

# Secondary School Competition

## The role of the SOC

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**HARINGEY COUNCIL**

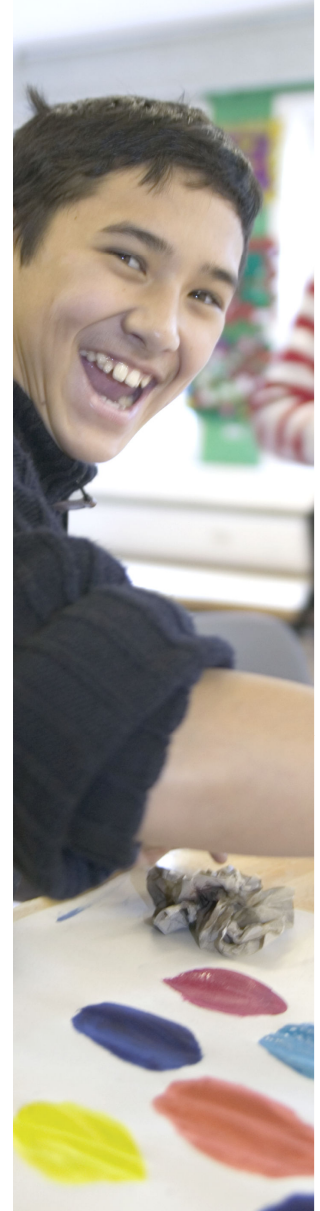


# The Education Act 2005 - Overview

- Came into force on 1<sup>st</sup> September 2006.
- LAs are required by Section 66 of the Education Act 2005 to invite proposals from potential providers for any proposed new secondary school.
- This requires LAs to hold a competition for any new secondary school unless the Secretary of State has consented to the publication of proposals without a competition.

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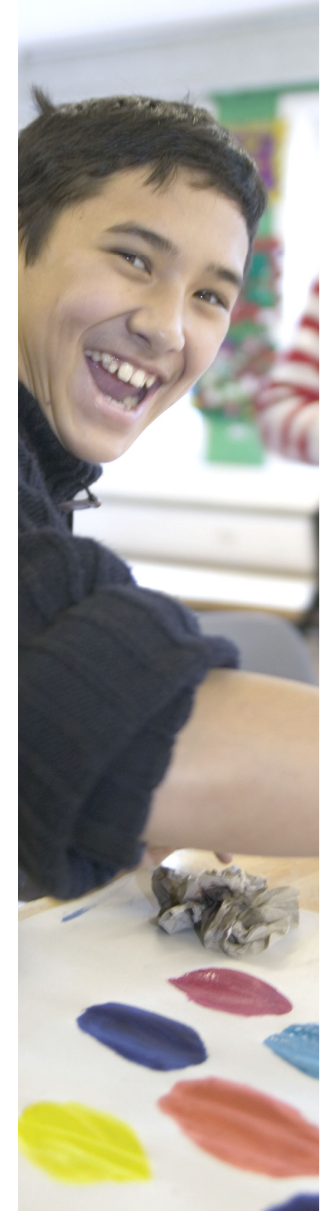


# The Education Act 2005 - Overview

- New school proposals are decided by the local SOC or a Schools Adjudicator.
- Proposals are considered on the basis of their educational merits and what they have to offer the local community.
- Proposals must:
  - be underpinned by solid evidence from local consultation and research;
  - demonstrate that the school will meet the needs of local parents and children;
  - take account of the LA's requirements.
- The SOC has to consider proposals that do not meet all the specifications set out in the LA's notice so long as they meet the need for school places in the area.

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# When is a secondary school competition required?

Circumstances in which a competition is required:

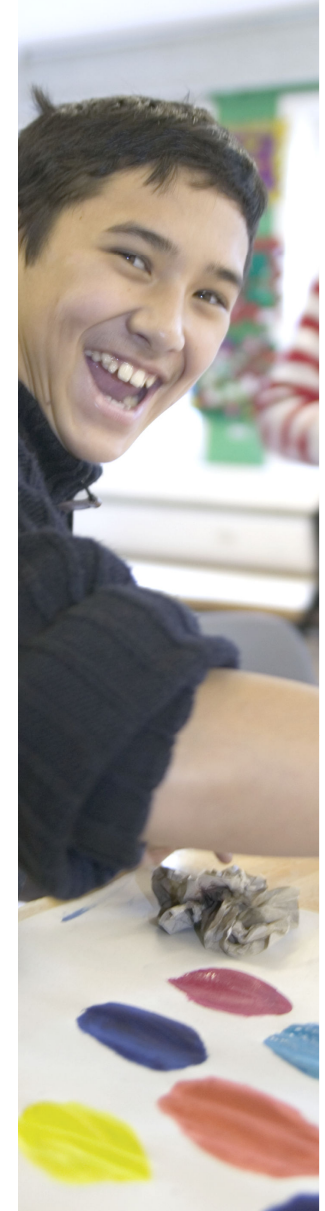
- a brand new school is required to meet an increase in the local population;
- a school is required to replace a discontinuing school;
- one or more schools are proposed to be closed and a new school or schools are to be established to replace them.

Competitions are not required where a secondary school is:

- transferring from its existing site to a new site;
- to be re-built on its existing site;
- to be replaced by an Academy and discussions on a funding agreement are underway (but proposals for a new Academy may also be put forward in response to a competition).

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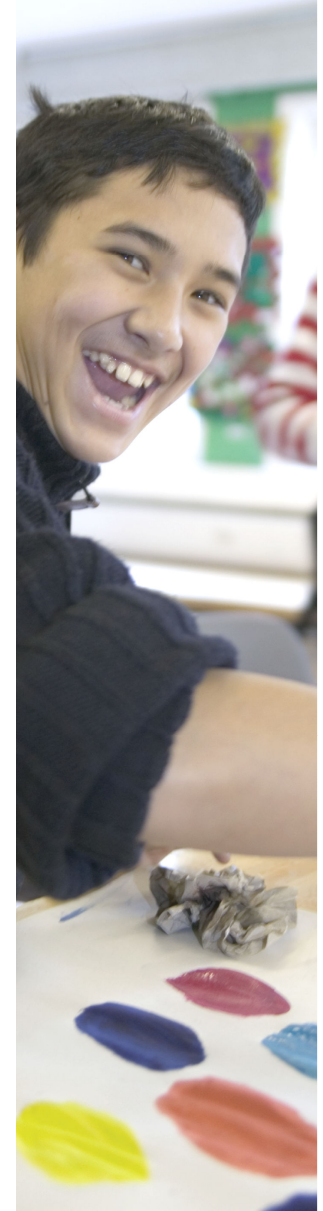


# The Education Act 2005 - Process

- Consult all interested parties before publishing a notice inviting promoters to bring forward proposals.
- The LA publishes the initial notice for any person or group to submit proposals for the new school. This is a four month period.
- Within three weeks of the end of the period for submitting proposals, the LA must publish a summary notice of all the proposals received, including any it wishes to make itself.

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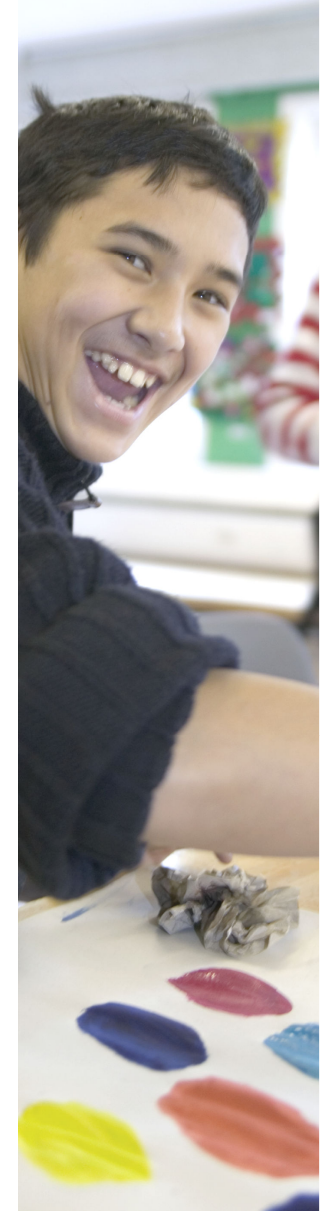


# The Education Act 2005 - Process

- The LA must arrange a public meeting, within two weeks of the notice, to inform the public of the proposals received.
- Any person may submit objections to, support for or other comments on the proposals to the LA within six weeks of the summary notice's publication.
- The LA must submit the proposals, representations and their comments on the representations to the SOC within two weeks.
- The SOC has 2 months to reach a decision over the proposals received.

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# The Timetable

Publish Invitation to bid to promote the new secondary

4<sup>th</sup> September 2006

Deadline for bids to be received by the council

22<sup>nd</sup> December 2006

Publish Statutory notice detailing the received bids

3<sup>rd</sup> January 2007

Public meeting discussing all bids

16<sup>th</sup> January 2007

Statutory notice period ends

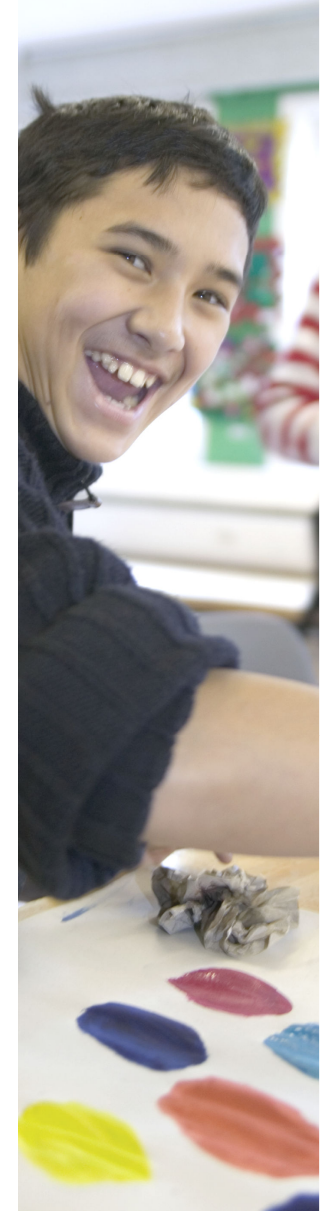
13<sup>th</sup> February 2007

Deadline for decision by SOC

24<sup>th</sup> April 2007

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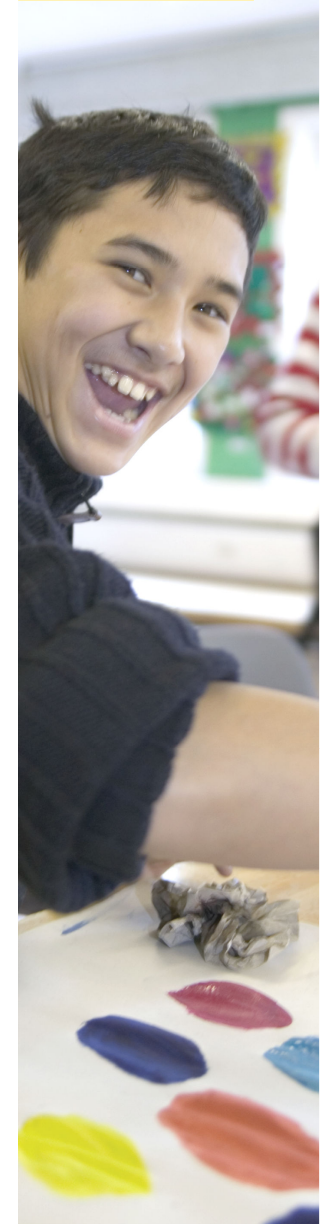
# Decision of the competition

The LA can determine the proposals if:-

- the only proposals published are proposed by the LA; there are **no** objections;
- the proposals do **not** require conditional approval; and
- the proposals are **not related** to any of the following types of proposals, that have not yet been decided:
  - proposals, by the LA, to establish a community of foundation school;
  - proposals, by another proposer, to establish a voluntary or foundation school; or
  - proposals made by the LSC under Section 113A or Schedule 7 of the Learning and Skills Act 2000.

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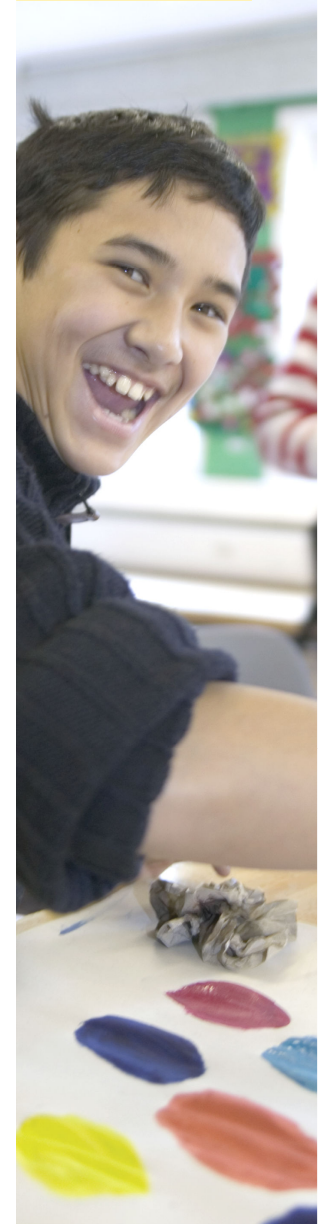
# Decision of the competition

## Decision by the SOC

- The SOC has two months from receiving the proposals in which to decide the competition.
- If one of the proposals is for an Academy, the SOC must consult the Secretary of State within two weeks of receiving the proposals.
- The Secretary of State must confirm whether he would be willing in principle to commence negotiations with a view to entering into an agreement for establishing an Academy.
- Following a response from the Secretary of State the SOC can consider all the proposals submitted, including the Academy.

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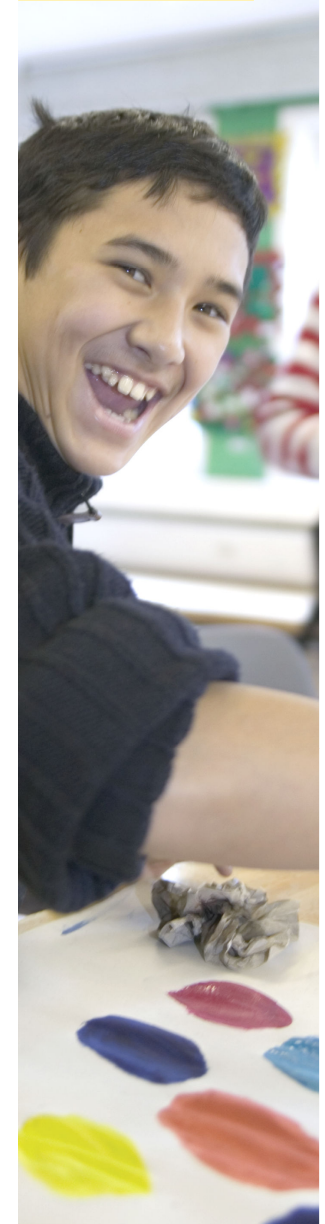
# Decision of the competition

## Decision by the SOC

- The Education Act 2005 requires that, when deciding competitions, the SOC and Schools Adjudicator must have regard to guidance issued by the Secretary of State.
  - Different proposals may have different strengths and weaknesses.
  - The SOC will need to balance these and decide which proposal best meets the criteria for the new school overall.
  - The SOC will need to decide which proposals best meet the specific requirements for a new school for the area in question.

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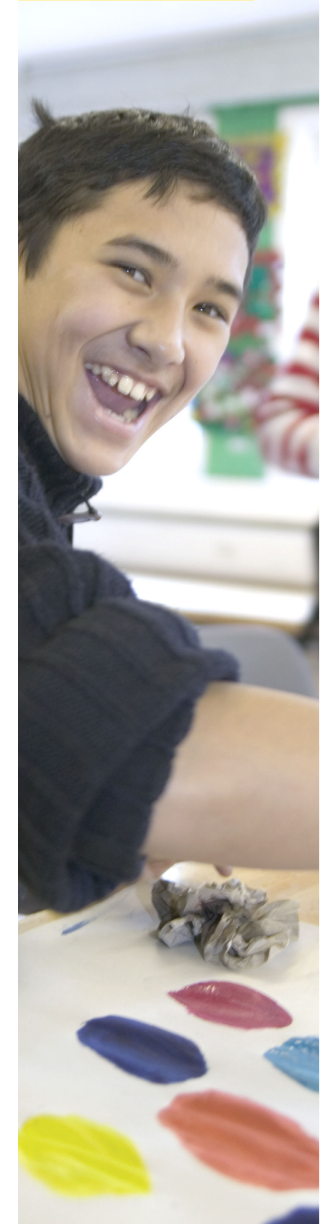


# Decision of the competition

## Decision by the SOC - the key factors (Decision Makers

Guidance section 2.1A)

- Effect on standards and contribution to school improvement
- Admissions
- Need for places
- Finance
- Views of interested parties
- Community cohesion, inclusiveness and partnerships
- 14-19 issues
- Equal opportunities
- Other issues
- Proposal from an existing independent school



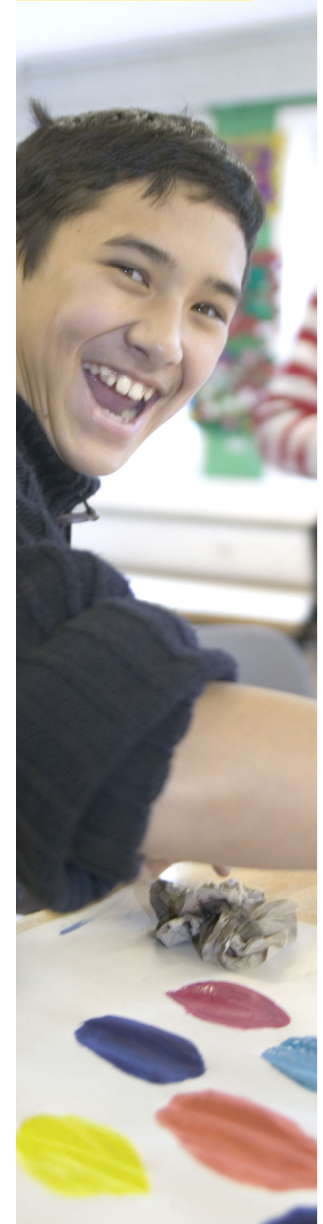
# Decision of the competition

## Decision by the SOC – types of decisions

- reject all of the proposals;
- approve any of the proposals (e.g. SOC may decide to approve complementary proposals which together meet the need for the new school);
- approve any of the proposals with a modification ;or
- approve any of the proposals subject to them meeting a specific condition such as the granting of planning permission.

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# Decision of the competition

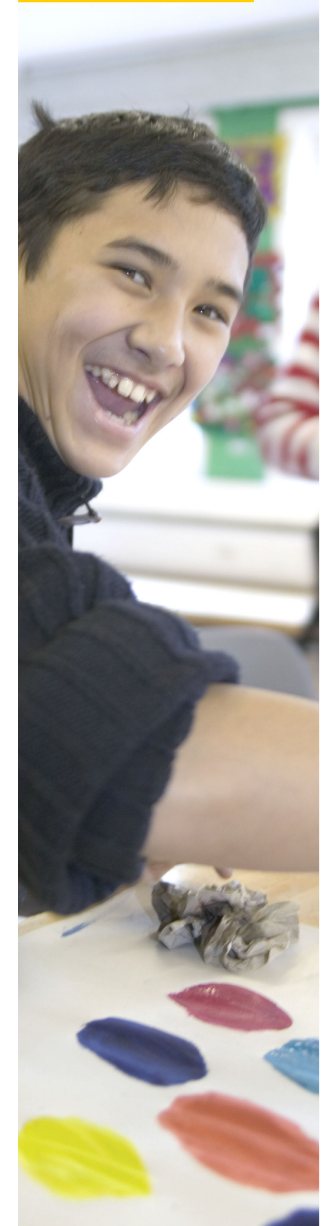
## Decision by the SOC – Conditional Approval

The regulations provide for a conditional approval to be given where the SOC is otherwise satisfied that the proposals can be approved, and approval can automatically follow an outstanding event. These include:

- the grant of planning permission under Part 3 of the Town and Country Planning Act 1990;
- the acquisition of the site on which a new school is to be constructed;
- the securing of any necessary access to a site referred to in sub-paragraph (b) or playing fields referred to in sub-paragraph (c);
- the entering into an agreement for any necessary building project supported by the Department for Education and Skills in connection with the programme known as “Building Schools for the Future”;

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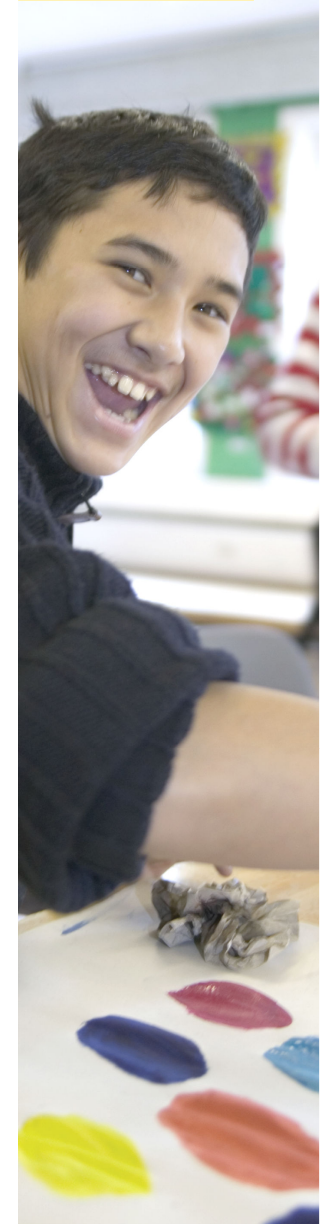




# Decision of the competition

## Decision by the SOC – Voting arrangements

- Each constituent group on SOC has one vote;
- Groups decide their collective vote on a majority basis. Advice is that groups are made up of an odd number of members;
- Where a group has reached a tied conclusion, that group should abstain;
- Vote of SOC must be unanimous – abstentions are neither a vote for or against;
- SOC must provide a reason for their decision.



# Decision of the competition

## Decision by the Schools Adjudicator

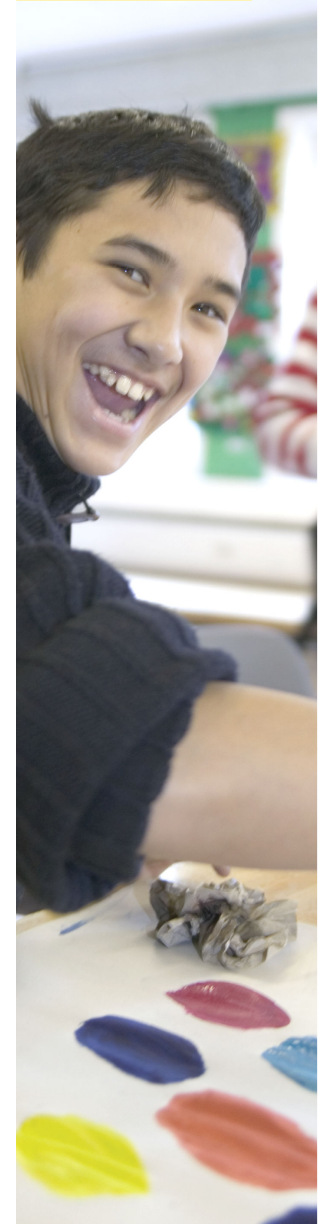
The proposals are decided by the schools adjudicator if the SOC:

- fails to decide proposals unanimously;
- fails to reach a decision within two months of receiving the proposals from the LA; or
- two groups abstain from voting because members have an interest in the case.

The Secretary of State also has the power to direct a SOC to refer proposals to the schools adjudicator for decision.

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# Further resources.....

School Organisation website:  
[www.dfes.gov.uk/schoolorg](http://www.dfes.gov.uk/schoolorg)

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The screenshot shows the 'school organisationchanges' website. The main heading is 'Welcome to the Decision Makers guidance'. Below this, it states: 'This guidance is for members and officials of School Organisation Committees, schools adjudicators and Local Education Authorities.' A paragraph follows: 'This guidance sets out the circumstances in which decisions on school reorganisations are made by the Local Education Authority (LEA), the School Organisation Committee (SOC) or the independent school adjudicator. It describes the role and responsibilities of each. It details the factors that must be taken into account when proposals are considered. It explains the process and procedures involved in local decision making and specifies, for instance, the range of decisions open to a SOC.' To the right of this text is an image of a young boy in a white shirt working at a computer workstation in a classroom. Below the main text are several links: 'Decision Makers Guidance Introduction', 'Decision Makers Guidance Section 1', 'Decision Makers Guidance Section 2.1', and 'Decision Makers Guidance Section 2.1A', each with a brief description and a 'View Guidance' link. A left-hand navigation menu includes sections like 'Home Page', 'Guidance for:' (with sub-links for Public and Parents, Promoters & Proposers, Decision Makers, School Governors, and SOP/CYPP), 'The Forum', 'Latest News', 'Frequent Questions', and 'Contact Us'.

