

department for
children, schools and families

Closing a Maintained Mainstream School

A Guide for Local Authorities and Governing Bodies

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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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(<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)

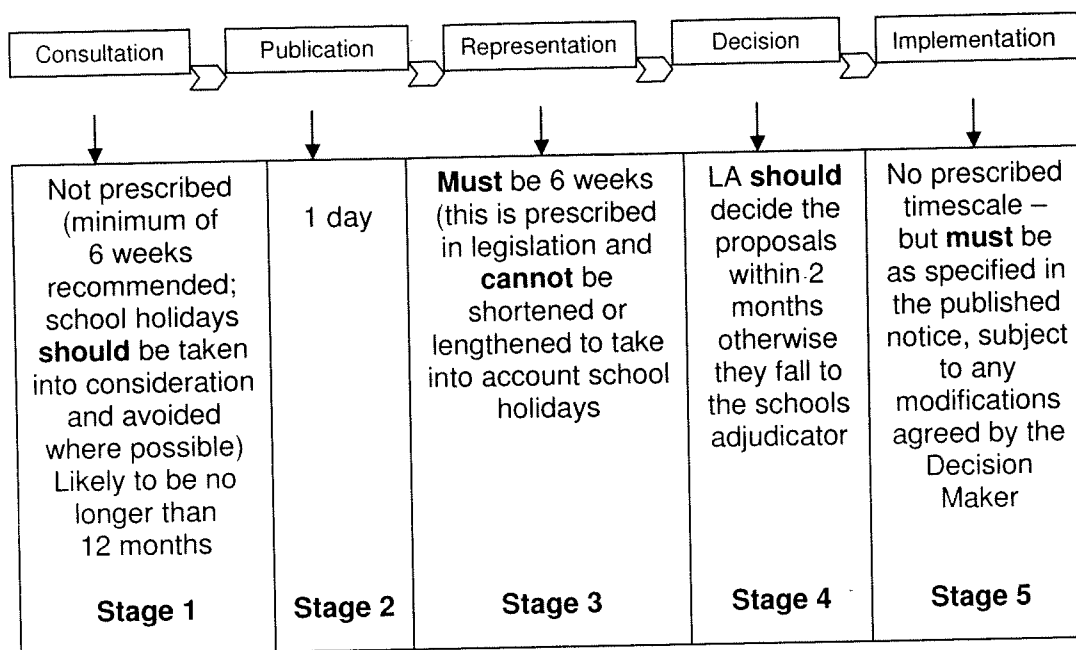
25. The Learning and Skills Council (LSC)² will work with LAs to support the improvement of sixth form provision. The LSC has the power to publish proposals for the closure of an inadequate school sixth form. Where a school sixth form has been judged to require Significant Improvement in two consecutive 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:-

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- 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.

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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

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- 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

STAGE 2

“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.

STAGE 3

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.

STAGE 4

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

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- d) any alternatives to the discontinuance of the school,
as required by section 15(4)

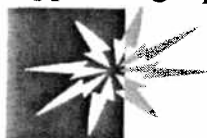
Maintained nursery schools

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.



**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:

		Infant			Junior		
		All National Curriculum Core Subjects			All National Curriculum Core Subjects		
		School		National	School		National
	Ethnicity	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

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

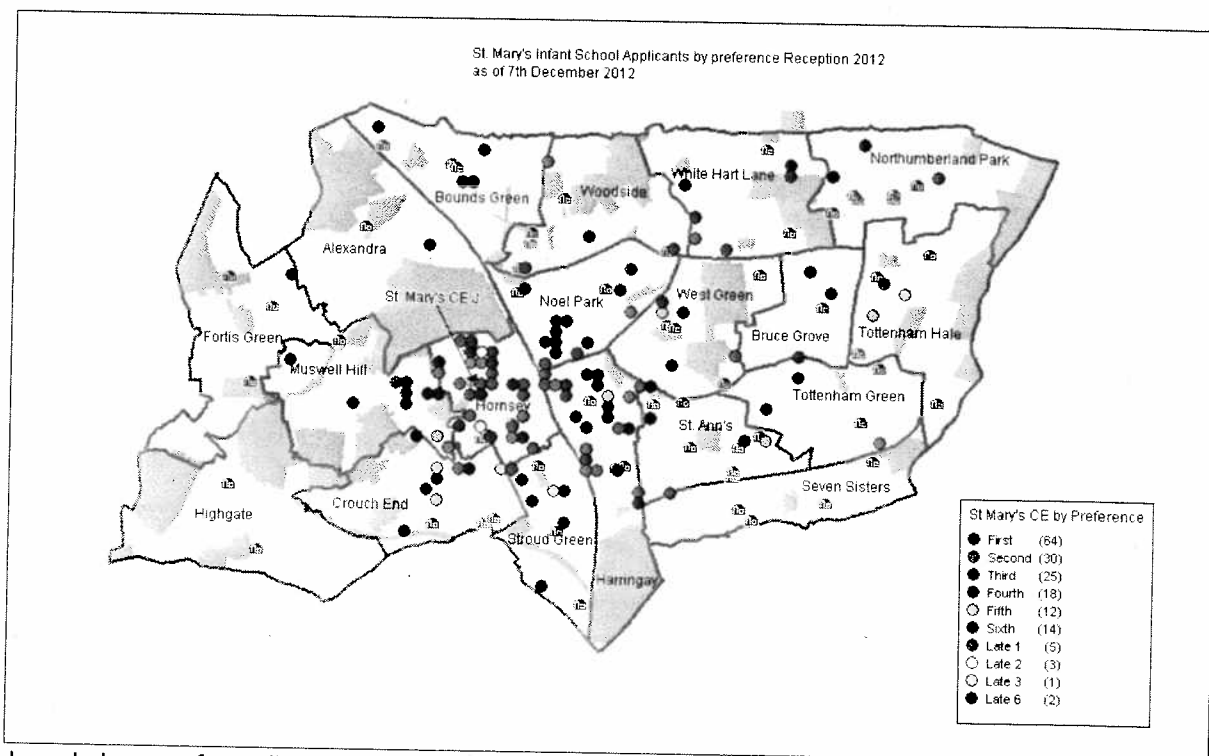
Source: 2001 Census

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? x	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 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.

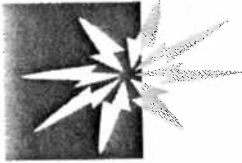
Age	Disability	Race	Sex	Religion or Belief	Sexual Orientation	Gender Reassignment	Marriage and Civil Partnership	Pregnancy and Maternity
Children attending St Mary's CE Infant and Junior Schools are aged 2-10 however parents/carers and local residents of various ages may be impacted	No issues identified	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

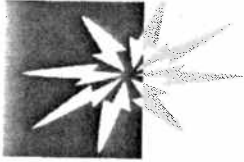
Sign off by Directorate Management Team:

Name:

Designation:

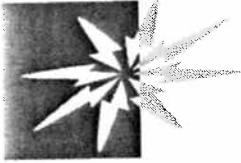
Signature:

Date:



Haringey Council
Appendix: notices of
proposal

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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.

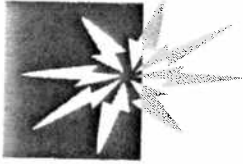
Within six weeks from the date of publication of these proposals, any person may object or make comments on the proposals by sending them to FAO Jennifer Duxbury, Directorate of Children and Young People's Services, 48 Station Road, Wood Green, London N22 7TY.

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.

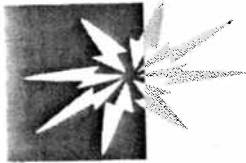
The objective of these proposals is to establish an all-through primary school with a Nursery-Year 6 age-range. The current age-range of the school is Nursery-Year 2. The proposed age-range of the age-range enlarged school will be Nursery-Year 6.

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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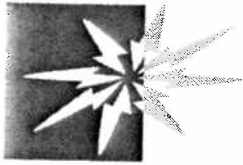
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Appendix 7 – Equality Act 2010 - Public Sector Equality Duty

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 –



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- (a) a breach of an equality clause or rule;
- (b) a breach of a non-discrimination rule.

