

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

4.9 Details of the consultation **must** be included in the proposals. The Decision Maker **should** be satisfied that the consultation meets statutory requirements (see Stage 1 paragraphs 1.2-1.4). If some parties submit objections on the basis that consultation was not adequate, the Decision Maker may wish to take legal advice on the points raised. If the requirements have not been met, the Decision Maker may judge the proposals to be invalid and needs to consider whether they can decide the proposals. Alternatively the Decision Maker may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposals as a whole.

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

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

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

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

4.13 Where proposals for an expansion of a school are “related” to proposals published by the local LSC³ which are to be decided by the Secretary of State, the Decision Maker **must** defer taking a decision until the Secretary of State has taken a decision on the LSC proposals. This applies where the proposals before the Decision Maker concern:

- the school that is the subject of the LSC proposals;
- any other secondary school, maintained by the same LA that maintains a school that is the subject of the LSC proposals; or
- any other secondary school in the same LA area as any FE college which is the subject of the LSC proposals.

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

³ References throughout this document to the LSC only apply up to April 2010. The Apprenticeships, Skills, Children and Learning Act (ASCL) Act 2009 will transfer the responsibilities of the LSC in respect of 16-19 education and training to LAs, supported by the Young People's Learning Agency. This guidance will be revised by April 2010 to take account of these changes.

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

4.15 Regulation 8 of The Regulations provides that both the LA and schools adjudicator **must** have regard to guidance issued by the Secretary of State when they take a decision on proposals. Paragraphs 4.16 to 4.60 below contain the statutory guidance.

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

EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT

A System Shaped by Parents (Paragraphs 4.17-4.18)

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

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

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

Standards (Paragraphs 4.19-4.20)

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

4.20 Decision Makers **should** be satisfied that proposals for prescribed alterations will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They **should** pay particular

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attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

Diversity (Paragraphs 4.21-4.23)

4.21 Decision Makers **should** be satisfied that when proposals lead to children (who attend provision recognised by the LA as being reserved for pupils with special educational needs) being displaced, any alternative provision will meet the statutory SEN improvement test (see paragraphs 4.55 - 4.59).

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

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

Every Child Matters (Paragraph 4.24-4.25)

4.24 The Decision Maker **should** consider how proposals will help every child and young person achieve their potential in accordance with "Every Child Matters" principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being.

4.25 This **should** include considering how the school will provide a wide range of extended services, opportunities for personal development, access to academic and applied learning training, measures to address barriers to participation and support for children and young people with particular needs, e.g. looked after children or children with special educational needs (SEN) and disabilities.

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SCHOOL CHARACTERISTICS

Boarding Provision (Paragraphs 4.26-4.29)

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

4.27 In making a decision on proposals to introduce new boarding places the Decision Maker **should** consider:-

- a. the extent to which boarding places are over subscribed at any state maintained boarding school within an hour's travelling distance of the school;
- b. the extent to which the accommodation at the school can provide the new boarding places;
- c. the extent to which the expansion of boarding places will help placements of pupils with an identified boarding need; and
- d. the impact of the expansion on a state maintained boarding school within one hour's travelling distance from the school which may be undersubscribed.

4.28 In making a decision on proposals to remove boarding provision, the Decision Maker **should** consider whether there is a state maintained boarding school within one hour's travelling distance from the school. The Decision Maker **should** consider 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.

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

- a. the extent to which boarding places are over subscribed at the school and any state maintained boarding school within an hour's travelling distance of the school at which the expansion is proposed;
- b. the extent to which the accommodation at the school can provide additional boarding places;
- c. any recommendations made in the previous CSCI/Ofsted reports which would suggest that existing boarding provision in the school failed significantly to meet the National Minimum Standards for Boarding Schools;

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- d. the extent to which the school has made appropriate provision to admit other categories of pupils other than those for which it currently caters (e.g. taking pupils of the opposite sex or sixth formers) if they form part of the expansion;
- e. any impact of the expansion on the continuity of education of boarders currently in the school;
- f. the extent to which the expansion of boarding places will help placements of pupils with an identified boarding need; and
- g. the impact of the expansion on a state maintained boarding school within one hour's travelling distance from the school which may be undersubscribed.

Equal Opportunity Issues (Paragraph 4.30)

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

NEED FOR PLACES

Provision for Displaced Pupils (Paragraph 4.31)

4.31 Where proposals will remove provision, the Decision Maker **should** be satisfied that there is sufficient capacity to accommodate displaced pupils in the area, taking into account the overall supply and likely future demand for places. The Decision Maker **should** consider the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for those schools.

Creating Additional Places (Paragraphs 4.32-4.34)

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

4.33 Where the school has a religious character, or follows a particular philosophy, the Decision Maker **should** be satisfied that there is satisfactory

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evidence of sufficient demand for places for the expanded school to be sustainable.

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

Travel and Accessibility for All (Paragraphs 4.35-4.36)

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

4.36 In deciding statutory proposals, the Decision Maker **should** bear in mind that proposals **should not** have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. The EIA 2006 provides extended free transport rights for low income groups – see Home to School Travel and Transport Guidance re 00373 – 2007BKT-EN at www.education.gov.uk/publications. Proposals **should** also be considered on the basis of how they will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

16-19 Provision (Paragraphs 4.37-4.39)

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

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

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for their varied needs, aspirations and aptitudes in a range of settings across the area.

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

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

Conflicting Sixth Form Reorganisation Proposals (Paragraph 4.40)

4.40 Where the implementation of reorganisation proposals by the LSC⁴ conflict with other published proposals put to the Decision Maker for decision, the Decision Maker is prevented (by the School Organisation Proposals by the LSC for England Regulations 2003) from making a decision on the "related" proposals until the Secretary of State has decided the LSC proposals (see paragraphs 4.13 to 4.14 above).

LSC⁴ Proposals to Remove Inadequate School Sixth Forms (Paragraph 4.41)

4.41 The Learning and Skills Act 2000 (as amended by the Education Act 2005) gives the LSC powers to propose the closure of a school sixth form which has been judged to require Significant Improvement in two consecutive Ofsted inspections. Where a school sixth form is proposed for closure in such circumstances there **should** be a presumption to approve the proposals, subject to evidence being provided that the development will have a positive impact on standards.

SCHOOL CATEGORY CHANGES

Change school category to VA (Paragraph 4.42)

4.42 If a school proposes to change category to voluntary aided, the Decision Maker **must** be satisfied that the governing body are able and willing to meet their financial responsibilities for building work. The Decision Maker may wish to consider whether the governing body has access to sufficient funds to enable it to meet 10% of its overall liabilities for at least 5 years from the date of

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

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implementation, taking into account anticipated building projects.

FUNDING AND LAND

Capital (Paragraphs 4.43-4.45)

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

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

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

Capital Receipts (Paragraphs 4.46-4.48)

4.46 Where the implementation of proposals may depend on capital receipts from the disposal of land used for the purposes of a school (i.e. including one proposed for closure in "related" proposals) the Decision Maker **should** confirm whether consent to the disposal of land is required, or an agreement is needed, for disposal of the land. Current requirements are:

a. Community Schools – the Secretary of State's consent is required under paragraph 2 of Schedule 35A to the Education Act 1996 and, in the case of playing field land, under section 77 of the Schools Standards and Framework Act 1998 (SSFA 1998). (Details are given in Departmental Guidance 1017-2004 "The Protection of School Playing Fields and Land for Academies" published in November 2004) - <https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DCSF-10002-2007>

b. Foundation (including Trust) and Voluntary Schools:

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- i. playing field land – the governing body, foundation body or trustees will require the Secretary of State’s consent, under section 77 of the SSFA 1998, to dispose, or change the use of any playing field land that has been acquired and/or enhanced at public expense.
- ii. non-playing field land or school buildings – the governing body, foundation body or trustees no longer require the Secretary of State’s consent to dispose of surplus non-playing field land or school buildings which have been acquired or enhanced in value by public funding. They will be required to notify the LA and seek local agreement of their proposals. Where there is no local agreement, the matter **should** be referred to the School Adjudicator to determine. (Details of the new arrangements can be found in the Department’s guidance “The Transfer and Disposal of School Land in England: A General Guide for Schools, Local Authorities and the Adjudicator” - <http://www.education.gov.uk/334991/decisions/b0075884/decisions-made-by-the-schools-adjudicator/land-issues>)

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

4.48 Where consent to the disposal of land is required, but has not been obtained, the Decision Maker **should** consider issuing a conditional approval for the statutory proposals so that the proposals gain full approval automatically when consent to the disposal is obtained (see paragraph 4.63).

New Site or Playing Fields (Paragraph 4.49)

4.49 Proposals dependent on the acquisition of an additional site or playing field may not receive full approval but **should** be approved conditionally upon the acquisition of a site or playing field.

Land Tenure Arrangements (Paragraph 4.50)

4.50 For the expansion of voluntary or foundation schools it is desirable that a trust, or the governing body if there is no foundation, holds the freehold interest in any additional site that is required for the expansion. Where the trustees of the

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voluntary or foundation school hold, or will hold, a leasehold interest in the additional site, the Decision Maker will need to be assured that the arrangements provide sufficient security for the school. In particular the leasehold interest **should** be for a substantial period – normally at least 50 years – and avoid clauses which would allow the leaseholder to evict the school before the termination of the lease. The Decision Maker **should** also be satisfied that a lease does not contain provisions which would obstruct the governing body or the headteacher in the exercise of their functions under the Education Acts, or place indirect pressures upon the funding bodies.

School Playing Fields (Paragraphs 4.51-4.52)

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

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

4.52 Where the Secretary of State has given 'in principle' agreement as at paragraph 4.46(b) above, the Decision Maker **should** consider issuing conditional approval so that when the Secretary of State gives his agreement, the proposals will automatically gain full approval.

SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION

Initial Considerations (Paragraphs 4.53-4.54)

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

- a. take account of parental preferences for particular styles of provision or education settings;
- b. offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special

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and mainstream), extended school and Children's Centre provision; regional centres (of expertise) and regional and sub-regional provision; out of LA day and residential special provision;

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

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

The Special Educational Needs Improvement Test (Paragraph 4.55)

4.55 When considering any reorganisation of provision that would be recognised by the LA as reserved for pupils with special educational needs, including that which might lead to some children being displaced through closures or alterations, LAs, and all other proposers for new schools or new provision, will need to demonstrate to parents, the local community and Decision Makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs. All consultation documents and reorganisation plans that LAs publish and all relevant documentation LAs and other proposers submit to Decision Makers **should** show how the key factors set out in paragraphs 4.59 to 4.62 below have been taken into account by applying the SEN improvement test. Proposals which do not credibly meet these requirements **should not** be approved and Decision Makers **should** take proper account of parental or independent representations which question the LA's own assessment in this regard.

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Key Factors (Paragraphs 4.56-4.59)

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

- a. identify the details of the specific educational benefits that will flow from the proposals in terms of:
 - i. improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy;
 - ii. improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
 - iii. improved access to suitable accommodation; and
 - iv. improved supply of suitable places.
- b. LAs **should** also:
 - i. obtain a written statement that offers the opportunity for all providers of existing and proposed provision to set out their views on the changing pattern of provision seeking agreement where possible;
 - ii. clearly state arrangements for alternative provision. A 'hope' or 'intention' to find places elsewhere is not acceptable. Wherever possible, the host or alternative schools **should** confirm in writing that they are willing to receive pupils, and have or will have all the facilities necessary to provide an appropriate curriculum;
 - iii. specify the transport arrangements that will support appropriate access to the premises by reference to the LA's transport policy for SEN and disabled children; and
 - iv. specify how the proposals will be funded and the planned staffing arrangements that will be put in place.

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

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excluded; in such cases the statement **must** be amended to name the PRU, but PRUs **should not** be seen as an alternative long-term provision to special schools.

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

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

OTHER ISSUES

Views of Interested Parties (Paragraph 4.60)

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

Types of Decision (Paragraph 4.61)

4.61 In considering prescribed alteration proposals, the Decision Maker can decide to:

- reject the proposals;
- approve the proposals;
- approve the proposals with a modification (e.g. the implementation date); or
- approve the proposals subject to them meeting a specific condition (see paragraph 4.64).

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Conditional Approval (Paragraphs 4.62-4.63)

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

- a. the grant of planning permission under Part 3 of the Town and Country Planning Act 1990;
- b. the acquisition of the site required for the implementation of the proposals;
- c. the acquisition of playing fields required for the implementation of the proposals;
- d. the securing of any necessary access to a site referred to in sub-paragraph (b) or playing fields referred to in sub-paragraph (c);
- e. the private finance credit approval given by the DfE following the entering into a private finance contract by an LA;
- f. the entering into an agreement for any necessary building project supported by the Department in connection with the BSF programme;
- g. the agreement to any change to the admission arrangements specified in the approval, relating to the school or any other school or schools (*this allows the approval of proposals to enlarge the premises of a school to be conditional on the decision of adjudicators to approve any related change in admission numbers*);
- h. the making of any scheme relating to any charity connected with the school;
- i. the formation of any federation (within the meaning of section 24(2) of the 2002 Act) of which it is intended that the proposed school should form part, or the fulfilling of any other condition relating to the school forming part of a federation;
- j. the Secretary of State giving approval under regulation 5(4) of the Education (Foundation Body) (England) Regulations 2000 to a proposal that a foundation body must be established and that the school must form part of a group for which a foundation must act;
- k. the Secretary of State making a declaration under regulation 22(3) of the Education (Foundation Body) (England) Regulations 2000 that the school should form part of a group for which a foundation body acts;
- ka. where the proposals are to alter the upper age limit of the school, the decision of the Secretary of State to establish a new FE college under s16 of the Further and Higher Education Act 1992;

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- l. where the proposals in question depend upon any of the events specified in paragraphs (a) to (ka) occurring by a specified date in relation to proposals relating to any other school or proposed school, the occurrence of such an event; and
- m. where proposals are related to proposals for the establishment of new schools or discontinuance of schools, and those proposals depend on the occurrence of events specified in regulation 20 of the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007(5) the occurrence of such an event.

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

Decisions (Paragraphs 4.64-4.66)

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

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

- the LA or governing body who published the proposals;
- the trustees of the school (if any);
- the Secretary of State (via the School Organisation & Operations Team, DfE, Mowden Hall, Darlington DL3 9BG or by email to school.organisationproposals@education.gsi.gov.uk);

(5) S.I. 2007/1288.

STAGE 4 - DECISION

- where the school includes provision for 14-16 education or sixth form education, the LSC;
- the local CofE diocese;
- the bishop of the RC diocese;
- each objector except where a petition has been received. Where a petition is received a decision letter **must** be sent to the person who submitted the petition, or where this is unknown, the signatory whose name appears first on the petition; and
- where the school is a special school, the relevant primary care trust an NHS trust or NHS foundation trust.

4.66 In addition, where proposals are decided by the LA, a copy of the decision **must** be sent to the Office of the Schools Adjudicator, Mowden Hall, Darlington DL3 9BG. Where proposals are decided by the schools adjudicator, a copy of the decision **must** be sent to the LA that it is proposed should maintain the school.

Can proposals be withdrawn? (Paragraph 4.67)

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

Transitional Exemption Order – Role of Decision Maker (Paragraphs 4.68-4.69)

4.68 Single sex schools are not required to comply with certain provisions of the Sex Discrimination Act (SDA) 1975. When a single sex school becomes mixed it will automatically become subject to those requirements. Since the change from single sex to co-educational would normally be phased over a period of years by changing the admission arrangements to allow the admission of both sexes, the school would not be able to comply fully with the SDA requirements for some years. Transitional Exemption Orders relax the requirement to comply during the period before the school becomes wholly co-educational.

4.69 Where the Decision Maker receives statutory proposals to alter a single sex school to become co-educational, they **should** treat the proposals as an application for a Transitional Exemption Order and make the order if they approve the proposals.

STAGE 5 - IMPLEMENTATION

Stage 5 – Implementation (Paragraphs 5.1-5.28)

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

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

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

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

Can Proposals Be Modified? (Paragraphs 5.4-5.6)

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

5.5 The most common modification is to the implementation date. However, proposals cannot be modified to the extent new proposals are substituted for those that have been consulted upon and published. If proposers wish to make a significant change to proposals after they have been approved, they **must** publish “revocation” proposals to be relieved of the duty to implement the proposals (see paragraphs 5.7-5.13 below) and publish fresh proposals.

STAGE 5 - IMPLEMENTATION

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

Revocation (Paragraphs 5.7-5.13)

5.7 If proposers cannot implement approved proposals they **must** publish fresh proposals to be relieved of the duty to implement. Paragraph 41 of Schedules 3 and 5 of the Regulations provide that revocation proposals **must** contain the following information:

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

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

5.8 The notice **must** be published in a local newspaper circulating in the area served by the school, and also posted at the main entrance to the school (and all entrances if there are more than one) and at some other conspicuous place in the area served by the school. The proposals **must** provide for anyone to submit comments and objections on the proposals to the LA within 6 weeks of the proposals being published. The proposers **must** forward a copy of the proposals to the LA/governing body within 1 week of publication. Proposers are advised to consult interested parties on the planned revocation proposals before publication although there is no statutory requirement to do so.

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

STAGE 5 - IMPLEMENTATION

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

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

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

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

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

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

STAGE 5 - IMPLEMENTATION

CHANGE OF CATEGORY ISSUES (foundation proposals are dealt with in separate guidance -

<http://www.education.gov.uk/schools/leadership/schoolorganisation/b0075170/foundation-and-trust-proposals>

Responsibility for implementation of other unimplemented proposals (Paragraph 5.14)

5.14 Where, as a result of a VA school changing category, the LA becomes responsible for the implementation of any other previously approved proposals, the Department would continue its support of any agreed capital costs for those proposals, and would be prepared to consider applications from an LA to meet its share of any capital costs which previously fell to the governing body. LAs would also be able to publish statutory proposals to be relieved of the duty to implement approved proposals in respect of the school in its previous category.

Admissions - transitional measures (Paragraph 5.15)

5.15 The admission authority for a community or voluntary controlled school is the LA, while the admission authority for a voluntary aided or foundation school is the school's governing body. When a school changes category, and the admission authority changes too, any action taken or decisions made by the former authority in its role as the admission authority will, from the implementation date, have effect as if they had been taken by the new admission authority. This means that, for example, where a community school becomes a voluntary aided school, the governing body of the voluntary aided school **must** honour any admission decisions already taken by the LA about the admission arrangements of the school and any offers of places that have been made or applications that have been refused. Further information about admission arrangements can be found in the School Admissions Code at <http://www.education.gov.uk/schools/adminandfinance/schooladmissions/a00195/current-codes-and-regulations>

Reconstitution of the governing body (Paragraphs 5.16-5.18)

5.16 In changing category, the governing body **must** 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 2007". A period called the "implementation period" begins when the proposals are decided and ends on the date the proposals are implemented (the implementation date is the date specified in the statutory notice, subject to any subsequent approved modification). During this period, the LA and governing body are required to make a new instrument of government for the school, so enough time **should** be built into the timeframe for this to happen.

5.17 As soon as reasonably practicable after the beginning of the implementation period, and in any case within a period of 3 months after the implementation date, the

STAGE 5 - IMPLEMENTATION

governing body and LA are required to reconstitute the governing body. Until the governing body is reconstituted, the current governing body continues to exercise its functions in respect of the school.

5.18 In reconstituting the governing body, if a school has surplus governors in one or more of the categories appropriate to the school's new category, unless those surplus governors voluntarily agree to cease to hold office, they shall be removed as follows:

- seniority - the governor with the shortest period of service being the first to cease to hold office, the governor with the next shortest period of service being the next to cease to hold office, and so on;
- drawing of lots - where governors are of equal seniority, determination of who shall cease to hold office shall be done by drawing lots.

Staffing (Paragraphs 5.19-5.21)

5.19 A change of school category from community or voluntary controlled to voluntary aided will result in a change of employer for the school's staff. Paragraphs 49 to 55 of Schedule 3 to the Regulations provide for all rights, powers, duties and liabilities to transfer from the LA to the governing body. Another consequence of changing category is that anything done by the LA in respect of the employee is considered, from the implementation date, to have been done by the governing body.

5.20 The effect of these provisions is to protect an individual's employment rights on transfer. Any agreements entered into by the LA or governing body before this date, in respect of an individual's terms and contract of employment **must** therefore be honoured by the new employer. Equally, if any action is being taken by an employee against the former employer in respect of a liability, duty etc of that employer before a school changes category, the liability transfers to the new employer.

5.21 The governing body **should** also take account of the "Staff Transfers in the Public Sector" statement of practice which can be accessed at the civil service website at <http://www.civilservice.gov.uk/>

STAGE 5 - IMPLEMENTATION

Variation of voluntary or foundation school trusts (Paragraph 5.22)

5.22 The trust of a voluntary or foundation school often makes very specific provisions regarding the conduct of the school and the use of any fund held by the trust for the use of the school and premises. In bringing forward proposals to change category, proposers will need to consider whether the school's current trust allows for the change in category proposed. If in doubt, or if a variation in the trust is clearly necessary, promoters are advised to make early contact with the Charity Commission to apply for the trust to be varied under the relevant trust law.

Land Transfer (Paragraphs 5.23-5.24)

5.23 Schedule 3 to the Regulations has effect in relation to the transfer of land. Any land transfers will follow the existing patterns of ownership for maintained schools so far as possible and will take place on the implementation date.

5.24 Where a community or a voluntary school becomes a foundation school any land held by an LA for the school transfers automatically to the school's trustees or, if it has no trustees, to the governing body.

Rights to use land (Paragraph 5.25)

5.25 Where land held by another body was used by a school prior to its change of category (for instance a private playing field, church hall or swimming pool) the rights and liabilities connected with the use of that facility enjoyed by the school prior to the change of category will continue to apply. Therefore, where a community school has, by agreement, been allowed to use a playing field owned by a sports club prior to changing category, the school cannot be disqualified from using the facility merely because of the change in category.

Restrictions on disposing of property (Paragraph 5.26)

5.26 Once a governing body has given notice to the LA that a motion to consult on change of category proposals is to be discussed by the governing body, an embargo is placed on an LA, in whom property which is used for the purposes of the school is vested, disposing of that property or ceasing to hold or use it for the school. This embargo lasts until the proposals are decided or withdrawn.

Land excluded from transfer (Paragraph 5.27)

5.27 Land may be excluded from transfer with the prior written approval of the schools adjudicator. Applications to the adjudicator to exclude land from transfer can be made jointly (where there is agreement) or individually from either party. Applications to exclude land from transfer can only be made during the period between the change of category proposals being approved and the implementation date.

STAGE 5 - IMPLEMENTATION

Issues relating to transfer of land (Paragraph 5.28)

5.28 Further information regarding the transfer of land can be found in “The Transfer and Disposal of School Land in England: A General Guide for Schools, Local Authorities and The Adjudicator”, which can be obtained from <http://www.education.gov.uk/schools/adminandfinance/schoolscapital/landandproperty/a0010907/sale-of-school-land>

Annex A

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

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

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

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

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

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

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

Implementation and any proposed stages for implementation

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

Objections and comments

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

Alteration description

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

School capacity

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

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

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

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

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

(2) Where the alteration is an alteration falling within any of paragraphs 1, 2, 9, 12 and 13 of Schedule 2 (GB proposals) /paragraphs 1, 2, 8, 18 and 19 of Schedule 4 (LA proposals) to The

School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended), a statement of the number of pupils at the school at the time of the publication of the proposals.

Implementation

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

Additional Site

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

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

Changes in boarding arrangements

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

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

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

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

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

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

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

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

Transfer to new site

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

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

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

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

[Empty rectangular box]

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

[Empty rectangular box]

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

[Empty rectangular box]

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

[Empty rectangular box]

Objectives

10. The objectives of the proposals.

[Empty rectangular box]

Consultation

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

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

[Empty rectangular box]

Project costs

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

[Empty rectangular box]

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

Age range

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

Early years provision

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

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

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

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

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

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

Changes to sixth form provision

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

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

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

(c) Evidence —

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

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

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

Special educational needs

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

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

(b) any additional specialist features will be provided;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sex of pupils

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

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

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

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

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

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

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

Extended services

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

Need or demand for additional places

24. If the proposals involve adding places—

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

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

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

25. If the proposals involve removing places—

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

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

Expansion of successful and popular schools

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

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

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

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

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



DfE Guidance on Closing a Maintained School is attached as a separate PDF appendix

department for
children, schools and families

Closing a Maintained Mainstream School

A Guide for Local Authorities and Governing Bodies

For further information:

School Organisation & Competitions Unit
DCSF
Mowden Hall
Darlington
DL3 9BG

Tel: 01325 735749

Email: school.organisation@education.gsi.gov.uk

Website: www.dcsf.gov.uk/schoolorg/guidance.cfm?id=3

Last updated 1 February 2010

CLOSING A MAINTAINED MAINSTREAM SCHOOL - A GUIDE FOR LOCAL AUTHORITIES AND GOVERNING BODIES

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INTRODUCTION

CLOSING A MAINTAINED MAINSTREAM SCHOOL - A GUIDE FOR LOCAL AUTHORITIES AND GOVERNING BODIES

Introduction (Paragraphs 1-33)

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

2. This guide contains both statutory guidance (i.e. guidance to which local authorities (LAs) and governing bodies have a statutory duty to have regard) and non-statutory guidance, on the process for closing a maintained mainstream school. Supplementary guidance is available for special schools under the relevant guidance section on the School Organisation website at www.dcsf.gov.uk/schoolorg.

NOTE: For more detailed information on when proposals are required, see paragraphs 11 to 23 below.

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

3. If you have any comments on the content or layout of this guide please send these to the School Organisation & Competitions Unit (using the School Organisation website's "Contact Us" facility [www.dcsf.gov.uk/schoolorg/contact.cfm] or by email to: school.organisation@education.gsi.gov.uk) making sure that you identify the title of the guide and quote the page and paragraph numbers where relevant.

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

4. This guide is for those considering publishing proposals to close maintained mainstream schools under Section 15 of EIA 2006, referred to as "proposers" (i.e. the LA or the governing body), those deciding proposals, referred to as the "Decision Maker" (i.e. the LA and the schools adjudicator) and also for information for those affected by school closure proposals.

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

- Opening a new school – "Establishing a new maintained

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mainstream school” -

www.dcsf.gov.uk/schoolorg/guidance.cfm?id=2;

- Becoming a Foundation or “Trust” school (changing category to foundation; a foundation school acquiring a foundation (i.e. a Trust); a Trust school acquiring a majority of foundation governors on the governing body) - “Changing School Category to Foundation” and “Trust School Proposals” - www.dcsf.gov.uk/schoolorg/guidance.cfm?id=25;
- Expanding a maintained mainstream school by enlarging or adding a sixth form - www.dcsf.gov.uk/schoolorg/guidance.cfm?id=5; and
- Making other prescribed alterations to a maintained school (e.g. change of age range other than adding a sixth form, add SEN, transfer of site) – “Making Changes to a Maintained Mainstream School (Other than Expansion, Foundation, Discontinuance & Establishment Proposals)” - www.dcsf.gov.uk/schoolorg/guidance.cfm?id=6.

School Organisation Planning Requirements (Paragraphs 6-8)

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

7. Parents can make representations about the supply of school places and LAs have a **statutory duty** to respond to these representations. Further statutory guidance on this duty is available in “Duty to Respond to Parental Representations about the Provision of Schools” which is on the School Organisation website at: www.dcsf.gov.uk/schoolorg/guidance.cfm?id=26.

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

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

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

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

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

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

10. The Secretary of State does not decide statutory proposals relating to schools, except where proposals have been published by the Learning and Skills Council (LSC)¹ under Section 113A of the Learning and Skills Act 2000 (as inserted by section 72 of the Education Act 2002), for changes to 16-19 provision in schools. For further information please see guidance "School Organisation Proposals by the Learning and Skills Council" available at: www.teachernet.gov.uk/docbank/index.cfm?id=4390.

When are closure proposals required? (Paragraph 11)

11. If a LA or governing body needs to close a maintained mainstream school for the following reasons:

- it is surplus to requirements (e.g. as a result of an area-wide reorganisation and/or there are sufficient places in neighbouring schools to accommodate displaced pupils);

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

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- it is to be amalgamated/merged with another school (see paragraph 12 below);
- it is to gain, lose or change religious character (see paragraph 13 below);
- it is to be replaced by an Academy (see paragraph 14 below); or
- it is to be replaced by a new school under the National Challenge Trust programme (see paragraph 22 below)

statutory proposals will be required. The statutory process to close a school does not have to precede proposals to re-build a school on its existing site or to transfer an existing school to a new site UNLESS the intention is to statutorily cease to maintain the school and replace it with a new school established under section 7 (school competition), 10 (exemption from a school competition) or 11 (special case) of the EIA 2006.

Amalgamations/Mergers (Paragraph 12)

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

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

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

*All section 10 exemption applications are considered on their individual merits. However there is a 'presumption for approval' for infant/junior amalgamations, faith school reorganisations and new schools proposed by proposers other than the LA, because Ministers have indicated, during debates in Parliament, that they may be prepared to give consent to requests under these criteria, for publication of proposals without holding a competition. See Section B of the "Establishing a Maintained Mainstream School" guide for further information (www.dcsf.gov.uk/schoolorg/guidance.cfm?id=2).

Schools wishing to acquire, change or lose a Religious Character (Paragraph 13)

13. It is not possible for a community, voluntary or foundation school to acquire, lose or change religious character by making a prescribed alteration

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to the school. To make a change from, for example, a community school to a voluntary school with a religious character, the LA would need to publish proposals to close the community school, and a faith organisation (as proposers) would need to bring forward “related” proposals to establish a new voluntary school with a religious character (either through “competition” under section 7 of the EIA 2006, or “exemption” under section 10 of the EIA 2006). Please refer to “Establishing a New Maintained Mainstream School” - (<http://www.dcsf.gov.uk/schoolorg/guidance.cfm?id=2>).

Closing school(s) to be replaced by an Academy (Paragraph 14)

14. Academies are publicly funded independent schools, which do not fall under School Organisation regulations. Where a maintained school is proposed for closure, to be replaced by an Academy, the normal statutory process applies to the school closure proposals, but not to the new Academy (see <http://www.standards.dfes.gov.uk/academies> for further information about Academies). Section 482 of the Education Act 1996 provides for the Secretary of State to enter into funding agreements for new Academies with sponsors. The school closure proposals, if approved, **should** be conditional upon the Funding Agreement being signed, which could be explained in “Explanatory Notes” in the statutory notice along the lines of:

Academies are publicly funded independent schools with sponsors from the private and voluntary sectors. The establishment of an Academy is subject to the agreement of the Secretary of State. It is proposed that the closure of X school(s) should be approved to take effect only if by the date of closure an agreement has been made under section 482(1) of the Education Act 1996 for the establishment of an Academy to replace X school(s).

NOTE: The minimum amount of information about the proposed Academy **should** be included in the closure notice; the proposals are about the closure of the school(s), not the specifications of the new Academy. Because Academy proposals do not fall under School Organisation regulations, they are not considered as “related” to the school closure proposal(s) (see paragraph 2.5 below).

Schools Causing Concern (Paragraphs 15-21)

15. The categories of schools causing concern are defined in sections 59-62 of the EIA 2006. Further information on these categories and the relevant duties, powers and responsibilities can be found in the DCSF guidance on schools causing concern, available at: <http://www.standards.dcsf.gov.uk/sie/si/SCC/>.

16. The Apprenticeships, Schools, Children and Learners (ASCL) Act 2009 introduces new provisions relating to schools causing concern. These provisions come into force on 12 January 2010. The existing schools causing concern guidance will be replaced with new guidance to reflect the new provisions in the New Year.

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17. All maintained schools causing concern **should** receive intensive support from their LA. The National Strategies section of the DCSF Standards website provides further information:
<http://nationalstrategies.standards.dcsf.gov.uk/>.

18. The Education Act 2005 (Section 44) changed the definition of a school in Special Measures and introduced a new category - Significant Improvement – which replaced previous Ofsted categories of Serious Weaknesses, Inadequate Sixth Form or Underachieving (a non-statutory category). Before reaching a judgement that a school requires Special Measures, Ofsted inspectors **must** now take into account a school's capacity to improve. A school that is not considered to need Special Measures but is nevertheless not performing as well as it ought to be, may be judged to require Significant Improvement. Schools requiring Significant Improvement are sometimes described as being under a Notice to Improve.

19. Schools that are made subject to Special Measures will continue to receive termly monitoring visits; those requiring Significant Improvement will be re-inspected after one year. In addition, Ofsted carry out monitoring visits to schools requiring Significant Improvement 6-8 months after the initial inspection.

20. When considering the closure of any school causing concern and the expansion of other schools in the area, the LA **should** take into account the popularity with parents of alternative schools.

21. Where a school is to be closed so that it may be amalgamated with a more successful and popular school, the Decision Maker will normally approve these proposals, subject to evidence being provided by the LA and other interests that the development will have a positive impact on standards.

Proposals published under National Challenge (Paragraph 22-23)

22. The National Challenge programme was launched in June 2008 as a major initiative to improve standards in all secondary schools. The aim is that by 2011, at least 30% of pupils in every school will gain five or more GCSEs at A*-C, including both English and mathematics. One of the structural solutions (interventions) available through the programme is the closure of a school which is below this target, and the opening of a new National Challenge Trust (NCT) school, which will have clear and specific plans for raising attainment, agreed with the Department. The new NCT school **must** be a foundation school with a foundation (i.e. a Trust school) composed of Trust partners agreed with the LA and the Department in the Statement of Intent, including a strong education partner; the foundation (Trust) **must** also appoint a majority of governors to the school's governing body.

23. The proposals for both the closure of the weak school and the opening of the new school, usually on the same site, **should** be published as "related" statutory proposals. NCT proposals for a new school can only be published without a competition for the new school if the Secretary of State has granted consent under Section 10 of EIA 2006 (see Part B of "Establishing a New

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Maintained Mainstream School” -

(<http://www.dcsf.gov.uk/schoolorg/guidance.cfm?id=2>). There is a strong presumption to approve proposals for a NCT school where a Statement of Intent has been agreed with the Department.

Secretary of State’s power to direct school closure (Paragraph 24)

24. Section 68 of EIA 2006 gives the Secretary of State the power to direct an LA to close a school requiring special measures. This will usually be done only where there is no prospect of the school making sufficient improvements. Prior to making the direction, the Secretary of State **must** consult with the LA, the governing body that is to be replaced, and – in the case of a voluntary or foundation school – the diocesan or other appointing authority, and the LSC (if the school has a sixth form). Such a direction will not require the publication of statutory proposals for the school’s closure but proposals may be required for the opening of a new school or for alterations as a consequence of the directed closure. If the direction to close a school has been given, the LA will be expected to meet any costs of terminating staff contracts, and make appropriate arrangements for the pupils’ continuing education, whether in a replacement school or through transition to an alternative school (see chapter 5 of Schools Causing Concern Guidance for further information – <http://www.standards.dcsf.gov.uk/sie/documents/sccamendedguidance.doc>).

LSC Powers to publish proposals to close 16-19 schools (Paragraph 25)

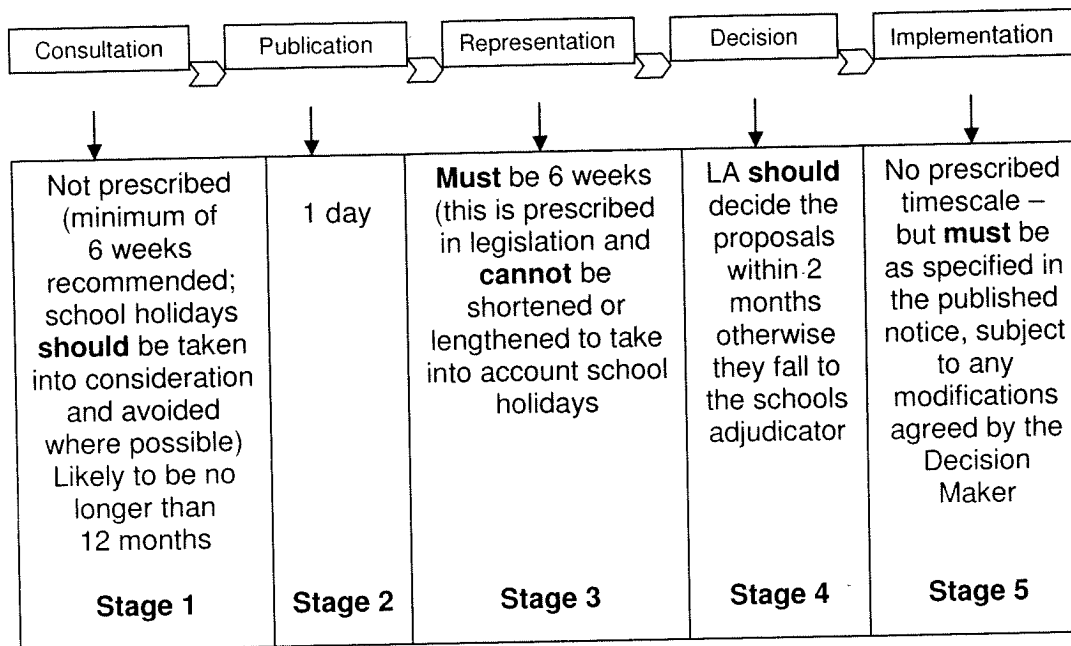
25. The Learning and Skills Council (LSC)² will work with LAs to support the improvement of sixth form provision. The LSC has the power to publish proposals for the closure of an inadequate school sixth form. Where a school sixth form has been judged to require Significant Improvement in two consecutive Ofsted inspections, or where a maintained school for 16-19 year olds has been judged to require Special Measures in two consecutive Ofsted inspections, the LSC may publish proposals to close the sixth form or 16-19 school. The proposals will be decided by the LA or schools adjudicator in accordance with the same procedures as set out in Stage 4 of this guide.

Overview of process (Paragraph 26)

26. There are 5 statutory stages for a statutory proposal to close a maintained mainstream school:

² References throughout this document to the LSC only apply up to April 2010. The Apprenticeships, Skills, Children and Learning Act (ASCL) Act 2009 will transfer the responsibilities of the LSC in respect of 16-19 education and training to LAs, supported by the Young People’s Learning Agency. This guidance will be revised by April 2010 to take account of these changes.

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Two Years Notice of Closure – Voluntary and Foundation Schools
(Paragraphs 27-28)

27. Alternatively (instead of following the statutory process outlined above), under section 30 of the School Standards and Framework Act 1998, the governing body of a voluntary or foundation school may (subject to specified provisions) give at least two years' notice of their intention to close the school, to the Secretary of State and the LA. The Secretary of State's prior consent is required if expenditure has been incurred on the school's premises by the Secretary of State, the Funding Agency for Schools (in the case of a school which was formerly grant-maintained) or by the school's current, or any previous, LA. Similarly, trustees of a foundation or voluntary school may give the governing body a minimum of two years notice, if they intend to terminate the school's occupation of the school's site, and as a result the school can no longer continue. A copy of the served notice **must** also be given to the Secretary of State and the LA at the time when it is given to the governing body. The minimum two years' notice allows the LA and/or governing body time to make alternative arrangements for the school and its pupils, which may include following the normal statutory process to enlarge/change the age range of other schools etc.

28. Statutory proposals are not required in the case of closure proposed under section 30; the full process is set out in section 30 of the School Standards and Framework Act 1998 and is not covered by this guidance.

Who can publish statutory proposals to close schools? (Paragraph 29)

29. An LA can publish proposals to close any category of maintained school (community, community special, foundation [including Trust], foundation special, voluntary aided, voluntary controlled and nursery schools). The governing body of a voluntary, foundation [including Trust], or foundation

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special school may also publish proposals to close their own school.

Where to start? (Paragraph 30)

30. Before commencing formal consultation, the LA or governing body **should** ensure they understand the statutory process that **must** be followed, the factors that are likely to be considered by the Decision Maker and that they have a sufficiently strong case and supporting evidence for their proposals.

Rural Primary Schools (Paragraphs 31-32)

31. EIA 2006 requires that an LA or governing body, that is considering proposing the closure of a rural primary school **must** consider the following matters, when formulating their proposals:-

- the likely effect of the discontinuance of the school on the local community;
- the availability, and likely cost to the LA, of transport to other schools;
- any increase in the use of motor vehicles which is likely to result from the discontinuance of the school, and the likely effects of any such increase; and
- any alternatives to the discontinuance of the school.

Although there is a presumption against closure of a rural school, that does not mean that no rural schools will close (see 4.42 below).

32. A list of primary schools that are designated as rural can be found at: www.dcsf.gov.uk/schoolorg/useful-links.cfm. Secondary schools are not designated; it is for the Decision Maker to determine whether or not a secondary school should be considered as rural; the Department's register of schools – Edubase (<http://www.edubase.gov.uk>) - includes a rural/urban indicator for each school in England based on an assessment by the Office for National Statistics. See paragraphs 4.43-4.44 for further information.

NOTE: On Edubase, any school classed as urban will have a rural/urban indicator of either 'Urban>10K – less sparse' or 'Urban>10K – sparse' – all other descriptions refer to rural schools.

Nursery Schools (Paragraph 33)

33. Nursery schools generally offer high quality provision, and have considerable potential as the basis for developing integrated services for young children and families; there is a presumption against closure of LA maintained nursery schools, but that does not mean that no nursery schools will close. The LA **should** consider the following matters (which **must** be considered by the decision maker), when formulating proposals:-

INTRODUCTION

- the number of empty places consistently being funded;
- developing the school into a Sure Start Children's Centre, unless there is evidence of unsuitable accommodation, poor quality provision and low demand for places;
- alternative planned provision will be at least as equal in terms of the quantity and quality of early years provision provided by the nursery school, with no loss of expertise and specialism; and
- replacement provision is more accessible and convenient for local parents.

STAGE 1

Stage 1 – Consultation (Paragraphs 1.1-1.8)

1.1 Under section 16 of EIA 2006, those considering bringing forward statutory proposals to close a school **must** consult interested parties, and in doing so **must** have regard to the Secretary of State's guidance. The statutory guidance for this purpose is contained in paragraphs 1.2 to 1.5. Where an LA or governing body carries out any preliminary (informal) consultation to consider a range of options, and/or principles, for a possible reorganisation, this would not be regarded as the statutory (formal) period of consultation as required by regulations. The statutory consultation would need to cover the specific closure proposal of the school in question.

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

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

1.3 The Secretary of State considers that the interested parties who **should** be consulted by proposers include:

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

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representatives of any trade union of any other staff at schools who may be affected by the proposals;

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

1.4 Under Section 176 of the Education Act 2002 LAs and governing bodies are also under a duty to consult pupils on any proposed changes to local school organisation that may affect them. Guidance on this duty is available on the Teachernet website: www.publications.teachernet.gov.uk and is entitled "Pupil Participation Guidance: Working Together – Giving Children and Young People a Say".

Rural Primary Schools – Consulting on Closure (Paragraph 1.5)

1.5 Section 16(1) of EIA 2006 places a statutory **duty** on those proposing the closure of a rural primary school to consult:-

- the registered parents of registered pupils at the school;
- the LA (where proposals are to be made by the school governing body);
- in a case where the LA are a county council in England, any district council for the area in which the school is situated;
- any parish council for the area in which the school is situated; and

STAGE 1

- such other persons as appear to the relevant body to be appropriate.

Conduct of Consultation (Paragraphs 1.6-1.8)

1.6 **How** statutory consultation is carried out is not prescribed in regulations and it is for the proposers to determine the nature of the consultation including, for example, whether to hold public meetings. Although regulations do not specify the consultation's duration, the Department strongly advises that the proposers **should** allow at least 6 weeks for this. This will allow consultees an opportunity to consider what is being proposed and to send their comments. Proposers **should** avoid consulting on proposals during school holidays, where possible.

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

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

Remember:

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

STAGE 2

Stage 2 – Publication (Paragraphs 2.1-2.10)

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

2.2 Proposals **must** contain the information specified in the Regulations. The regulations specify that part of the information (as set out in Part 7 of Schedule 5) is published in a statutory notice (see paragraph 2.3 below), but the complete proposal (as set out in Schedule 4), **must** be sent to a range of copy recipients (see paragraph 2.9-2.10 below). Annex A can be used to prepare the complete proposal; the notice builder tool (see 2.4 below) can be used to prepare the draft statutory notice.

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

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

Related proposals (Paragraph 2.5)

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

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“related”. This does not include proposals that fall under other regulations e.g. removal of a Trust, opening of an Academy or federation proposals.

Implementation date (Paragraph 2.6)

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

Explanatory note (Paragraph 2.7)

2.7 If the full effect of the proposals is not apparent to the general public from the statutory notice, it may be supplemented by an explanatory note or background statement, but this **should** be clearly distinguishable from the formal proposals as it does not form a statutory part of the notice. Ideally, whilst complying with regulations, the statutory notice **should** be as concise as possible, so that it is easily understood (this will also help keep publication costs to a minimum), with more detailed information contained in the complete proposal (see [paragraph 14](#) for suggested explanatory notes if a closing school is to be replaced by an Academy).

Invalid notice (Paragraph 2.8)

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

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

2.9 If the governing body are the proposers, they **must** submit a copy of their complete proposal to the LA that maintains the school, on the **date of publication**. It would also be helpful to submit a copy of the statutory notice. (see 2.2 above).

If the LA are the proposers, they **must** submit a copy of their complete proposal to the governing body of the school proposed for closure, on the

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date of publication. It would also be helpful to submit a copy of the statutory notice. (see 2.2 above).

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

- any other LA likely to be affected by the proposals;
- the Diocesan Board of Education for any diocese of the Church of England which is comprised in the area of the LA;
- the bishop of a diocese of the Roman Catholic Church which is comprised in the area of the LA;
- the Learning and Skills Council for England if the school provides 14-16 education or sixth form education;
- where the school is a voluntary or foundation - the trustees or foundation body; and
- any person who requests a copy.

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

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

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Stage 3 – Representations (Paragraphs 3.1-3.2)

3.1 Once proposals are published there follows a **statutory 6 week representation period** during which comments on the proposals can be made. These **must** be sent to the LA. Any person can submit representations, which can be objections as well as expressions of support for the proposals. The representation period is the final opportunity for people and organisations to express their views about the proposals and ensure that they will be taken into account by the Decision Maker.

3.2 The representation period is specified in legislation as **6 weeks** and **must not** be altered e.g. cannot be shortened or extended to fit in with scheduled meetings or to take into account school holidays – meetings will need to be rescheduled and every effort **should** be made to advise stakeholders during the consultation period when the notice is likely to be published.

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Stage 4 – Decision (Paragraphs 4.1-4.70)**Who Will Decide the Proposals?** (Paragraphs 4.1-4.4)

4.1 Decisions on school organisation proposals are taken by the LA or by the schools adjudicator. In this chapter both are covered by the form of words “Decision Maker” which applies equally to both. Paragraphs 7-8 and 19 of Schedule 2 to EIA 2006 set out who **must** decide proposals for school closures. Decisions on closure proposals will be taken by the LA with some rights of appeal to the schools adjudicator. Only if the closure proposals are “related” to other proposals that fall to be decided by the schools adjudicator, will the LA not be the decision maker in the first instance.

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

4.3 Where proposals are published by the LA and there are no objections and the proposals are not “related” to other proposals, the proposals **must** be determined by the LA under Paragraph 19 of Schedule 2 to EIA 2006. The proposals **should** then be decided within 2 months (and if not, the proposals **must** be referred to the schools adjudicator) and there is no provision for an appeal against the LA’s decision. A conditional approval cannot be given where proposals are decided under the paragraph.

4.4 If there are objections to the proposals, or there are no objections but the proposals are “related” to other proposals, the proposals **must** be decided under Paragraph 8 of Schedule 2 to EIA 2006. The LA will normally be the decision maker (i.e. except where the proposals are related to proposals for the establishment of a new school and the schools adjudicator is required to decide the new school proposals – see paragraph 5.6 of Part A, and paragraph 4.6 of Part B, of “Establishing a New Maintained Mainstream School” - www.dcsf.gov.uk/schoolorg/guidance.cfm?id=2). If the LA fail to decide proposals within 2 months of the end of the representation period the LA **must** forward proposals, and any received representations (i.e. not withdrawn in writing), to the schools adjudicator for decision. They **must** forward the proposals within one week from the end of the 2 month period.

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

4.5 There is no right of appeal where proposals are decided under Paragraph 19 of Schedule 2 to EIA 2006. In all other cases the following bodies may appeal against an LA decision on school closure proposals:

- the local Church of England diocese;
- the Bishop of the local Roman Catholic diocese;
- the LSC where the school provides education for pupils aged 14

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and over; and

- the governors and trustees of a foundation (including Trust) or voluntary school that is subject to the closure proposals.

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

Checks on Receipt of Statutory Proposals (Paragraph 4.7)

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

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

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

4.8 The Decision Maker **should** consider whether the notice is valid as soon as a copy is received. Where a published notice does not comply with statutory requirements - as set out in the Regulations - it may be judged invalid and the Decision Maker **should** consider whether they can decide the proposals.

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

4.9 Details of the consultation **must** be included in the proposals. The Decision Maker **should** be satisfied that the consultation meets statutory requirements (see Stage 1 paragraphs 1.2–1.5). If some parties submit objections on the basis that consultation was not adequate, the Decision Maker may wish to take legal advice on the points raised. If the requirements have not been met, the Decision Maker may judge the proposals to be invalid

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and needs to consider whether they can decide the proposals. Alternatively the Decision Maker may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposals as a whole.

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

4.10 Paragraphs 9 and 19 of Schedule 2 to the EIA 2006 provide that any proposals that are “related to” particular proposals (e.g. for a new school, or prescribed alterations to existing schools i.e. change of age range, enlargement, transfer of site) **must** be considered together. This does not include proposals that fall outside of the Regulations e.g. removal of a Trust, opening of an Academy, federation proposals. Paragraphs 4.11 – 4.14 provide statutory guidance on whether proposals **should** be regarded as “related”.

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

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

4.13 Where proposals for a closing school are “related” to proposals published by the local LSC³, which are to be decided by the Secretary of State, the Decision Maker **must** defer taking a decision until the Secretary of State has taken a decision on the LSC proposals. This applies where the proposals before the Decision Maker concern:

- the school that is the subject of the LSC proposals;
- any other secondary school, maintained by the same LA that maintains a school that is the subject of the LSC proposals; or
- any other secondary school in the same LA area as any FE college which is the subject of the LSC proposals.

³ References throughout this document to the LSC only apply up to April 2010. The Apprenticeships, Skills, Children and Learning Act (ASCL) Act 2009 will transfer the responsibilities of the LSC in respect of 16-19 education and training to LAs, supported by the Young People's Learning Agency. This guidance will be revised by April 2010 to take account of these changes.

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

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

4.15 Paragraphs 8(6) and 17 of Schedule 2 to the EIA 2006 provides that both the LA and schools adjudicator **must** have regard to guidance issued by the Secretary of State when they take a decision on closure proposals. Paragraphs 4.16 to 4.63 below contain the statutory guidance.

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

EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT

A System Shaped by Parents (Paragraphs 4.17-4.18)

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

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

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

Standards (Paragraphs 4.19-4.21)

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

4.20 Decision Makers **should** be satisfied that proposals for a school closure will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They **should** pay

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particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

4.21 Where a school is to be closed so that it may be amalgamated with a more successful and/or popular school, the Decision Maker **should** again normally approve these proposals, subject to evidence being provided by the LA and other interested parties, that the development will have a positive impact on standards.

Schools Causing Concern (Paragraphs 4.22-4.23)

4.22 When considering the closure of any school causing concern and, where relevant, the expansion of other schools, the Decision Maker **should** take into account the popularity with parents of alternative schools.

4.23 For all closure proposals involving schools causing concern, copies of the Ofsted monitoring letters for the relevant schools **should** be made available. The Decision Maker **should** have regard to the length of time the school has been in special measures, needing significant improvement or otherwise causing concern, the progress it has made, the prognosis for improvement, and the availability of places at other existing or proposed schools within a reasonable travelling distance. There **should** be a presumption that these proposals **should** be approved, subject only to checking that there will be sufficient accessible places of an acceptable standard available in the area to meet foreseeable demand and to accommodate the displaced pupils.

National Challenge Trust Schools (Paragraph 4.24)

4.24 Where a school is proposed to close and re-open as a brokered National Challenge Trust school, the new school will have clear and specific plans for raising attainment which have been agreed by the Department (specified in the Statement of Intent agreed by Ministers). There **should** be a presumption to approve proposals where funding has been agreed by the Department, but the Decision Maker **should** be satisfied that the places the new school will provide are needed.

Academies (Paragraphs 4.25-4.27)

4.25 Academies are publicly-funded independent schools established in partnership with business and voluntary sector sponsors. They will normally replace one or more poorly-performing schools or will meet demand for new school places in diverse communities where there is only limited access to free high quality school places. Academies may be established in rural as well as urban areas. All Academies **should** contribute to a strategic approach to diversity in their area. The involvement of business and other non-Government partners will enable Academies to develop and implement new approaches to governance, teaching and learning in order to raise standards. All Academies will be required to share their facilities and expertise with other local schools and the wider community.

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4.26 Where an Academy is to replace an existing school or schools, the proposals for the closure of those schools **should** indicate whether pupils currently attending the schools will transfer to the Academy and, if appropriate, what arrangements will be made for pupils who are not expected to transfer.

4.27 If provision for pupils at a school proposed for closure is dependent on the establishment of an Academy, or the extension or enlargement of an existing Academy, any approval of the closure proposals **should be** conditional on the Secretary of State making an agreement for a new Academy, or agreeing to the extension or enlargement of an existing one (see paragraph 4.65), but there **should** be a general presumption in favour of approval.

Diversity (Paragraphs 4.28-4.30)

4.28 Decision Makers **should** be satisfied that when proposals lead to children (who attend provision recognised by the LA as being reserved for pupils with special educational needs) being displaced, any alternative provision will meet the statutory SEN improvement test (see paragraphs 4.58 to 4.62).

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

4.30 Decision Makers **should** consider how proposals will impact on local diversity. They **should** consider the range of schools in the relevant area of the LA and how the closure of the school will ultimately impact on the aspirations of parents, help raise local standards and narrow attainment gaps.

Balance of Denominational Provision (Paragraphs 4.31-4.32)

4.31 In deciding proposals to close a school with a religious character, the Decision Maker **should** consider the effect that this will have on the balance of denominational provision in the area.

4.32 The Decision Maker **should not** normally approve the closure of a school with a religious character where the proposal would result in a reduction in the proportion of denominational places in the area. This guidance does not however apply in cases where the school concerned is severely under-subscribed, standards have been consistently low or where an infant and junior school (at least one of which has a religious character) are to be replaced by a new all-through primary school with the same religious character on the site of one or both of the predecessor schools.

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Every Child Matters (Paragraph 4.33)

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

NEED FOR PLACES

Provision for Displaced Pupils (Paragraph 4.34)

4.34 Where proposals will remove provision, the Decision Maker **should** be satisfied that there is sufficient capacity to accommodate displaced pupils in the area, taking into account the overall supply and likely future demand for places. The Decision Maker **should** consider the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents’ aspirations for those schools.

Surplus Places (Paragraphs 4.35-4.36)

4.35 It is important that education is provided as cost-effectively as possible. Empty places can represent a poor use of resources - resources that can often be used more effectively to support schools in raising standards. The Secretary of State wishes to encourage LAs to organise provision in order to ensure that places are located where parents want them. LAs **should** take action to remove empty places at schools that are unpopular with parents and which do little to raise standards or improve choice. The removal of surplus places **should** always support the core agenda of raising standards and respect parents’ wishes by seeking to match school places with parental choices.

4.36 The Decision Maker **should** normally approve proposals to close schools in order to remove surplus places where the school proposed for closure has a quarter or more places unfilled, and at least 30 surplus places, and where standards are low compared to standards across the LA. The Decision Maker **should** consider all other proposals to close schools in order to remove surplus places carefully. Where the rationale for the closure of a school is based on the removal of surplus places, standards at the school(s) in question **should** be taken into account, as well as geographical and social factors, such as population sparsity in rural areas, and the effect on any community use of the premises.

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IMPACT ON THE COMMUNITY AND TRAVEL**Impact on Community** (Paragraphs 4.37-4.38)

4.37 Some schools may already be a focal point for family and community activity, providing extended services for a range of users, and its closure may have wider social ramifications. In considering proposals for the closure of such schools, the effect on families and the community **should** be considered. Where the school was providing access to extended services, some provision **should** be made for the pupils and their families to access similar services through their new schools or other means.

4.38 The information presented by those bringing forward proposals to close such schools, particularly when they are in receipt of funding as part of regeneration activity, **should** therefore include evidence that options for maintaining access to extended services in the area have been addressed. The views of other relevant agencies and partnerships with responsibility for community and family services **should** be taken into account, alongside those of the local police, Government Offices and Regional Development Agencies having responsibility for the New Deal for Communities.

Community Cohesion and Race Equality (Paragraph 4.39)

4.39 When considering proposals to close a school the Decision Maker **should** consider the impact of the proposals 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 sections within the community. In considering the impact of the proposals on community cohesion the Decision Maker will need to take account of the nature of the alternative provision to be made for pupils displaced by the closure and the effects of any other changes to the provision of schools in the area.

Travel and Accessibility for All (Paragraphs 4.40-4.41)

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

4.41 In deciding statutory proposals, the Decision Maker **should** bear in mind that proposals **should not** have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. The EIA 2006 provides extended free transport rights for low income groups – see Home to School Travel and Transport Guidance ref 00373 – 2007BKT-EN at www.teachernet.gov.uk/publications. Proposals **should** also be considered on the basis of how they will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

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Rural Schools and Sites (Paragraphs 4.42-4.44)

4.42 In considering statutory proposals to close a rural school, the Decision Maker **should** have regard to the need to preserve access to a local school for rural communities. There is therefore a presumption against the closure of rural schools. This does not mean that a rural school will never close, but the case for closure **should** be strong and the proposals clearly in the best interests of educational provision in the area. The presumption will not apply in cases where a rural infant and junior school on the same site are being closed to establish a new primary school. In order to assist the Decision Maker, those proposing closure **should** provide evidence to the Decision Maker to show that they have carefully considered:

- a. Alternatives to closure including the potential for federation with another local school to increase the school's viability; the scope for an extended school or children's centre to provide local community services and facilities e.g. child care facilities, family and adult learning, healthcare, community internet access etc;
- b. The transport implications as mentioned in paragraphs 4.40 to 4.41; and
- c. The overall and long term impact on local people and the community of closure of the village school and of the loss of the building as a community facility.

4.43 When deciding proposals for the closure of a rural primary school, the Decision Maker **should** refer to the Designation of Rural Primary Schools (England) 2007 to confirm that the school is a rural school. The list of rural primary schools can be viewed on line at: www.dcsf.gov.uk/schoolorg/useful-links.cfm.

4.44 In the case of secondary schools, it is the responsibility of the Decision Maker to decide whether a school is to be regarded as rural for the purpose of considering proposals for closure under this guidance and in particular the presumption against closure. The Department's register of schools – Edubase (<http://www.edubase.gov.uk>) - includes a rural/urban indicator for each school in England based on an assessment by the Office for National Statistics. The Decision Maker **should** have regard to this indicator. Where a school is not recorded as rural on Edubase, the Decision Maker may nonetheless wish to consider evidence provided by interested parties that a particular school **should** be regarded as rural.

NOTE: On Edubase, any school classed as urban will have a rural/urban indicator of either 'Urban>10K – less sparse' or 'Urban>10K – sparse' – all other descriptions refer to rural schools.

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SCHOOL CHARACTERISTICS

Boarding Provision (Paragraph 4.45)

4.45 In making a decision on proposals to close a school that includes boarding provision, the Decision Maker **should** consider whether there is a state maintained boarding school within one hour's travelling distance from the school. The Decision Maker **should** consider 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.

Equal Opportunity Issues (Paragraph 4.46)

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

SPECIFIC AGE PROVISION ISSUES

Early Years Provision (Paragraphs 4.47-4.48)

4.47 In considering proposals to close a school which currently includes early years provision, the Decision Maker **should** consider whether the alternative provision will integrate pre-school education with childcare services and/or with other services for young children and their families; and **should** have particular regard to the views of the Early Years Development and Childcare Partnership.

4.48 The Decision Maker **should** also consider whether the alternative early years provision will maintain or enhance the standard of educational provision and flexibility of access for parents. Alternative provision could be with providers in the private, voluntary or independent sector.

Nursery School Closures (Paragraph 4.49)

4.49 In deciding whether to approve any proposals to close a nursery school, the Decision Maker **should** be aware that nursery schools generally offer high quality provision, and have considerable potential as the basis for developing integrated services for young children and families. There **should** be a presumption against the closure of a nursery school unless the case for closure can demonstrate that:

- a. the LA is consistently funding numbers of empty places;
- b. full consideration has been given to developing the school into a Sure Start Children's Centre, and there are clear, justifiable grounds for not doing

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so, for example: unsuitable accommodation, poor quality provision and low demand for places;

c. plans to develop alternative provision clearly demonstrate that it will be at least as equal in terms of the quantity and quality of early years provision provided by the nursery school with no loss of expertise and specialism; and that

d. replacement provision is more accessible and more convenient for local parents.

14-19 Curriculum and Collaboration (Paragraph 4.50)

4.50 The Government has ambitious plans to increase post-16 participation rates and improve the skills of learners. The foundation for making progress is a transformed, coherent 14-19 phase offering a rich mix of learning opportunities from which young people can choose tailored programmes and gain qualifications appropriate to their aptitudes, needs and aspirations. This will be achieved by better collaboration between local providers, including schools, colleges, training providers and employers. Decision Makers **should** therefore consider what measures are being proposed to ensure that opportunities available to students in this age group are not reduced by the school closure, although the absence of such measures **should not** prevent the closure of a poorly-performing school.

16-19 Provision – General (Paragraphs 4.51-4.53)

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

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

4.52 Where standards and participation rates are variable, or where there is

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little choice, meaning that opportunity at 16 relies on where a young person went to school, the case for reorganisation, or allowing high quality providers to expand, is strong.

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

LSC Proposals to Close Inadequate 16-19 Provision (Paragraph 4.54)

4.54 The Learning and Skills Act 2000 (as amended by the Education Act 2005) gives the LSC⁴ powers to propose the closure of 16-19 schools judged to require Significant Improvement in two consecutive Ofsted inspections. Where a 16-19 school is proposed for closure in such circumstances there **should** be a presumption to approve the proposals, subject to evidence being provided that the development will have a positive impact on standards.

Conflicting Sixth Form Reorganisation Proposals (Paragraph 4.55)

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

SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION

Initial Considerations (Paragraphs 4.56-4.57)

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

- a. take account of parental preferences for particular styles of provision or education settings;
- b. offer a range of provision to respond to the needs of individual children

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

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and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise) and regional and sub-regional provision; out of LA day and residential special provision;

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

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

The Special Educational Needs Improvement Test (Paragraph 4.58)

4.58 When considering any reorganisation of provision that would be recognised by the LA as reserved for pupils with special educational needs, including that which might lead to some children being displaced through closures or alterations, LAs, and all other proposers for new schools or new provision, will need to demonstrate to parents, the local community and Decision Makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs. All consultation documents and reorganisation plans that LAs publish and all relevant documentation LAs and other proposers submit to Decision Makers **should** show how the key factors set out in paragraphs 4.59 to 4.62 below have been taken into account by applying the SEN improvement test. Proposals which do not credibly meet these requirements **should not** be approved and Decision Makers **should** take proper account of parental or independent representations which question the LA's own assessment in this regard.

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Key Factors (Paragraphs 4.59-4.62)

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

a. identify the details of the specific educational benefits that will flow from the proposals in terms of:

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

b. LAs **should** also:

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

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

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excluded; in such cases the statement **must** be amended to name the PRU, but PRUs **should not** be seen as an alternative long-term provision to special schools.

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

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

OTHER ISSUES

Views of interested parties (Paragraph 4.63)

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

Types of Decision (Paragraph 4.64)

4.64 In considering proposals for a school closure, the Decision Maker can decide to:

- reject the proposals;
- approve the proposals;
- approve the proposals with a modification (e.g. the school closure date); or
- approve the proposals subject to them meeting a specific condition (see paragraph 4.65), unless the decision is being made under paragraph 19 of Schedule 2 of the EIA 2006 – see

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4.3 above.

Conditional Approval (Paragraphs 4.65-4.66)

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

- a. the making of any agreement under section 482(1) of the 1996 Education Act for the establishment of an Academy, where the proposals in question provide for some or all of the pupils currently at the school which is the subject of the proposals to transfer to the Academy;
- b. the agreement of the Secretary of State to the extension or enlargement of an existing Academy;
- c. the decision of the Secretary of State to establish a new FE college under section 16 of the Further and Higher Education Act 1992;
- d. the agreement to any change to admission arrangements of any other school or schools specified in the approval;
- e. where the proposals depend upon conditions being met, by a specified date, for any other school or proposed school, the occurrence of such an event.

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

Decisions (Paragraphs 4.67-4.69)

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

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

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

4.69 In addition, where proposals are decided by the LA a copy of the decision **must** be sent to the Office of the Schools Adjudicator, Mowden Hall, Darlington DL3 9BG. Where proposals are decided by the schools adjudicator, a copy of the decision **must** be sent to the LA who maintain the school.

Can proposals be withdrawn? (Paragraph 4.70)

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

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Stage 5 – Implementation (Paragraphs 5.1-5.11)

5.1 The proposers are under a **statutory duty** to implement any proposals which an LA or schools adjudicator has approved, by the approved implementation date. The proposals **must** be implemented as published, taking into account any modifications made by the Decision Maker. If the approval was subject to a condition being met by a specified date, proposers **should** ensure that they meet this. If it looks as though it might not be possible to meet the condition by the specified date, the proposals **must** be considered afresh by the Decision Maker that decided the proposals. The proposer **should** seek a modification to the condition **before** the date has passed.

Can proposals be modified? (Paragraphs 5.2-5.4)

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

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

5.4 Before modifying proposals the Decision Maker **must** consult:

- the proposers or the LA who made the proposals;
- the LA, if the LA did not publish the proposals;
- the governing body, if the governing body did not publish the proposals.

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

Revocation (Paragraphs 5.5-5.11)

5.5 If proposers cannot implement approved proposals they **must** publish fresh proposals to be relieved of the duty to implement. Regulation 26(2) of the School Organisation (Establishment and Discontinuance of

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Schools)(England) Regulations 2007 (as amended) provides that revocation proposals **must** contain the following information:

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

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

5.6 The notice **must** be published in a local newspaper circulating in the area served by the school, and also posted at the main entrance to the school (and all entrances if there are more than one) and at some other conspicuous place in the area served by the school. The proposals **must** provide for anyone to submit comments and objections on the proposals to the LA within 6 weeks of the proposals being published. The proposers **must** forward a copy of the proposals to the LA/governing body within 1 week of publication. Proposers are advised to consult interested parties on the planned revocation proposals before publication although there is no statutory requirement to do so.

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

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

5.9 A copy of the decision **should** be forwarded to:

- the LA or governing body who published the proposals;
- each objector except where a petition has been received. Where a petition is received a decision letter **should** be sent to the person who submitted the petition, or where this is unknown, the

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signatory whose name appears first on the petition;

- the Secretary of State (via the School Organisation & Competitions Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by email to school.organisation@education.gsi.gov.uk);
- where the school includes provision for 14-16 education or sixth form education, the LSC;
- the local CofE diocese;
- the Bishop of the local RC diocese.

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

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

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

ANNEX A

Annex A

MATTERS TO BE SPECIFIED IN SECTION 15 PROPOSALS TO DISCONTINUE A SCHOOL

The following sets out the information that must be contained in a complete proposal. Shaded information **must** be published in a statutory notice. See paragraphs 2.2 to 2.10.

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

Extract of Schedule 4 to The School Organisation (Establishment and Discontinuance of Schools)(England) Regulations 2007 (as amended):

Contact details

1. The name of the LA or governing body publishing the proposals, and a contact address, and the name of the school it is proposed that should be discontinued.

Implementation

2. The date when it is planned that the proposals will be implemented, or, where the proposals are to be implemented in stages, information about each stage and the date on which each stage is planned to be implemented.

Consultation

3. A statement to the effect that all applicable statutory requirements to consult in relation to the proposals were complied with.

4. Evidence of the consultation before the proposals were published including:

- a) a list of persons and/or parties who were consulted;
- b) minutes of all public consultation meetings;
- c) the views of the persons consulted;and
- d) copies of all consultation documents and a statement of how these were made available.

Objectives

5. The objectives of the proposal.

ANNEX A

Standards and Diversity

6. A statement and supporting evidence indicating how the proposals will impact on the standards, diversity and quality of education in the area.

Provision for 16-19 year olds

7. Where the school proposed to be discontinued provides sixth form education, how the proposals will impact on:

- a) the educational or training achievements;
- b) participation in education or training; and
- c) the range of educational or training opportunities,

for 16-19 year olds in the area.

Need for places

8. A statement and supporting evidence about the need for places in the area including whether there is sufficient capacity to accommodate displaced pupils.

9. Where the school has a religious character, a statement about the impact of the proposed closure on the balance of denominational provision in the area and the impact on parental choice.

Current School Information

10. Information as to the numbers, age range, sex and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is made at the school.

Displaced Pupils

11. Details of the schools or FE colleges which pupils at the school for whom provision is to be discontinued will be offered places, including:

- a) any interim arrangements;
- b) where the school included provision that is recognised by the LA as reserved for children with special educational needs, the alternative provision to be made for pupils in the school's reserved provision; and
- c) in the case of special schools, alternative provision made by LAs other than

ANNEX A

the authority which maintains the school.

12. Details of any other measures proposed to be taken to increase the number of school or FE college places available in consequence of the proposed discontinuance.

Impact on the Community

13. A statement and supporting evidence about the impact on the community and any measures proposed to mitigate any adverse impact.

14. Details of extended services the school offered and what it is proposed for these services once the school has discontinued.

Travel

15. Details of the length and journeys to alternative provision.

16. The proposed arrangements for travel of displaced pupils to other schools including how they will help to work against increased car use.

Related Proposals

17. A statement as to whether in the opinion of the LA or governing body, the proposals are related to any other proposals which may have been, are, or are about to be published.

Rural Primary Schools

18. Where proposals relate to a rural primary school designated as such by an order made for the purposes of section 15, a statement that the LA or the governing body (as the case may be) considered:

- a) the likely effect of discontinuance of the school on the local community;
- b) the availability, and likely cost to the LA, of transport to other schools;
- c) any increase in the use of motor vehicles which is likely to result from the discontinuance of the school, and the likely effects of any such increase; and

ANNEX A

- d) any alternatives to the discontinuance of the school,
as required by section 15(4)

Maintained nursery schools

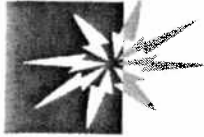
19. Where proposals relate to the discontinuance of a maintained nursery school, a statement setting out:

- a) the consideration that has been given to developing the school into a children's centre and the grounds for not doing so;
- b) the LA's assessment of the quality and quantity of alternative provision compared to the school proposed to be discontinued and the proposed arrangements to ensure the expertise and specialism continues to be available; and
- c) the accessibility and convenience of replacement provision for local parents.

Special educational provision

20. Where existing provision that is recognised by the LA as reserved for pupils with special educational needs is being discontinued, a statement as to how the LA or the governing body believes the proposal is likely to lead to improvements in the standard, quality and/or range of the educational provision for these children.

Appendix 6 EqIA



Haringey Council

**HARINGEY COUNCIL
EQUALITY IMPACT ASSESSMENT FORM: SERVICE DELIVERY**

Service:	Admissions and School Organisation
Directorate:	CYPS
Title of proposal:	Proposal to significantly enlarge the age range of St Mary's CE Infant School and to discontinue St Mary's CE Junior School
Lead Officer (author of the proposal):	Eveleen Riordan
Names of other Officers involved:	Jessica Lewis, Jennifer Duxbury

Statement of purpose

In considering this proposal from the Governing Body of St Mary's CE School, we have been mindful of our public sector equality duty to have due regard to the need to:

- a) eliminate discrimination;
- b) advance equality of opportunity between different groups and;
- c) foster good relations between groups in Haringey.

In addition we are committed to ensuring that we promote social inclusion in all council services making sure that they address the needs of those vulnerable residents who rely most heavily on them. The most socially excluded residents predominantly have the protected characteristics defined in the Equality Act 2010.

The purpose of this assessment is to:

- a) Identify whether and to what extent this proposal: could produce disadvantage or enhance opportunity for any groups with the protected characteristic defined in the Equality Act 2010;
- b) Establish whether the potential disadvantage is significant enough to call for special measures to remove or reduce the disadvantage;
- c) Identify and set out the measures that will be taken to remove or reduce the disadvantage;

- d) Where mitigation measures are not possible, to set out and explain why;
- e) To ensure that Members are fully aware of the implications the proposal may have for the Council's public sector equality duty before they decide on the proposal.

Step One: Identify the aims of the proposal

1) Please state:

- What problems the proposal is intended to address
- What effects it is intended to achieve
- Which group(s) it is intended to benefit and how

As a result of an Ofsted Inspection on 2-3rd November 2011 St Mary's CE Infant School was judged to be Outstanding. The following week, 10-11th November 2011, St Mary's CE Junior School was placed into a category of 'Special Measures' by Ofsted (see appendix 9). Following the inspection the Headteacher of the Junior School subsequently took early retirement (effective from January 2012) and the Headteacher of the Infant School became the Interim Headteacher of the Junior School at the start of the Spring term 2012.

The Ofsted report concluded that while there are certain things St Mary's Junior school does well such as the pupils moral and cultural development the school was found to be less successful in assuring pupils progress through reading, writing and mathematics. Evidence of a gradual decline in achievements has been shown in previous national test results. The report suggests that the governing body and leadership team at St Mary's CE Junior school would need extra help to improve the school hence the school was placed in special measures.

The following extract is taken from the Ofsted for the Junior school 2011 and sets out the reasons for the special measure status at the schools; "In accordance with section 13 (3) of the Education Act 2005, Her Majesty's Chief Inspector is of the opinion that this school requires special measures because it is failing to give its pupils an acceptable standard of education and the persons responsible for leading, managing or governing the school are not demonstrating the capacity to secure the necessary improvement. Pupils' academic achievement is inadequate. Pupils do not make enough progress during their time at the school. Although attainment is broadly average in English and mathematics, it has declined since the last inspection...The school's assessment records confirm that the majority of pupils currently attending the school have not made the expected progress in reading, writing and mathematics from their starting points. Issues remain relating to the equality of opportunity provided for pupils and the rigour and urgency with which leaders are monitoring and evaluating the quality of teaching and learning. As a result, teaching is inadequate overall, expectations are too low and pupils are not always challenged" (Ofsted 2011)

The proposal being put forward as part of a published statutory notice is to address the low standards at St Mary's Junior School. The governing bodies of St Mary's CE Infant school and St Mary's CE Junior school have proposed to close the Junior

school and to enlarge the age range of the Infant School from its current age range of 3 – 7 (including nursery children) to ages 3 – 11. The objective of these proposals is to establish an all-through primary school, St Mary's CE Primary School, with an age range from Nursery to Year 6.

Having considered all options the GB (Governing Body) decided that the most appropriate option to raise standards was to close the Junior school, enlarge the age range of the Infant school to include children aged 7 – 11, rename the school St Mary's CE Primary school, and appoint the Head teacher of the Infant School, Fran Hargrove, as the head of the all-through primary school. Ms Hargrove has recently been judged (Novembers 2011) 'outstanding' when considering how effective leadership and management is at the school.

The Purpose of the EqIA is to determine if the proposal to close the junior school and enlarge the age range of the Infant school to include children aged 7 – 11, is going to have a positive or adverse impact on pupils or prospective pupils from the protected characteristics.

Step Two: Consideration of available data, research and information

Instruction: You should gather all relevant quantitative and qualitative data that will help you assess whether at present, there are differential outcomes for the different equalities target groups – diverse ethnic groups, women, men, older people, young people, disabled people, gay men, lesbians and transgender people and faith groups, etc. Identify where there are gaps in data and say how you plug these gaps.

In order to establish whether a group is experiencing disproportionate effects, you should relate the data for each group to its population size. The Haringey Borough Profile of Protected Characteristics (can be found on the Website) will help you to make comparisons against Haringey’s population size. The most up to date information can be found in the Joint Strategic Needs Assessment.

- 1) Using data from equalities monitoring, recent surveys, research, consultation etc. are there group(s) in the community who:
- are significantly under/over represented in the use of the service, when compared to their population size?
 - have raised concerns about access to services or quality of services?

Those who may be affected by or have an interest in the proposal to enlarge the age range of St Mary’s CE Infant school and close St Mary’s CE Junior School can be considered as two groups – the children who are currently attending the school and their families, and the wider local population (including prospective pupils and their families, and other local residents). This section of the EqIA will use school census data to consider the profile of the school population, and data relating to Hornsey ward of the Haringey population to give an indication of the profile of the local population.

The school census data is from January 2011, as it contained all the relevant data. It is noted that although the school census provides the most up to date profile of the school population, many of these pupils will have left the school by the date of the proposed changes to the school (January 2013). Ward data is mostly from the January 2001 census, though in the case of age and gender more recent (2011) GLA population projections are used.

Age:

School Population:

The data in the table shows that there is no significant difference between the proportion of ages at St Mary’s CE Infant and Junior School and the general Haringey School Population for this age group.

Age Category	St Mary's CE Infant and Junior	Haringey School Population
--------------	--------------------------------	----------------------------

	Schools	
	%	%
2	0	1.4
3	7.8	10.7
4	13.3	13.2
5	13.5	13.2
6	15.5	13.3
7	11.3	12.8
8	11.5	12
9	10.0	11.6
10	12.8	11.7
Grand Total	100	100

Plasc Jan 2011 created 11th Dec 2011

Gender:

School Population:

The data below shows there is a slighter higher proportion of female pupils at St Mary's CE Infant and Junior schools than the borough average across our schools.

	St. Mary's CE Infant		St. Mary's CE Junior		Haringey School Population	
Gender	No.	%	No.	%	No.	%
F	95	53.7	110	52.9	10925	48.4
M	82	46.3	98	47.1	11646	51.6

Plasc Data Jan 2011 created Dec 2012

Attainment:

		All National Curriculum Core Subjects		
		School		National
Gender		Cohort	Average Point Score	Average Point Score
Infant	All Pupils	59	15.9	15.5
	Male	28	16.0	15.1
	Female	31	15.9	16.0
Junior	All Pupils	51	28.8	28.2
	Male	26	29.1	28.0
	Female	25	28.6	28.5

RAISE online 2012 Summary Report KS1 and KS2 created 31st Oct 2012

The attainment data indicates that generally the APS for all children is above the national average for all pupils. Female students are on par with the national average while male students achieve above the national average.

Disability:

School Population:

As of 2011, the Schools Census now includes the facility for schools to submit data on disability, but not all schools are doing so as yet. More complete data is available on Special Education Needs (SEN). The figures show that St Mary's CE Infant and Junior Schools have a similar proportion of pupils with SEN statements to the Haringey average. Children with special educational needs with continue to have their needs met at School Action and School Action Plus including those with statements

SEN Statement	St Mary's CE Junior and Infant		Haringey School Population	
	No.	%	No.	%
Statement of SEN	5	1.3	371	1.6

Plasc Data Jan 2011 created Dec 2012

Attainment for pupils with a SEN statement is above the national average in the Infant School but below the national average in the Junior School. Although the results in the Junior School are weaker to some extent (considering only 1 pupil is in the cohort) the pupil is making expected progress in line with the national average. This data could not be included as it falls below the DofE guidelines to only publish data for categories with over five children.

Ethnicity:**School Population:**

Ethnicity Haringey Groupings	St Mary's Infant		St Mary's Junior		Haringey School Population	
	No.	%	No.	%	No.	%
Asian Bangladeshi	6	2.6	1	0.5	632	2.8
Asian Indian	2	0.9	1	0.5	249	1.1
Asian Other	2	0.9	4	1.9	537	2.3
Asian Pakistani	1	0.4	2	1.0	211	0.9
Asian TOTAL	11	4.8	8	3.8	1441	6.4
Black Caribbean	46	20.1	53	25.4	2419	10.7
Black Other	3	1.3	5	2.4	3229	14.3
Black African	38	16.6	36	17.3	1120	5.0
Black TOTAL	87	38.0	94	45.1	6768	30.0
Mixed Other	16	7.0	7	3.4	841	3.7
Mixed White African	3	1.3	5	2.4	298	1.3
Mixed White Asian	8	3.5	5	2.4	331	1.5
Mixed White Caribbean	7	3.1	13	6.2	714	3.2
Mixed TOTAL	34	15.0	30	14.4	2184	9.7
Other	4	1.7	5	2.4	1682	7.4
Other TOTAL	4	1.7	5	2.4	1494	6.6
White British	59	25.8	47	22.6	4377	19.4

White Other	31	13.5	23	11.1	5392	23.9
White TOTAL	90	39.3	70	33.7	9769	43.3
Refused/Not obtained	3	1.3	1	0.4	727	3.2
Grand Total	229	100.0%	208	100.0%	22571	100.0%

School population by ethnicity (Plasc Jan 2011) created Dec 2012

The data shows that a higher proportion of children attending St Mary's Infant and Junior Schools are Mixed and Black ethnicities compared to the wider Haringey School population (15.0% and 14.4% compared to 9.7% and 38.0% and 45.1% compared to 30% respectively). In contrast to this the data shows that a lower proportion of children attending St Mary's Infant and Junior Schools are Asian ethnicities compared to the wider Haringey School population (6.4% compared to 4.8% and 3.8% respectively). The proportion of children who are of White ethnicity is broadly in line with the overall Haringey profile.

Attainment:

	Ethnicity	Infant			Junior		
		All National Curriculum Core Subjects			All National Curriculum Core Subjects		
		School		National	School		National
		Cohort	Average Point Score	Average Point Score	Cohort	Average Point Score	Average Point Score
White	White British	11	18.3	15.7	10	30.6	28.4
	White Other	9	15.7	14.7	12	29.5	27.7
Black	Black Caribbean	9	14.8	14.6	12	28.3	27.2
	Black African	13	14.7	15.2	9	26.0	27.7

RAISEonline 2012 Summary Report KS1 and KS2 created 31st Oct 2012

The majority of children grouped by ethnicity are above the average for academic attainment; this data has not been included in line with the Dof E guidelines whereby data is not published for a group of less than 5. Ethnicities that are below the national average APS are in ethnic categories with one child therefore this is not statistically significant. Within the Junior School the attainment is below the national average for Black African pupils and as there are 9 in the cohort this could be a concern. However when the progress of these children is analysed 8 of the 9 made expected progress which is in line with the national average. See the table below for the information regarding Black African pupils in the Junior School.

Expected Progress	English			Maths		
	Cohort	School %	National %	Cohort	School %	National %
Black African	9.0	89.0	92.0	9.0	89.0	89.0

RAISEonline 2012 Summary Report KS1 and KS2 created 31st Oct 2012

Religion or Belief

Religion or Belief is not recorded as part of the Pupil Level Annual Census and therefore data on the representation within the school population is not available.

Religion	% Christian	% Buddhist	% Hindu	% Jewish	% Muslim	% Sikh	% Other religions	% No religion	% Religion not stated
Hornsey	47.6	0.7	1.9	1.7	7.4	0.4	0.7	26.8	12.8
Haringey	50.1	1.1	2.1	2.6	11.3	0.3	0.5	20.0	12.1

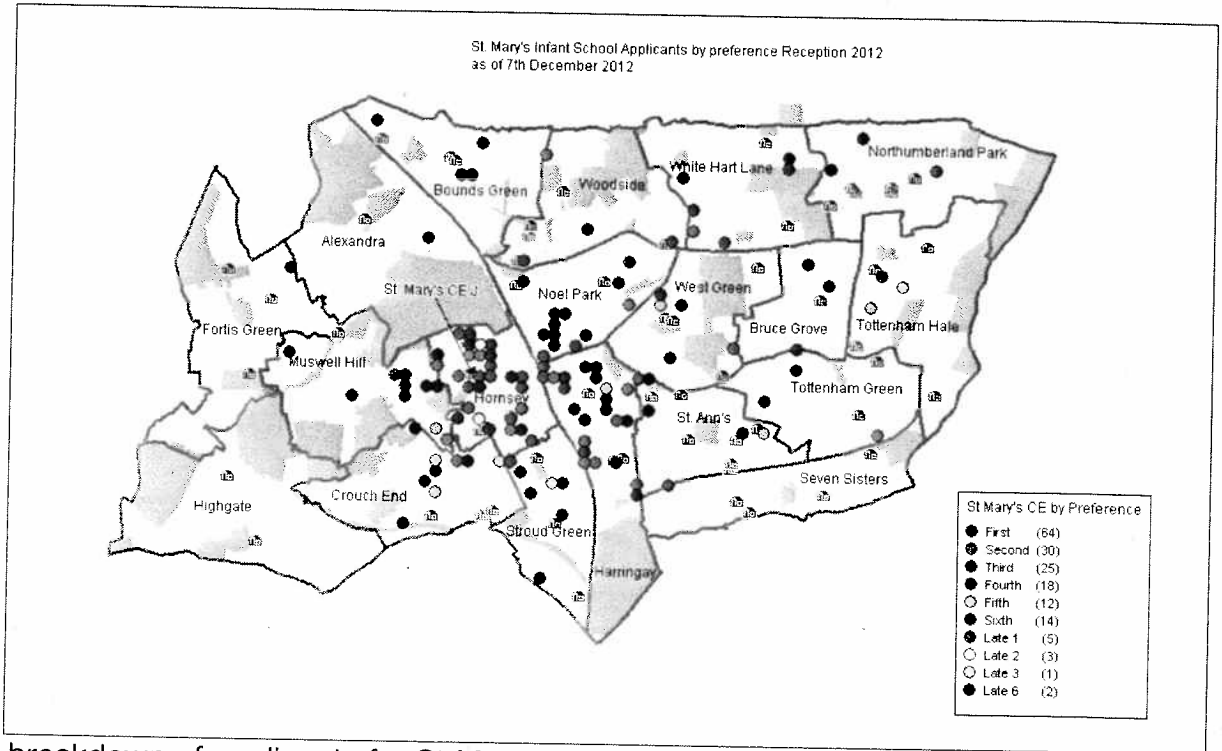
Source: 2001 Census

Hornsey as a ward is predominately Christian therefore a Church of England school could cater for the majority of the population.

2) What factors (barriers) might account for this under/over representation?

Predominately there is no over or under representation within the data collected for the St Mary's CE Infant and Primary compared with the Haringey school population. With regards to ethnicity Black children are over represented in the school compared to the Haringey School population while the Black Other category is underrepresented compared to the Haringey School population. The average across both schools for all three categories of Black pupils is 41.6% which is 11.6% higher than the total for the school population as a whole across Haringey. These differences are not necessarily imbalances in that all schools and wards in Haringey will differ from the average, and this is to be expected.

The population of primary schools is determined by the application of Haringey's School Admissions Criteria (see box below) to the preferences stated by parents/carers on their application forms for school places. The fifth criterion (distance) means that the majority of pupils attending a primary school live locally to that school. St Mary's CE admission criteria for 36 out of the 60 pupils is faith based which will influence the profile of the school as faith schools will have more pupils of a particular religion. The equalities profile of the school will therefore be influenced, but not wholly determined, by the make-up of the local area. Therefore any under or over representation is due to the specific admission arrangements of the school which in this instance is based on religion and distance.



The breakdown of applicants for St Mary's CE Infant School shows that preferences for the school are concentrated in Hornsey and Harringay, with a smaller proportion from Stroud Green, Noel Park, Crouch End and Muswell Hill. Most applicants who listed the school as their first or second preference are from Hornsey or Harringay. The majority of applicants who listed St Mary's CE are within the local vicinity of the school and therefore the profile of the local population will to some extent determine the school population profile.

	First	Second	Third	Fourth	Fifth	Sixth	Late1	Late2	Late3	Late 4	Total
2012/13 school year	64	30	25	18	12	14	5	3	1	2	174
2013/14 year as of 14/12/12	49	8	7	7	6	9					57

Impulse Data for Reception preferences 2012 created Dec 2012

From the preference data above it is evident that St Mary's Infant School is a preferred school and continues to be this year. The 2013/14 year application deadline is January 15th therefore this is not the total number of preferences; this figure is likely to increase.

School	First	Second	Third	Fourth	Fifth	Sixth	Total
St Mary's CE Infant School	54	5	1	0	0	0	60

Plasc 2012 Reception offers made by St Mary's CE Infant created 5th Dec 2012
All children offered a place had put the school as a preference for 2012. If the standard of the Junior school increases parents will be more likely to attend the Infant school therefore preference numbers could increase.

	Planned admission number Sept	Current reception Nos. As of Jan	Current Unfilled reception places
2010/11	60	60	0
2011/12	60	60	0
2012/13	60	62	0
Total	270	272	0

Impulse Schools, PANs, reception numbers and

unfilled reception places 2010 to 2012 created 6th Dec 2012

The above tables indicate that reception places have been consistently filled; there have been no unfilled reception places in the last 3 years.

School	2006	2007	2008	2009	2010	2011	2012
Campsbourne Infants	40	40	38	34	43	43	47
Rokesly Infants	89	83	99	90	86	76	76
St Mary's CE	67	62	66	63	56	57	61
North Harringay Primary	49	55	52	43	53	46	65
Totals	245	240	255	230	238	222	249

Plasc 2012

The above table indicates the number of applicants that list the school as a first preference; it is consistently the second most popular in the area.

Published admission number for 2013/14: 60 places

Of those 60 places, 36 places are offered to people whose families are regular worshippers (i.e. once a month over the course of a year. Written evidence of applicant's commitment in the form of a clergy reference will be required at the time of application. If there are more than 36 applicants the following criteria will be applied in the stated order of priority:

1. Looked after children who are in care of adopted children previously in care
2. Sibling at school
3. Children with social medical reasons
4. Distance to Fire Station Priory Road N8, the historic centre of the St Mary and St George parishes

The tie breaker in all circumstances is the distance for the child's home address to the school. If there are less than 36 qualified applications for foundation places these will become additional Open places. Unsuccessful foundation place applicants will be considered for any unfilled Open places at the end of the allocation procedure.

Of the 60 places, 24 will be offered to students who do not qualify for a foundation place. The following oversubscription criteria will be applied in the stated priority:

1. Looked after children who are in care of adopted children previously in care
2. Sibling at school
3. Children with social medical reasons
4. Distance to Fire Station Priory Road N8, the historic centre of the St Mary and St George parishes

The tie breaker in all circumstances is the distance for the child's home address to the school.

If there are less than 24 qualified applications for Open places these will become additional Foundation places. Unsuccessful applicants for Open places will be considered for any Foundation places remaining unfilled at the end of the allocation procedure.

3) What other evidence or data will you need to support your conclusions and how do you propose to fill the gap?

The data collected thus far has been comprehensive and additional analysis of expected progress was obtained for any group that could have been a cause for concern. The collected data indicates there will not be an adverse effect on the Infant or Junior school population as there is not an evident disadvantage for any particular group as there is not significant over or under representation for any protected group. St Mary's CE Infant school has been identified as a school where it is considered that the strong school leadership could manage the changes proposed while still maintaining high standards recently acknowledged at the Infant School by Ofsted Inspectors. The comments received during the consultation period will help inform the decision and therefore these views of stakeholders will be taken into account.

4) What barriers and factors might account for under/over representation?

There is a not a significant over or under majority except for the proportion of Black children in the school. As a universal service there are limited barriers for admission into the school; with faith based criteria as an exemption which is determined by the specific school and governing body of that school.

Step Three: Assessment of Impact

Instruction: Using the information you have gathered and analysed in step 2, you should assess whether and how the proposal you are putting forward will affect any of the existing barriers facing people who have any of the characteristics protected under the Equality Act 2010. State what actions you will take to address any potential negative effects your proposal may have on them.

1) How will your proposal affect existing barriers? (Please tick below as appropriate and use the space to explain why)

Increase barriers?	Reduce barriers? <input checked="" type="checkbox"/>	No change?
--------------------	--	------------

Although Ofsted has raised concerns in regards to the teaching standards the data shows the current education attainment for all protected characteristics is on par with the national average. The concern raised by Ofsted was that the Junior school had not improved since the last Ofsted report. The proposal being set forward is an administrative change only to bring the Junior school under a new leadership team; and therefore will not affect the admissions criteria or number of children at the school. The existing barriers, which are the school admission criteria, will not be altered. The aim of the proposal is to increase the standard of education at the Junior School and continue to provide the current level at the Infant School. Therefore the barrier for the protected groups for educational attainment at the Junior School will be reduced.

This proposal will directly benefit children in the area who meet the criteria to attend the school and current children at the school. Children are more likely to stay at the school for the Primary age range as an additional application process for parents is removed and as the school standards improve. This will also benefit parents who struggle with the admissions application process and the prospects of the pupils at the Infant and Junior school will be improved. This will be a positive impact as children are more likely to stay on at the Junior School and receive a better education.

Ofsted Inspectors noted that “the proportion of pupils speaking English as an additional language is much higher than that found in most primary schools. However, only a very few are at the early stages of learning to speak English” (Ofsted 2011). Pupils with English as a second language is not a protected characteristic but these children are likely to be from a BME group.

2) What specific actions are you proposing in order to reduce the existing barriers and imbalances you have identified in Step 2?

Currently there is not an evident barrier in place for this group based on the expected progress and educational attainment. At St Mary’s CE Infant and Junior school ethnically Black pupils are over represented but these children do have a good attainment level compared to the National Average for both KS. The proposed

change should increase standards of education at the Junior school which will aid education attainment. There will be no change to the admission arrangements therefore existing barriers will remain in place which are universal to all schools. The distance criterion that is used to measure eligibility of a pupil to a school will remain unchanged. Currently the location used for both schools is the historic St Mary and George Parish Site. Therefore this change to the schools' organisation will have no bearing on the admissions criteria and applicants will still be offered a place based on the distance and religious criterion in the Admission Criteria.

To maximise the potential of the proposal the process will be carefully managed by the leadership team alongside consultation with parents and staff to optimise the outcomes of the change. The leadership team will minimise the school level impact of the proposed change to ensure that the proposed outcome of increasing education standards is achieved. This is to ensure that the low standard of the Junior school does not affect the high standard at the Infant school. The leadership team is aware of this possibility and will therefore monitor the situation.

3) If there are barriers that cannot be removed, what groups will be most affected and what Positive Actions are you proposing in order to reduce the adverse impact on those groups?

The process undertaken by the St Mary's Infant and Junior school will be under review by monitoring attainment levels at the school by the leadership team within the school. The school population profile will be based on the Admissions Criteria therefore under or over representation in the school profile are due to these arrangements. If there are barriers that cannot be removed the ethnically Black pupils within the school will be disproportionately affected as they are over represented therefore this group of pupils will be closely monitored and additional teacher support supplied if required. Currently there is not an evident barrier in place for this group based on the expected progress and educational attainment. The potential to increase the standards in KS2 under the new leadership of the current KS1 head teacher will benefit the local community; potential adverse impacts will be minimised or negated through the following actions:

- collaborative work with the school leadership team and governing body to implement plans for the closure of the Junior school and enlargement of the age range of of St Mary's CE Infant School that meet the needs of the school and enable educational standards to be maintained or enhanced
- Putting in place a strategy to address any issues arising from the consultation and acknowledging that the transition from KS1 to KS2 is likely to be easier for families as an admissions process is removed.

Step Four: Consult on the proposal

Instruction: Consultation is an essential part of an impact assessment. If there has been recent consultation which has highlighted the issues you have identified in Steps 2 and 3, use it to inform your assessment. If there has been no consultation relating to the issues, then you may have to carry out consultation to assist your assessment.

Make sure you reach all those who are likely to be affected by the proposal. Potentially these will be people who have some or all of the characteristics listed below and mentioned in the Equality Act 2010:

- Age
- Disability
- Gender Re-assignment
- Marriage and Civil Partnership
- Pregnancy and Maternity
- Race, Religion or Belief
- Sex (formerly Gender) and
- Sexual Orientation

Do not forget to give feedback to the people you have consulted, stating how you have responded to the issues and concerns they have raised.

1) Who have you consulted on your proposal and what were the main issues and concerns from the consultation?

St Mary's CE Infant and Junior schools are voluntary aided schools in Hornsey ward. The Infant school address is Church Lane N8 and the Junior School address is Rectory Gardens N8. Both schools are two form entry (60 pupils are admitted into Reception and Year 3 each year) and the Infant School also has a nursery attached to it. The governing bodies of both schools have carried out the necessary consultation (the first stage of the statutory process) with the relevant stakeholders, including staff, parents and local residents. Initial consultation was carried out by the school at the beginning of 2012. This is set out in Section 2 with details of issues and responses.

Statutory notices on these proposed changes were published on 2 November 2012 and a period of representation ran for a statutory period of six weeks from that date, ending on 14 December 2012.

St. Mary's C.E. Schools are faith schools thus the Governing body of the school has been responsible for the following consultation. The table below sets out the consultation process which has taken place.

	Description	Date
First Stage of Consultation	Start of Consultation	26th January 2012
	Stakeholder Consultation through public meetings	9 th February to 6 th March 2012
Second Stage of consultation	Agreement to publish statutory notice at GB meeting	14 th March 2012
	Statutory notice published	2 nd November 2012
	Statutory consultation period	2 nd November to 14 th December

The governing bodies of both schools have carried out the necessary consultation (the first stage of the statutory process) with the relevant stakeholders, including the London Diocesan Board for Schools, parents and local residents.

On the 27th January a statement of the proposal was circulated to parents and staff of both schools. A Governors statement was circulated to staff, parents and carers ahead of the consultation meetings discussed below.

A period of consultation was carried out by the school in spring 2012 between 27th January to the end of March.

Notices of the proposal were published on the public gates of the schools.

The proposal to close the school and an invitation to comment or object was published in the Haringey Independent (Friday March 23, 2012).

The proposals were made available on the website of both schools at

www.stmarys-juniors.ik.org and www.stmarys-infants.ik.org

Parents and the public were invited to send objections or comments on the proposals to Jennifer Duxbury, Directorate of Children and Young People's Services, 48 Station Road, Wood Green, London N22 7TY.

Ahead of the consultation meetings held in Spring 2012 notices were circulated to parents/carers and staff.

Meetings were held with relevant stakeholders:

9th February, 5.30pm, 76 staff from St. Mary's Infant School and Junior School attended, at the Infant school.

9th February 6.30pm, 180- 200 parents from both schools attended, at the Infant school.

Penny Harvey and Lynn Hargreaves from the LDBS spoke along with a member of the CYPs at both of these meetings.

6th March, Church and Community meeting was held at Hornsey Parish Church chaired by the Rector Fr. Bruce Batstone with approximately 20 attendees.

The meetings took a panel format with question and answer sessions. See appendices 4, 5 and 6 for invitations and minutes.

Notes of the consultation meetings were made public on all of the school Notice Boards.

The statutory period of representation which last for 6 weeks from the published date of the statutory notice on the 2nd November, was an opportunity for any member of the public to make their views known. No comments were received during this period.

2) How, in your proposal have you responded to the issues and concerns from consultation?

The proposal to close the Junior School and enlarge the Infant school to span ages 3 – 11 is likely to have a neutral effect on admission numbers and therefore is unlikely to affect other schools in the area. The comments received have been addressed by the leadership team and a strategy is being put into place to mitigate any adverse impacts. There is generally strong support for the proposed changes and this is reflected in the lack of comments received. The admissions criteria across the through primary school will remain unchanged from that of the separate Infant and Junior Schools. Consultation notes will be included in the information presented to the lead member to ensure the views of stakeholders are taken into account.

	Description	Date	Issues raised	School response
First Stage of Consultation	Start of Consultation	26th January 2012		
	Parents Consultation Meeting	9 th February to	GB roles	We need Junior governors as well but in one GB and we are ensuring this process is smooth, we need adequate representation from parents and staff on the GB,
			Headteacher support	The Headteacher has asked for resources and these have been put in place
			Staff changes	Existing staff will continue and budgets will be monitored, staff are happy with the proposals, staff will be asked preferences, provisions will be made to ensure staff have the right skills,
			Updates	Parents will be kept updated with the programme to increase standards
		Budget Implications	There is discussion and formulation of	

				a strategy, the change will allow more efficient use of resources. We can provide monthly updates.
Staff Consultation Meeting	9 th February 2012	Contract start date	Will start on September 1 st (provisional) with discussion before that	
		Pay loss	No pay will be lost	
		Process of decision making	Three consultation meeting are being held and the GB will make the final decision	
		Updates	Updates from the steering group meetings will go out once a week	
Community consultation Meeting	6 th March 2012	What will happen to the Junior school GB?	The new GB must reflect the change but will remain the same size	
		How will you ensure the Junior School will not have an adverse affect on the Infant School?	An Action Plan is being drawn up with a firm focus on teaching, learning, and leadership.	
		Two sites could be problematic	This is not possible due to capacity and at the moment it is more beneficial to	

				have two sites.
			Staff happiness	Staff have a clear direction and work as one team
Second Stage of consultation	Agreement to publish statutory notice at GB meeting	14 th March 2012		
	Statutory notice published	2 nd November 2012		
	Statutory consultation period	2 nd November to 14 th December	No comments received	

The response for the closure of the Junior school and enlargement of the age range of the Infant school so that its age range is increased to an-through primary was in favour of the change. Parents of children who are currently in the Infant school felt that they would benefit from their children moving into KS2 in a school that is led by a HT who has led an outstanding Infant school. One parent of an Infant school child said that after the Ofsted inspection of the Junior school she had intended that her child wouldn't progress from the Infant school to the Junior school but, with the proposed change in the organisation of the two schools, she was now happy for her child to progress through a newly enlarged school, to be known as St Mary's CE Primary school

3) How have you informed the public and the people you consulted about the results of the consultation and what actions you are proposing in order to address the concerns raised?

The statutory representation period lasted for six weeks and provided a further opportunity for the public to express their views. The end of the consultation period was the 14th December 2012. No representations were received as a result of the statutory consultation period.

The previous period of consultation at the beginning of 2012 highlighted that there were concerns over the makeup of the GB and how the Infant school would be affected. Stakeholders were assured that "it is a very rigorous plan... and will continue". The school responded to concerns raised by stakeholders with to assurance of communication about the schools progress. Issues were acknowledged by the school and will address through regular updates provided by the school to interested parties.

Step Seven: Summary of Impact

Instruction: In the table below, summarise for each diversity strand the impacts you have identified in your assessment.

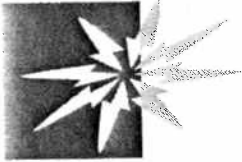
Age	Disability	Race	Sex	Religion or Belief	Sexual Orientation	Gender Reassignment	Marriage and Civil Partnership	Pregnancy and Maternity
Children attending St Mary's CE Infant and Junior Schools are aged 2-10 however parents/carers and local residents of various ages may be impacted	No issues identified	St Mary's CE Infant and Junior has a higher proportion of pupils of Black (particularly Caribbean African) and White British ethnicities than Haringey and primary schools overall but their educational attainment is on par with the national average. The Ofsted report indicated that Children with English as a second language did not achieve as well as was expected.	Higher proportion of female than male than the general Haringey population	No data for school available. Hornsey ward has a higher proportion of Christian residents compared to Haringey overall	Data not available; no issues identified	Data not available; no issues identified	Data not available; no issues identified	Data not available; no issues identified

Step Eight: Summarise the actions to be implemented

Instruction: Please list below any recommendations for action that you plan to take as a result of this impact assessment.

Issue	Action required	Lead person	Timescale	Resource implications
A strategy will be put in place to ensure the proposed change does	Leadership team to consult on strategy	St Mary's Governing Body	Long Term	This will impact the time the Head Teacher can devote to the day to day

<p>not have an adverse effect on any protected group. This includes actions on Headteacher support staff training and budget strategy</p>				<p>running of the school</p>
<p>Profile of the new GB should be representative of the school</p>	<p>The school is aware of these issues and intends to have a GB that represent the school</p>	<p>Leadership Team</p>	<p>Short Term</p>	<p>None</p>



Haringey Council

Step Nine: Publication and Sign Off

Instruction: It is standard practice to publish the results of impact assessments. There is also a specific duty to provide as much relevant equality information as possible to enable the public to judge how well we are doing on our public sector equality duty. EqIA results are published not simply to comply with the law but also to make the whole process and its outcome transparent and have a wider community ownership. You should summarise the results of the assessment and intended actions and publish them. You should consider in what formats you will publish in order to ensure that you reach all sections of the community.

- 1) When and where do you intend to publish the results of your assessment, and in what formats?

Assessed by (Author of the proposal):

Name: Eveleen Riordan

Designation: Project Officer

Signature: EB Riordan

Date: 17 December 2012

Quality checked by (Policy and Equalities Team):

Name: Arleen Brown

Designation: Senior Policy Officer

Signature: *A.J.Brown*

Date: 17.12.12

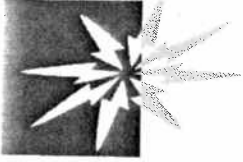
Sign off by Directorate Management Team:

Name:

Designation:

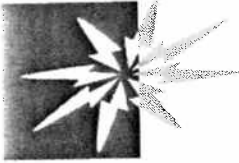
Signature:

Date:



Haringey Council
Appendix: notices of
proposal

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Haringey Council

ST MARY'S CE SCHOOLS N8 :COMPLETE PROPOSAL

- (1) ST MARY'S CE JUNIOR SCHOOL N8 GOVERNING BODY:**
Proposal to discontinue the school;
- (2) ST MARY'S CE INFANTS SCHOOL N8 GOVERNING BODY:**
Proposal significantly to enlarge the age-range of the school.

(1) The Governing Body of St Mary's CE Junior School, Rectory Gardens, London N8 7PJ (Voluntary Aided) intends, in accordance with Section 15(2) of the Education and Inspections Act 2006, to discontinue the school on 31st August 2012.

and

(2) The Governing Body of St Mary's CE Infants School, Church Lane, London N8 7BU (Voluntary Aided) intends, in accordance with Section 19(3) of the Education and Inspection Act 2006, and following the closure of St Mary's CE Junior School on 31st August 2012, to make a prescribed alteration to the school by incorporating into it from 1st September 2012 the current capacity of the Junior School.

Copies of the Complete Proposal can be obtained from Lorraine Christou, St Mary's CE Infants School, Church Lane, N8 7BU, and are also available on the website of the Infants School, stmarys-infants.ik.org, and of the Junior School, stmarys-juniors.ik.org.

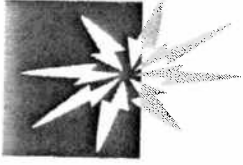
Within six weeks from the date of publication of these proposals, any person may object or make comments on the proposals by sending them to FAO Jennifer Duxbury, Directorate of Children and Young People's Services, 48 Station Road, Wood Green, London N22 7TY.

It is proposed that the enlarged age-range of the Infants school will, from 1st September 2012, incorporate the current Years 3-6 capacity of the Junior School. The current capacity of the school is 240 and the proposed capacity will be 480. The admission number of the school will remain at 60.

No new or additional sites will be required. It is intended that Years 3-6 of the enlarged school will occupy the Rectory Gardens site currently occupied by the Junior School.

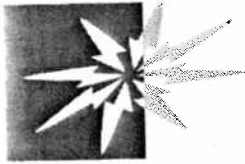
The objective of these proposals is to establish an all-through primary school with a Nursery-Year 6 age-range. The current age-range of the school is Nursery-Year 2. The proposed age-range of the age-range enlarged school will be Nursery-Year 6.

The age-range enlarged school will have one Headteacher and two Deputy Headteachers. One Deputy Headteacher will be responsible for the Nursery-Year 2 age-range and the second Deputy Headteacher will be responsible for Years 3-6. The Governing Body will reflect the School's all-through Primary age-range.



Haringey Council

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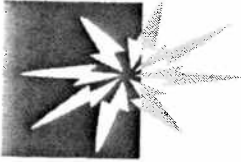
Haringey Council

Appendix 7 – Equality Act 2010 - Public Sector Equality Duty

EQUALITY ACT 2010 – THE PUBLIC SECTOR EQUALITY DUTY

Section 149 of the Equality Act 2010 Public Sector Equality Duty states

- (1) A public authority must, in the exercise of its functions, have due regard to the need to –
- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) – A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).
- (3) – Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to –
- (a) remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it;
 - (c) encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (4) – The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.
- (5) – Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to –
- (a) tackle prejudice, and
 - (b) promote understanding.
- (6) – Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.
- (7) – The relevant protected characteristics are – age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation.
- (8) – A reference to conduct that is prohibited by or under this Act includes a reference to –



Haringey Council

- (a) a breach of an equality clause or rule;
- (b) a breach of a non-discrimination rule.

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

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

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

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

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

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

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

Implementation and any proposed stages for implementation

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

Objections and comments

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

Within six weeks from the date of publication of these proposals, any person may object or make comments on the proposals by sending them to:
FAO Jennifer Duxbury, Directorate of Children and Young People's Services, 48 Station Road,
Wood Green, London N22 7TY.

Alteration description

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

It is proposed that the enlarged age-range of the Infants school will, from 1st January 2013, incorporate the current Years 3-6 capacity of the present St Mary's CE Junior School. The current capacity of St Mary's CE Junior school is 240 and the proposed capacity of the enlarged age-range School will be 480. The admission number for the school will remain at 60. Years 3-6 will occupy the Rectory Gardens site presently occupied by the Junior School.

School capacity

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

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

The current capacity of St Mary's CE Junior school is 240 and the proposed capacity of the enlarged age-range School will be 480. The admission number for the school will remain at 60. Years 3-6 will occupy the Rectory Gardens site presently occupied by the Junior School.

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

Y3 – currently nil, proposed 60
Y4 – currently nil, proposed 60
Y5 – currently nil, proposed 60
Y6 – currently nil, proposed 60

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

Implementation on 1 January 2013

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

NA

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

240 (including nursery)

Implementation

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

Implemented by the Governing Body

Additional Site

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

The existing site of the current St Mary's Junior School will be used for the enlarged age range pupils

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

NA

Changes in boarding arrangements

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

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

NA

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

NA

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

NA

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

NA

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

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

NA

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

NA

Transfer to new site

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

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

NA

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

NA

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

NA

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

NA

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

NA

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

NA

Objectives

10. The objectives of the proposals.

To enlarge the age range of the current Infant school and to bring the pupils currently at the Junior School under the proven outstanding leadership of the Infant School

Consultation

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

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

The School confirms that as per evidence attached in the pack and in line with the Guidance that all stakeholders , LA, families, Teachers and all other staff, Governors, Community, Trade Unions, Parish, Council and Congregation and Local MP's were consulted as per the regulations and Guidance.

Project costs

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

Project costs relate solely to the administrative changes being undertaken and will be met within existing school budget

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

NA

Age range

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

Ages 3 – 7 (including nursery)

Early years provision

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

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

NA

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

NA

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

NA

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

NA

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

NA

Changes to sixth form provision

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

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

NA

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

NA

- (c) Evidence —

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

NA

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

NA

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

NA

Special educational needs

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

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

NA

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

NA

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

NA

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

NA

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

NA

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

NA

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

NA

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

NA

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

NA

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

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

NA

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

NA

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

NA

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

NA

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

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

NA

Sex of pupils

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

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

NA

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

NA

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

NA

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

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

NA

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

NA

Extended services

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

NA

Need or demand for additional places

24. If the proposals involve adding places—

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

NA

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

NA – admission arrangements for the through primary school will be as for the existing Infant and Junior Schools

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

NA

25. If the proposals involve removing places—

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

NA

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

NA

Expansion of successful and popular schools

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

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

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

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

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

NA

MATTERS TO BE SPECIFIED IN SECTION 15 PROPOSALS TO DISCONTINUE A SCHOOL

Extract of Schedule 4 to The School Organisation (Establishment and Discontinuance of Schools)(England) Regulations 2007 (as amended):

Contact details

1. The name of the LA or governing body publishing the proposals, and a contact address, and the name of the school it is proposed that should be discontinued.

St Mary's Junior School Governing Body – St Mary's CE Junior School

Implementation

2. The date when it is planned that the proposals will be implemented, or, where the proposals are to be implemented in stages, information about each stage and the date on which each stage is planned to be implemented.

1 January 2013

Consultation

3. A statement to the effect that all applicable statutory requirements to consult in relation to the proposals were complied with.

The School confirms that as per evidence attached in the pack and in line with Section 1.3 of the Guidance that all stakeholders, LA, families, Teachers and all other staff, Governors, Community, Trade Unions, Parish, Council and Congregation and Local MP's were consulted as per the regulations and Guidance.

4. Evidence of the consultation before the proposals were published including:

- a) a list of persons and/or parties who were consulted;
- b) minutes of all public consultation meetings;
- c) the views of the persons consulted; and
- d) copies of all consultation documents and a statement of how these were made available.

Copies of all consultation documents were sent out in paper form to all stakeholder parties. Electronic copies were also made available upon request. Consultation meetings were also held for all stakeholder parties. These were advertised widely.

Objectives

5. The objectives of the proposal.

The objective of the proposal is to close the Junior School. A related proposal will enlarge the age range of the Infant school to include ages 8 - 11

Standards and Diversity

6. A statement and supporting evidence indicating how the proposals will impact on the standards, diversity and quality of education in the area.

The aim of the proposal is to bring the current Junior School under the strong leadership of the current Infant School Head who will seek to drive up standards in the school. The Infant School has recently been judged by Ofsted to be outstanding with outstanding leadership and it is planned that this leadership will improve the standards and quality of education in the old Junior School (KS2). The provision of the number and type places and the type of education will not alter as a result of the proposal. It is therefore not expected that there will be any detrimental impact on diversity

Provision for 16-19 year olds

7. Where the school proposed to be discontinued provides sixth form education, how the proposals will impact on:

- a) the educational or training achievements;
- b) participation in education or training; and
- c) the range of educational or training opportunities,

for 16-19 year olds in the area.

NA

Need for places

8. A statement and supporting evidence about the need for places in the area including whether there is sufficient capacity to accommodate displaced pupils.

NA – the number of places being offered will remain the same

9. Where the school has a religious character, a statement about the impact of the proposed closure on the balance of denominational provision in the area and the impact on parental choice.

The admissions criteria in the current Infant and Junior school is the same. The through primary school created as a result of two proposals will also use the same admissions criteria . there will therefore be no impact or change on the balance of denominational provision in the area.

Current School Information

10. Information as to the numbers, age range, sex and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is made at the school.

60 pupils per year group (420 pupils overall) and up to 60 nursery children

Displaced Pupils

11. Details of the schools or FE colleges which pupils at the school for whom provision is to be discontinued will be offered places, including:

- a) any interim arrangements;
- b) where the school included provision that is recognised by the LA as reserved for children with special educational needs, the alternative provision to be made for pupils in the school's reserved provision; and
- c) in the case of special schools, alternative provision made by LAs other than the authority which maintains the school.

NA

12. Details of any other measures proposed to be taken to increase the number of school or FE college places available in consequence of the proposed discontinuance.

NA

Impact on the Community

13. A statement and supporting evidence about the impact on the community and any measures proposed to mitigate any adverse impact.

As there is no increase or decrease in the number of places being provided or in the type of places being provided as a result of the changes, no impact on the community is anticipated.

14. Details of extended services the school offered and what it is proposed for these services once the school has discontinued.

Any extended service offered by the Junior School will continue to be provided as a result of the closure of the Junior School and the enlargement of the age range of the Infant School to accommodate KS2 pupils.

Travel

15. Details of the length and journeys to alternative provision.

No changes in travel will occur as the two existing sites will remain – the old Infant site will continue to accommodate foundation and KS1 pupils and the old Junior site will continue to accommodate KS2 pupils.

16. The proposed arrangements for travel of displaced pupils to other schools including how they will help to work against increased car use.

Pupils will not be displaced as a result of the closure of the Junior school as they will be accommodated within the new St Mary's CE Primary School.

Related Proposals

17. A statement as to whether in the opinion of the LA or governing body, the proposals are related to any other proposals which may have been, are, or are about to be published.

The proposal is related to the proposal to enlarge the age range of St Mary's Infant School to accommodate pupils aged 8 – 11.

Rural Primary Schools

18. Where proposals relate to a rural primary school designated as such by an order made for the purposes of section 15, a statement that the LA or ghe governing body (as the case may be) considered:

- a) the likely effect of discontinuance of the school on the local community;
- b) the availability, and likely cost to the LA, of transport to other schools;
- c) any increase in the use of motor vehicles which is likely to result from the discontinuance of the school, and the likely effects of any such increase; and
- d) any alternatives to the discontinuance of the school,

as required by section 15(4)

NA

Maintained nursery schools

19. Where proposals relate to the discontinuance of a maintained nursery school, a statement setting out:

- a) the consideration that has been given to developing the school into a children's centre and the grounds for not doing so;
- b) the LA's assessment of the quality and quantity of alternative provision compared to the school proposed to be discontinued and the proposed arrangements to ensure the expertise and specialism continues to be available; and
- c) the accessibility and convenience of replacement provision for local parents.

NA

Special educational provision

20. Where existing provision that is recognised by the LA as reserved for pupils with special educational needs is being discontinued, a statement as to how the LA or the governing body believes the proposal is likely to lead to improvements in the standard, quality and/or range of the educational provision for these children.

NA