

Swindon Borough Council

Cabinet Panel on School Organisation

Thursday, 5 June 2008

Committee Room 6, Civic Offices
(Anticipated meeting room)

At 3.30 p.m.

Conservative Councillors

Fionuala Foley

Nick Martin

Garry Perkins

Colin Lovell

Brian Mattock

Committee Officer: Ian Willcox, 463601, iwillcox@swindon.gov.uk

Swindon Borough Council can be contacted at the Civic Offices, Euclid Street, Swindon, SN1 2JH (Telephone 01793 463000)

AGENDA

- 1. Appointment of Chair.**
- 2. Apologies for Absence.**
- 3. The Permanent Expansion of Abbey Meads, Catherine Wayte and Haydonleigh Primary Schools. (GDC) (AM); (HW); (Pages 1 - 78)**

Date of Despatch: 28 May 2008

Key:

Officers:

CE	-	Chief Executive
DCE /	-	Deputy Chief Executive and Group Director: Environment and
GDER		Regeneration
GDC	-	Group Director: Children
GDHSC	-	Group Director: Housing & Social Care
GDBT	-	Group Director: Business Transformation
DF-C	-	Director of Finance – Chief Executive's
DAP-C	-	Director of Access and Provision - Children
DLDS-B	-	Director of Law and Democratic Services – Business Transformation

Wards

AM	-	Abbey Meads
HW	-	Haydon Wick

Cabinet Members Responsible for the Service Area concerned:

RB	-	Roderick Bluh	Leader of the Council and Chair of Cabinet
FF	-	Fionuala Foley	Deputy Leader of the Council, Cabinet Member for Corporate Affairs, Vice-Chair of Cabinet
PG	-	Peter Greenhalgh	Cabinet Member for Highways, Transport and Strategic Planning
NM	-	Nick Martin	Cabinet Member for Resources
GP	-	Garry Perkins	Cabinet Member for Children's Services
DR	-	David Renard	Cabinet Member for Health, Housing and Adult Social Care
JT	-	Justin Tomlinson	Cabinet Member for Leisure, Culture and Recreation
CL	-	Colin Lovell	Cabinet Member for Community and Neighbourhoods
BM	-	Brian Mattock	Cabinet Member for Local Environment
PY	-	Philip Young	Cabinet Member for Economic Development, Regeneration and Development

Role / Terms of Reference - *The Cabinet Panel on School Organisation (a Sub-Committee of Cabinet) was established by Cabinet in June 2007 to deal with issues of School Organisation. This followed changes in legislation that led to School Organisation Committees being abolished.*

The Panel comprises of any 5 members of Cabinet for each meeting, will consider the outcomes of consultation across a range of school organisation issues such as school expansions, closures and opening of new schools subject to "competition regulations".

Public Question Time - *Swindon Borough Council is committed to increasing its accountability to the public and to promoting active citizenship. Up to 15 minutes will be allowed at the start of all Council meetings for questions to the Chair from members of the public about the work of the Committee (except for confidential matters and specific planning applications). Questions must be relevant, clear and concise. Because of time constraints Public Question Time is not an opportunity to make speeches or statements. Prior notice of a question to the Director of Law and Democratic Services is desirable - particularly if detailed background information is needed.*

Access Arrangements - *The venue is wheelchair accessible and an infrared receiver hearing system is provided. If you would wish to attend the meeting but have any special requirement to enable you to do so please contact the Committee Officer, whose name appears at the top of this agenda, as soon as possible prior to the date of the meeting.*

If you would like to receive any of the pages contained in this agenda in a larger print size please contact the Committee Officer whose name appears on the first page of this agenda.

The Permanent Expansion of Abbey Meads, Catherine Wayte and Haydonleigh Primary Schools

CABINET PANEL

Date: 5th June 2008

Author: Group Director, Children

Ward Affected:

Abbey Meads and Haydon Wick

Purpose

- To permanently expand Abbey Meads, Catherine Wayte and Haydonleigh Primary Schools.

Recommendations

Cabinet is requested to:

- approve the proposals as set out in the statutory notice attached as **Appendix 3** to permanently expand Abbey Meads Primary Schools.
- approve the proposals as set out in the statutory notice attached as **Appendix 4** to permanently expand Catherine Wayte Primary Schools.
- approve the proposals as set out in the statutory notice attached as **Appendix 5** to permanently expand Haydonleigh Primary Schools.
-

1 Reasons

- 1.1 The aim of the permanent expansion is to provide sufficient classroom space at Abbey Meads and Catherine Wayte to sustain a long-term increase in admission numbers.
- 1.2 From September 2011, an additional two class spaces at Abbey Meads and Catherine Wayte primary schools will therefore be needed in order to enable there to be a long-term admission number of 60. The overall capacity of the schools would increase to 420 in each case.
- 1.3 Similarly, there is only sufficient classroom space at Haydonleigh to sustain a long-term increase in the admission number of 60 until the end of the 2007/2008 academic year. From September 2008, two extra classrooms will be needed in order to enable there to be a long-term admission number of 60 at the school. The overall capacity at the school would then increase to 420.
- 1.4 In each case the school provided a temporary solution to increasing pupil numbers for September 2007. It is therefore considered in each case the school is expanded to become a two-form of entry in line with the Council's Policy for primary schools.

The Permanent Expansion of Abbey Meads, Catherine Wayte and Haydonleigh Primary Schools

CABINET PANEL

Date: 5th June 2008

2 Detail

Background

- 2.1 From September 2008, there will be 12 forms of entry in the Northern Sector, an increase of 4 forms of entry from the September 2006 intake. However, based on the existing school population and projections of growth in the Northern Sector, it is currently estimated that there is likely to be a need for up to 15 forms of entry by 2011 when the current programme of house building is expected to be complete. It should be stressed that these are of course forecasted not actual pupil numbers, although there is substantial evidence about expected future levels of demand for school places as shown below.

Reception Year	Sept 2008	Sept 2009	Sept 2010	Sept 2011
Children in area as at 31/08/07	341	350	387	427
Forms of Entry (FE)	12	12	13	15

- 2.2 Cabinet have also given the commitment to establish a new two-form entry primary school on the PS7 site in Oakhurst from September 2010 and requested further investigation into the possibility of temporary places being made available from September 2009.

Consultation Process/Outcome

- 2.3 Following the decision by Cabinet on 17th October 2007 to initiate a pre-statutory consultation on the proposals to permanently expand Abbey Meads, Catherine Wayte and Haydonleigh Primary Schools a consultation document was sent to staff, parents and governors on the 5th December 2007. A copy of the pre-statutory consultation document and responses are attached at **Appendix 1 and 2**.
- 2.4 Cabinet considered the responses to the pre-statutory consultation on 13th February 2008 and authorised the Group Director, Children publish statutory proposals to permanently expand the three schools. Copies of the public notice for each school are attached as **Appendix 3, 4 and 5**. A copy of the proposals document for each school, which is required by statute, sets out detailed prescribed information about the proposals is attached as **Appendix 6, 7 and 8**.
- 2.5 No objections or comments were received following publication of the statutory proposals.

The Permanent Expansion of Abbey Meads, Catherine Wayte and Haydonleigh Primary Schools

CABINET PANEL

Date: 5th June 2008

Key factors in support of the proposal

- 2.6 Effect on Standards and School Improvement – The proposals will match school place supply as closely as possible to pupils' and parents' need and wishes and achieve the Government's and Council's aim to ensure that every child receives an excellent education. Abbey Meads, Catherine Wayte and Haydonleigh Primary Schools contribute to raising standards in English and Mathematics; for the Local Authority these are, currently above the national average.
- 2.7 Expansion of Successful and Popular Schools – Abbey Meads, Catherine Wayte and Haydonleigh Primary Schools has a history of oversubscription for admissions, which highlights the popularity with parents. The schools are judged by OfSTED to be Good to Outstanding during recent inspections.
- 2.8 Travel and Accessibility for All – The proposals will not have the effect of unreasonably extending journey times or increasing transport costs
- 2.9 Capital Funding – Detail on the Capital funding is available in the Financial Implications section below.
- 2.10 Special Educational Needs Provision – Abbey Meads, Catherine Wayte and Haydonleigh Primary Schools will continue to offer a range of provision to respond to the needs of individual children.
- 2.11 Views of Interested Parties –The Local Authority carried out a pre-statutory consultation to gather the views of all those affected by the proposal. The results are attached as **Appendix 2**.

Alternative Options

- If additional places are not provided in North Swindon there will be a shortfall and this will have an impact on parental preference and there would be an expected rise in the number of appeals.

The Permanent Expansion of Abbey Meads, Catherine Wayte and Haydonleigh Primary Schools

CABINET PANEL

Date: 5th June 2008

Risk Management

Financial and Procurement Implications

- The costs of publishing statutory proposals are contained within the current Local Provision cash limit.
- There may be a cost to the Individual Schools Budget for provision of resources to support additional pupils. Funding would be through the Formula for expanding schools (trigger funding) and the schools would meet all associated revenue costs.
- It was agreed by Cabinet at the 17th October 2007 meeting to provide additional accommodation (a double mobile classroom in each case) at Haydonleigh Primary School, from September 2008, and Abbey Meads and Catherine Wayte Primary Schools, from September 2011, in order to enable all three schools to become all-through two-form entry Primary Schools.
- The new capital funding to support the costs of purchasing the mobile classrooms totaling £600k has been earmarked through the Council's annual Capital Programme "refresh".

Legal/Human Rights Implications

- The proposals relating to Abbey Meads, Catherine Wayte and Haydonleigh Primary Schools are subject to the relevant provisions in the Education and Inspections Act 2006. The statutory procedure set out in the Education Inspection Act for altering a school is as follows:
 - a) Pre-statutory consultation on the proposals with families, Governing Body, staff and teachers of the school, which is the subject of the proposals and any other, affected school and certain other bodies. Consultation for minimum of 4 weeks.
 - b) Cabinet Decision to publish notice of proposals.
 - c) Statutory consultation period of 4 weeks.
 - d) Cabinet Decision to proceed with proposals.
 - e) Right of appeal against decision to the Adjudicator but only by the Governing Body of the school which is the subject of the proposal and the Diocesan Boards of Church of England and the Roman Catholic Church.
- Cabinet must follow DCSF guidance entitled 'Decision Makers Guidance for Expanding Maintained Mainstream Schools' when considering whether to approve the proposals. A copy of the guidance is attached as **Appendix 9**. The guidance states that the Cabinet should consider before judging the respective factors and merits of the proposals:

Further information on the subject of this report can be obtained from Ian Bickerton on Direct Dial No. 01793 465724 or Email ibickerton@swindon.gov.uk

The Permanent Expansion of Abbey Meads, Catherine Wayte and Haydonleigh Primary Schools

CABINET PANEL

Date: 5th June 2008

- a) Is any information missing?
- b) Does the published notice comply with Statutory requirements
- c) Has the statutory consultation been carried out prior to the publication of the notice?
- d) Are the proposals linked or related to other published proposals?

The guidance then sets out in paragraphs 4.16 to 4.64 factors, which must be considered by Cabinet in reaching its decision.

- The guidance states that all decision makers must give reasons for their decisions irrespective of whether the proposals were rejected or approved, indicating the main factors/criteria for the decision.

Links to Corporate Plans and Policies (in particular to Swindon 2010 Promises)

- The recommendations are in line with Swindon 2010 Promise 20.

Consultees

- The Director of Finance and the Director of Law and Democratic Services are consulted on all reports. Ward councillors for Western Ward have been consulted on the contents of this report, as have both schools.
- A consultation with staff, parents and governors has been undertaken on these proposals as described in the report and **Appendix 1**.
- Appendices
- Appendix 1 – 'Proposal to Permanently Expand Abbey Meads, Catherine Wayte and Haydonleigh Primary Schools – Pre-Statutory Consultation.'
- Appendix 2 – Table showing Response Forms received.
- Appendix 3 – Public Notice for Abbey Meads
- Appendix 4 – Public Notice for Catherine Wayte
- Appendix 5 – Public Notice for Haydonleigh
- Appendix 6 – Prescribed information for Abbey Meads
- Appendix 7 – Prescribed information for Catherine Wayte
- Appendix 8 – Prescribed information for Haydonleigh
- Appendix 9 – Decision Maker's Guidance for Expanding a Maintained Mainstream School

Background Papers

- Local Authority Support Plan

Further information on the subject of this report can be obtained from Ian Bickerton on Direct Dial No. 01793 465724 or Email ibickerton@swindon.gov.uk

The Permanent Expansion of Abbey Meads, Catherine Wayte and Haydonleigh Primary Schools

CABINET PANEL

Date: 5th June 2008

- School Organisation Proposals (Cabinet 6th June 2007)
- School Reorganisations – Cabinet Session 27th September 2008

Further information on the subject of this report can be obtained from
Ian Bickerton on Direct Dial No. 01793 465724 or Email ibickerton@swindon.gov.uk

Response Form

Pre-Statutory Consultation
Proposed Permanent Expansion of Abbey Meads, Catherine Wayte and Haydonleigh Primary Schools

Name:

Address:

Postcode:

Please tick:

Parent ☐ Governor ☐ Staff ☐

Please state which school:

Abbey Meads ☐ Catherine Wayte ☐ Haydonleigh ☐
Do you support the proposal to expand Abbey Meads School? Yes ☐ No ☐

Comments:

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Do you support the proposal to expand Catherine Wayte School? Yes ☐ No ☐

Comments:

Do you support the proposal to expand Haydonleigh Primary School? Yes ☐ No ☐

Comments:

Sign:

Responses must be received by 18th January 2008.

Please return Response Forms either to the School Office, or by post to:

Gareth Cheal
Children Services, Swindon Borough Council
Sanford House, Sanford Street
Swindon SN1 1QH

Data Protection

The information you provide will be used for the analysis of responses received as part of the Pre-Statutory consultation on the proposal to expand Abbey Meads, Catherine Wayte and Haydonleigh Primary Schools for the purposes of compiling recommendations for Cabinet. Personal information will not be shared with any other sections of the Council.

The Objectives of the Proposal

The principal aim of the proposed expansion is to provide sufficient classroom space at Abbey Meads and Catherine Wayte to sustain a long-term increase in admission numbers after the end of the academic year 2010/11. From September 2011, an additional two class spaces in each case will therefore be needed in order to enable there to be a long-term admission number of 60. The overall capacity of the schools would increase to 420 in each case.

Similarly, there is only sufficient classroom space at Haydonleigh to sustain a long-term increase in the admission number of 60 until the end of the 2007/2008 academic year. After September 2008, two extra classrooms will be needed in order to enable there to be a long-term admission number of 60 at the school. The overall capacity at the school would then increase to 420.

The Local Authority is able to decide this locally. The attached expected timeline sets out the various stages of the decision making process. The views expressed by parents/carers, staff and governors will be reported to Cabinet. This meeting is open to members of the public.

It is important the process is completed by 2008 to enable the Local Authority to determine admission numbers for the 3 schools for September 2009, which will be put into the admission arrangement scheme.

We would be very interested to know your views about the proposed expansion. Please complete the attached Response Form and return it to us by 18th January 2008.

Thank you.

Timeline - Expected Key Dates in the Decision Making Process

5 th December 2007	Pre Statutory Consultation begins
18 th January 2008	Pre Statutory Consultation ends
31 st January 2008	Cabinet Report available on www.swindon.gov.uk
13 th February 2008	Cabinet meeting to consider Report
18 th February 2008	Swindon Borough Council Scrutiny Meeting to review Cabinet recommendations

If the proposal proceeds:

25 th February 2008	Statutory Notices are published
25 th February 2008	Statutory Consultation period begins
5 th April 2008	Statutory Consultation period ends
April/May (tbc)	A panel of cabinet makes final Decision

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ART/045/FO/3135/07

Children Services

Children and young people deserve the best start in life.

Proposal to Permanently Expand of Abbey Meads, Catherine Wayte and Haydonleigh Primary Schools



Contact: Gareth Cheal
Sanford House, Sanford Street, Swindon, SN1 1QH
Tel: 01793 465769 or email: gcheal@swindon.gov.uk
Web: www.swindon.gov.uk

Dear Parents/Carers, Staff and Governors of Abbey Meads, Catherine Wayte and Haydonleigh Primary Schools

By law the Local Authority is required to consult on Abbey Meads, Catherine Wayte and Haydonleigh Primary Schools becoming 2 form entry schools on a permanent basis.

- In each case:
- a temporary increase has been established for September 2007 by providing an extra reception class;
 - for a permanent increase the school will require 2 additional classrooms

Do you support this permanent increase?

If not supported, it will mean that Abbey Meads and Catherine Wayte Primary Schools will only be able to support 2 forms of entry at reception until the end of the academic year 2010/11 and Haydonleigh Primary School will only be able to support 2 forms of entry at reception until the end of the academic year 2007/2008

Please see enclosed information about Swindon Borough Council's (the Local Authority) proposal to expand Abbey Meads, Catherine Wayte and Haydonleigh Primary Schools. You are invited to let the Council know your views about this proposal.

You are encouraged to complete the enclosed Response Form so that the views both for and against the proposal can be reported to the Council's Cabinet. The Cabinet will take all views into account before deciding whether or not to take this proposal on to the next stage of consultation involving the publication of a 'Statutory Notice' - this is known as the formal consultation stage.

Completed forms should be returned by **18th January 2008** to the school office or by post to Gareth Cheal, Children Services, Swindon Borough Council, Sanford House, Sanford Street, Swindon, SN1 1QH.

We welcome your views on this proposal. If you have any questions that you would like to ask about this proposal, or if there is anything you would like explained in more detail, please contact Gareth Cheal on 01793 465769 or gcheal@swindon.gov.uk or bring your questions to the meetings.

Background

At present, there are 11 forms of entry in the Northern Sector; an increase of 3 forms of entry from the September 2007 intake. However, based on the existing school population and projections of growth in the Northern Sector, it is currently estimated that there is likely to be a need for up to 15 forms of entry by 2011 when the current programme of house building is expected to be complete. It should be stressed that these are of course forecasted not actual pupil numbers, although there is substantial evidence about expected future levels of demand for school places as shown below.

Whilst there is therefore an overall estimated shortfall of up to 4 forms of entry at primary level by 2011, there is already significant pressure on school places in the area, especially around Oakhurst, with a requirement ideally of providing up to an extra 2 or 3 forms of entry in the medium term. This is demonstrated in the table below.

Reception Year	Sept 2008	Sept 2009	Sept 2010	Sept 2011
Children in area as at 31/08/07	341	350	387	427
Forms of Entry (FE)	12	12	13	15



This information about the Proposal to Permanently Expand of Abbey Meads, Catherine Wayte and Haydonleigh Primary Schools is available on request. It can be produced in a range of languages and formats (such as large print, Braille or other accessible formats) by contacting the Customer Services Department

Tel: 01793 463725
Fax: 01793 463982
E-mail: customerservices@swindon.gov.uk



Responses from Abbey Meads Primary School

Respondent	Number of responses
Parent	48
Staff	1
Governor	1
Other interested parties	0
Total	50

Do you support the proposal to expand?	Support	Oppose
Abbey Meads	40	9
Catherine Wayte	19	1
Haydonleigh	21	0

Responses from Catherine Wayte Primary School

Respondent	Number of responses
Parent	51
Staff	1
Governor	2
Other interested parties	0
Total	54

Do you support the proposal to expand?	Support	Oppose
Abbey Meads	31	6
Catherine Wayte	46	5
Haydonleigh	32	4

Responses from Haydonleigh Primary School

Respondent	Number of responses
Parent	31
Staff	0
Governor	2
Other interested parties	0
Total	33

Do you support the proposal to expand?	Support	Oppose
Abbey Meads	15	3
Catherine Wayte	19	2
Haydonleigh	24	5

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SWINDON BOROUGH COUNCIL

PROPOSED PERMANENT EXPANSION OF PREMISES AND PUPIL NUMBERS AT
ABBAY MEADS PRIMARY SCHOOL, HUGO DRIVE, SWINDON

Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 that Swindon Borough Council intends to make prescribed alterations to Abbey Meads Primary Community School Hugo Drive Swindon SN25 4GY.

It is proposed to increase the intake by 27 or more pupils by providing 60 reception class places with effect from 1 September 2009 . It is also proposed to increase the physical capacity to 420 places by providing two additional classrooms with effect from 1 September 2011. The current capacity of the school is 315 and the proposed permanent capacity will be 420. The current number of pupils registered at the school is 301. The current admission number (2007/08 academic year) at age 4+ is 30 and this is proposed to change to 60.

Copies of the complete proposal can be obtained from Gareth Cheal, Children's Services, Sanford House, Sanford Street, Swindon, SN1 1QH and is available on the Swindon Borough Council website www.swindon.gov.uk

Within four weeks from the date of publication of these proposals, any person may object to or make comments on the proposal by sending them to Gareth Cheal, Children's Service, Sanford House, Sanford Street, Swindon, SN1 1QH or email gcheal@swindon.gov.uk.

Signed:

Hilary Pitts

Group Director, Children

Publication Date:

Explanatory Note:

The above proposal is made in order to provide sufficient school places across an area and is linked to similar notices at Catherine Wayte and Haydonleigh Primary Schools.

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SWINDON BOROUGH COUNCIL

PROPOSED PERMANENT EXPANSION OF PREMISES AND PUPIL NUMBERS AT
CATHERINE WAYTE PRIMARY SCHOOL, ELSTREE WAY, SWINDON

Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 that Swindon Borough Council intends to make prescribed alterations to Catherine Wayte Primary Community School Elstree Way Swindon SN25 4TA.

It is proposed to increase the intake by 27 or more pupils by providing 60 reception class places with effect from 1 September 2009 . It is also proposed to increase the physical capacity to 420 places by providing two additional classrooms with effect from 1 September 2011. The current capacity of the school is 315 and the proposed permanent capacity will be 420. The current number of pupils registered at the school is 326. The current admission number (2007/08 academic year) at age 4+ is 30 and this is proposed to change to 60.

Copies of the complete proposal can be obtained from Gareth Cheal, Children's Services, Sanford House, Sanford Street, Swindon, SN1 1QH and is available on the Swindon Borough Council website www.swindon.gov.uk

Within four weeks from the date of publication of these proposals, any person may object to or make comments on the proposal by sending them to Gareth Cheal, Children's Service, Sanford House, Sanford Street, Swindon, SN1 1QH or email gcheal@swindon.gov.uk.

Signed:

Hilary Pitts

Group Director, Children

Publication Date:

Explanatory Note:

The above proposal is made in order to provide sufficient school places across an area and is linked to similar notices at Abbey Meads and Haydonleigh Primary Schools.

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SWINDON BOROUGH COUNCIL

PROPOSED PERMANENT EXPANSION OF PREMISES AND PUPIL NUMBERS AT
HAYDONLEIGH PRIMARY SCHOOL, HAYDON COURT DRIVE, SWINDON

Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 that Swindon Borough Council intends to make prescribed alterations to Haydonleigh Primary Community School Haydon Court Drive Swindon SN25.

It is proposed to increase the intake by 27 or more pupils by providing 60 reception class places with effect from 1 September 2009 . It is also proposed to increase the physical capacity to 420 places by providing two additional classrooms with effect from 1 September 2008. The current capacity of the school is 330 and the proposed permanent capacity will be 420. The current number of pupils registered at the school is 332. The current admission number (2007/08 academic year) at age 4+ is 30 and this is proposed to change to 60. Copies of the complete proposal can be obtained from Gareth Cheal, Children's Services, Sanford House, Sanford Street, Swindon, SN1 1QH and is available on the Swindon Borough Council website www.swindon.gov.uk

Within four weeks from the date of publication of these proposals, any person may object to or make comments on the proposal by sending them to Gareth Cheal, Children's Service, Sanford House, Sanford Street, Swindon, SN1 1QH or email gcheal@swindon.gov.uk.

Signed:

Hilary Pitts

Group Director, Children

Publication Date:

Explanatory Note:

The above proposal is made in order to provide sufficient school places across an area and is linked to similar notices at Abbey Meads and Catherine Wayte Primary Schools.

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PROPOSALS FOR PRESCRIBED ALTERATIONS OTHER THAN FOUNDATION PROPOSALS: Information to be included in or provided in relation to proposals

Insert the information asked for in the expandable box below each section.

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

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

N/a

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

2. The name, address and category of the school and a contact address for the local education authority who are publishing the proposals.

Abbey Meads Community Primary School, Hugo Drive, Swindon, SN25 4GY

Local Authority contact: Gareth Cheal, Children's Service, Swindon Borough Council, Sanford House, Sanford Street, Swindon, SN1 1QH

Implementation and any proposed stages for implementation

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

Planned implementation date – 1st September 2009

Objections and comments

4. A statement explaining the procedure for making representations, including—
- (a) the date by which objections or comments should be sent to the local education authority; and
 - (b) the address of the authority to which objections or comments should be sent.

Objections or comments should be sent to the local authority by: 2nd May 2008

Objections or comments should be sent to Gareth Cheal, Children's Service, Swindon Borough Council, Sanford House, Sanford Street, Swindon, SN1 1QH

Alteration description

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

From September 2011, an additional two class spaces at Abbey Meads Primary School will be needed in order to enable there to be a long-term admission number of 60. The overall capacity of the school would increase to 420.

School capacity

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

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

The current capacity of the school is 315, the proposed capacity of the school after the alteration is 420

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

The current number of pupils admitted to the school in each relevant age group is as follows for the 2007/2008 academic year

Reception – 30

Year 1 – 30

Year 2 – 30

Year 3 – 30

Year 4 – 60

Year 5 – 60

Year 6 – 60

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

Should be implemented in stages, the number of pupils to be admitted to the school in the first school year is 60

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

The number of pupils in relevant age groups NCY R, 1, 2 and 3 is lower than the

indicated admission number of 45 for that relevant age group. The admission number was set with regard to the maximum number of pupils the school could accommodate when NCY R, 1, 2 and 3 were the relevant age group. A public notice was published in the local newspaper inviting objections to the Adjudicator. No objections were received, a copy of the public notice is available.

(2) Where the alteration is an alteration falling within any of paragraphs 1, 2, 9, 12 and 13 to 4, and 7 and 8 of Schedule 2 or paragraphs 1, 2, 8, 18 and 19 of Schedule 4 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 a statement of the number of pupils at the school at the time of the publication of the proposals.

The number of pupils at the school at the time of the publication of the proposals is 301.

Implementation

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

N/a

Additional Site

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

N/a

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

N/a

Changes in boarding arrangements

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

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

N/a

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

N/a

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

N/a

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

N/a

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

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

N/a

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

N/a

Transfer to new site

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

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

N/a

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

N/a

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

N/a

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

N/a

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

N/a

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

N/a

Objectives

11. The objectives of the proposals.

The aim of the proposed permanent expansion is to provide sufficient classroom space at Abbey Meads Primary School to sustain a long-term increase in admission number.

Consultation

12. Evidence of the consultation before the proposals were published including—
- (a) a list of persons who were consulted;
 - (b) minutes of all public consultation meetings;
 - (c) the views of the persons consulted;
 - (d) a statement to the effect that all applicable statutory requirements in relation to the proposals to consult were complied with; and

- (e) copies of all consultation documents and a statement on how these documents were made available.

- (a) Parents, Staff and Governors of Abbey Meads Primary School were consulted on the proposal via a publication document circulated by the school.
- (b) No public meetings were held regarding the proposals
- (c) The views of the persons consulted are available to view via the Local Authority. Please contact Gareth Cheal, Children's Service, Sanford House, Sanford Street, Swindon, SN1 1QH or email gcheal@swindon.gov.uk
- (d) All applicable statutory requirements in relation to the proposals to consult as laid down by the School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended) were complied with.
- (e) Copies of all consultation documents were made available via Abbey Meads Primary School

Project costs

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

Abbey Meads Primary School has capacity within the current permanent buildings to accommodate the additional places until September 2011. After this date there will be a need to provide further accommodation. The costs for purchasing mobiles are estimated to be £200K. The costs relating to the temporary mobiles in this report only include expenditure relating to the installation and removal of the mobile classroom. Additional funding will be required to make the mobiles fit for purpose, the estimated costs for this is estimated at around £40k per mobile.

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

The following is a minute from the Swindon Borough Council's Cabinet meeting of 17th October 2007

(4) That the provision of additional accommodation (a double mobile classroom in each case) at Haydonleigh Primary School, from September 2008, and Abbey Meads and Catherine Wayte Primary Schools, from September 2011, in order to enable all three schools to become all-through two-form entry Primary Schools be approved, and that new capital funding of £600,000, timed to support the achievement of these timescales, be earmarked through the Council's annual Capital Programme "refresh", noting that there will be an implication on the Revenue account, as set out in the financial implications section of the joint report, should it not prove possible to accommodate these sums within the overall capital resources available.

Age range

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

N/a

Early years provision

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

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

N/a

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

N/a

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

N/a

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

N/a

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

N/a

Changes to sixth form provision

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

- (a) improve the educational or training achievements;

- (b) increase participation in education or training; and
- (c) expand the range of educational or training opportunities for 16-19 year olds in the area.

N/a

(2) Where the proposals are to alter the upper age limit of the school so that the school will provide sixth form education, the proposed number of sixth form places to be provided.

N/a

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

Special educational needs

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

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

N/a

- (b) any additional specialist features will be provided;

N/a

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

N/a

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

N/a

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

N/a

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

N/a

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

N/a

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

N/a

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

N/a

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

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

N/a

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

N/a

--

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

N/a

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

N/a

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

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

N/a

Sex of pupils

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

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

N/a

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

N/a

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

N/a

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

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

N/a

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

N/a

Extended services

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

N/a

Need or demand for additional places

25. If the proposals involve adding places—

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

At present, there are 11 forms of entry in the Northern Sector, an increase of three forms of entry from this time last year (February 2007). With an increase at a local Voluntary Aided Primary School from September 2008, there will then be 12 forms of entry available from September 2008 (this figure assumes and includes Abbey Meads Catherine Wayte and Haydonleigh Primary Schools continuing to provide 2 forms of entry at Reception). However, based on the existing school population and projections of growth in the Northern Sector, it is currently estimated that there is likely to be a need for up to 15 forms of entry by 2011, when the current programme of house building is expected to be completed. There is, therefore, currently an overall estimated shortfall of three forms of entry at primary level by 2011, and significant pressure on school places. This is to be mainly addressed by the establishment of a new primary school elsewhere in the Northern Sector of Swindon. However, the availability of a minimum 12 forms of entry at Reception can only be continuously achieved by the permanent expansion of Abbey Meads Primary School.

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

N/a

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

N/a

26. If the proposals involve removing places—

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

N/a

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

N/a

Expansion of successful and popular schools

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

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

(a) (for proposals published by the governing body) paragraphs 1 and 2 of Part 1 to Schedule 2 and paragraphs 12 and 13 of Part 2 to Schedule 2; ;

(b) (for proposals published by the LA) paragraphs 1 and 2 of Part 1 to Schedule 4.

of the Prescribed Alteration regulations.

(3) Whilst not required by regulations to provide this information for any LA proposals to expand a voluntary or foundation school, it is desirable to provide this below.

Swindon Borough Council considers that the presumption for the expansion of successful and popular schools should not apply in this case.

Additional information in the case of special schools

27. Where the proposals relate to a special school the following information must also be provided—

- (a) information as to the numbers, age range, sex and special educational needs of the pupils (distinguishing boarding and day pupils) for whom provision is made at the school;

N/a

- (b) information on the predicted rise or fall (as the case may be) in the number of children with particular types of special educational needs requiring specific types of special educational provision;

N/a

- (c) a statement about the alternative provision for pupils who may be displaced as a result of the alteration;

N/a

- (d) where the proposals would result in the school being organised to make provision for pupils with a different type or types of special educational needs with the result that the provision which would be made for pupils currently at the school would be inappropriate to their needs, details of the other schools which such pupils may attend including any interim arrangements and transport arrangements to such schools;

N/a

- (e) where the proposals relate to a foundation special school a statement as to whether the proposals are to be implemented by the local education authority or by the governing body, and if the proposals are to be

implemented by both, a statement as to the extent to which they are to be implemented by each body.

N/a

PROPOSALS FOR PRESCRIBED ALTERATIONS OTHER THAN FOUNDATION PROPOSALS: Information to be included in or provided in relation to proposals

Insert the information asked for in the expandable box below each section.

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

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

N/a

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

2. The name, address and category of the school and a contact address for the local education authority who are publishing the proposals.

Catherine Wayte Primary Community School Elstree Way Swindon SN25 4TA
Local Authority contact: Gareth Cheal, Children's Service, Swindon Borough Council, Sanford House, Sanford Street, Swindon, SN1 1QH

Implementation and any proposed stages for implementation

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

Planned implementation date – 1st September 2009

Objections and comments

4. A statement explaining the procedure for making representations, including—
- (a) the date by which objections or comments should be sent to the local education authority; and
 - (b) the address of the authority to which objections or comments should be sent.

Objections or comments should be sent to the local authority by: 2nd May 2008
Objections or comments should be sent to Gareth Cheal, Children's Service, Swindon Borough Council, Sanford House, Sanford Street, Swindon, SN1 1QH

Alteration description

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

From September 2011, an additional two class spaces at Catherine Wayte Primary

School will be needed in order to enable there to be a long-term admission number of 60. The overall capacity of the school would increase to 420.

School capacity

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

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

The current capacity of the school is 315, the proposed capacity of the school after the alteration is 420

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

The current number of pupils admitted to the school in each relevant age group is as follows for the 2007/2008 academic year

Reception – 30

Year 1 – 30

Year 2 – 38

Year 3 – 45

Year 4 – 60

Year 5 – 60

Year 6 – 60

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

Should be implemented in stages, the number of pupils to be admitted to the school in the first school year is 60

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

The number of pupils in relevant age groups NCY R, 1, 2 and 3 is lower than the indicated admission number of 45 for that relevant age group. The admission number

was set with regard to the maximum number of pupils the school could accommodate when NCY R, 1, 2 and 3 were the relevant age group. A public notice was published in the local newspaper inviting objections to the Adjudicator. No objections were received, a copy of the public notice is available.

(2) Where the alteration is an alteration falling within any of paragraphs 1, 2, 9, 12 and 13 to 4, and 7 and 8 of Schedule 2 or paragraphs 1, 2, 8, 18 and 19 of Schedule 4 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 a statement of the number of pupils at the school at the time of the publication of the proposals.

The number of pupils at the school at the time of the publication of the proposals is 326.

Implementation

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

N/a

Additional Site

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

N/a

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

N/a

Changes in boarding arrangements

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

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

N/a

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

N/a

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

N/a

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

N/a

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

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

N/a

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

N/a

Transfer to new site

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

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

N/a

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

N/a

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

N/a

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

N/a

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

N/a

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

N/a

Objectives

11. The objectives of the proposals.

The aim of the proposed permanent expansion is to provide sufficient classroom space at Catherine Wayte Primary School to sustain a long-term increase in admission number.

Consultation

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

- (a) a list of persons who were consulted;
- (b) minutes of all public consultation meetings;
- (c) the views of the persons consulted;
- (d) a statement to the effect that all applicable statutory requirements in relation to the proposals to consult were complied with; and

- (e) copies of all consultation documents and a statement on how these documents were made available.

(a) Parents, Staff and Governors of Catherine Wayte Primary School were consulted on the proposal via a publication document circulated by the school.

(b) No public meetings were held regarding the proposals

(c) The views of the persons consulted are available to view via the Local Authority. Please contact Gareth Cheal, Children's Service, Sanford House, Sanford Street, Swindon, SN1 1QH or email gcheal@swindon.gov.uk

(d) All applicable statutory requirements in relation to the proposals to consult as laid down by the School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended) were complied with.

(e) Copies of all consultation documents were made available via Catherine Wayte Primary School

Project costs

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

Catherine Wayte Primary School has capacity within the current permanent buildings to accommodate the additional places until September 2011. After this date there will be a need to provide further accommodation. The costs for purchasing mobiles are estimated to be £200K. The costs relating to the temporary mobiles in this report only include expenditure relating to the installation and removal of the mobile classroom. Additional funding will be required to make the mobiles fit for purpose, the estimated costs for this is estimated at around £40k per mobile.

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

The following is a minute from the Swindon Borough Council's Cabinet meeting of 17th October 2007

(4) That the provision of additional accommodation (a double mobile classroom in each case) at Haydonleigh Primary School, from September 2008, and Abbey Meads and Catherine Wayte Primary Schools, from September 2011, in order to enable all three schools to become all-through two-form entry Primary Schools be approved, and that new capital funding of £600,000, timed to support the achievement of these timescales, be earmarked through the Council's annual Capital Programme "refresh", noting that there will be an implication on the Revenue account, as set out in the financial implications section of the joint report, should it not prove possible to accommodate these sums within the overall capital resources available.

Age range

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

N/a

Early years provision

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

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

N/a

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

N/a

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

N/a

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

N/a

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

N/a

Changes to sixth form provision

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

- (a) improve the educational or training achievements;

- (b) increase participation in education or training; and
- (c) expand the range of educational or training opportunities for 16-19 year olds in the area.

N/a

(2) Where the proposals are to alter the upper age limit of the school so that the school will provide sixth form education, the proposed number of sixth form places to be provided.

N/a

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

Special educational needs

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

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

N/a

- (b) any additional specialist features will be provided;

N/a

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

N/a

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

N/a

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

N/a

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

N/a

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

N/a

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

N/a

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

N/a

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

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

N/a

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

N/a

--

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

N/a

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

N/a

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

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

N/a

Sex of pupils

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

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

N/a

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

N/a

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

N/a

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

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

N/a

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

N/a

Extended services

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

N/a

Need or demand for additional places

25. If the proposals involve adding places—

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

At present, there are 11 forms of entry in the Northern Sector, an increase of three forms of entry from this time last year (February 2007). With an increase at a local Voluntary Aided Primary School from September 2008, there will then be 12 forms of entry available from September 2008 (this figure assumes and includes Abbey Meads Catherine Wayte and Haydonleigh Primary Schools continuing to provide 2 forms of entry at Reception). However, based on the existing school population and projections of growth in the Northern Sector, it is currently estimated that there is likely to be a need for up to 15 forms of entry by 2011, when the current programme of house building is expected to be completed. There is, therefore, currently an overall estimated shortfall of three forms of entry at primary level by 2011, and significant pressure on school places. This is to be mainly addressed by the establishment of a new primary school elsewhere in the Northern Sector of Swindon. However, the availability of a minimum 12 forms of entry at Reception can only be continuously achieved by the permanent expansion of Catherine Wayte Primary School.

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

N/a

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

N/a

26. If the proposals involve removing places—

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

N/a

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

N/a

Expansion of successful and popular schools

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

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

(a) (for proposals published by the governing body) paragraphs 1 and 2 of Part 1 to Schedule 2 and paragraphs 12 and 13 of Part 2 to Schedule 2; ;

(b) (for proposals published by the LA) paragraphs 1 and 2 of Part 1 to Schedule 4.

of the Prescribed Alteration regulations.

(3) Whilst not required by regulations to provide this information for any LA proposals to expand a voluntary or foundation school, it is desirable to provide this below.

Swindon Borough Council considers that the presumption for the expansion of successful and popular schools should not apply in this case.

Additional information in the case of special schools

27. Where the proposals relate to a special school the following information must also be provided—

- (a) information as to the numbers, age range, sex and special educational needs of the pupils (distinguishing boarding and day pupils) for whom provision is made at the school;

N/a

- (b) information on the predicted rise or fall (as the case may be) in the number of children with particular types of special educational needs requiring specific types of special educational provision;

N/a

- (c) a statement about the alternative provision for pupils who may be displaced as a result of the alteration;

N/a

- (d) where the proposals would result in the school being organised to make provision for pupils with a different type or types of special educational needs with the result that the provision which would be made for pupils currently at the school would be inappropriate to their needs, details of the other schools which such pupils may attend including any interim arrangements and transport arrangements to such schools;

N/a

- (e) where the proposals relate to a foundation special school a statement as to whether the proposals are to be implemented by the local education authority or by the governing body, and if the proposals are to be

implemented by both, a statement as to the extent to which they are to be implemented by each body.

N/a

PROPOSALS FOR PRESCRIBED ALTERATIONS OTHER THAN FOUNDATION PROPOSALS: Information to be included in or provided in relation to proposals

Insert the information asked for in the expandable box below each section.

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

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

N/a

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

2. The name, address and category of the school and a contact address for the local education authority who are publishing the proposals.

Haydonleigh Primary Community School Haydon Court Drive Swindon SN25 1JP
Local Authority contact: Gareth Cheal, Children's Service, Swindon Borough Council, Sanford House, Sanford Street, Swindon, SN1 1QH

Implementation and any proposed stages for implementation

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

Planned implementation date – 1st September 2009

Objections and comments

4. A statement explaining the procedure for making representations, including—
- (a) the date by which objections or comments should be sent to the local education authority; and
 - (b) the address of the authority to which objections or comments should be sent.

Objections or comments should be sent to the local authority by: 2nd May 2008
Objections or comments should be sent to Gareth Cheal, Children's Service, Swindon Borough Council, Sanford House, Sanford Street, Swindon, SN1 1QH

Alteration description

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

From September 2008, an additional two class spaces at Haydonleigh Primary School

will be needed in order to enable there to be a long-term admission number of 60. The overall capacity of the school would increase to 420.

School capacity

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

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

The current capacity of the school is 330, the proposed capacity of the school after the alteration is 420

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

The current number of pupils admitted to the school in each relevant age group is as follows for the 2007/2008 academic year

Reception – 30

Year 1 – 55

Year 2 – 55

Year 3 – 55

Year 4 – 55

Year 5 – 60

Year 6 – 60

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

Should be implemented in stages, the number of pupils to be admitted to the school in the first school year is 60

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

The number of pupils in relevant age group NCY R is lower than the indicated admission number of 47 for that relevant age group. The admission number was set with regard to

the maximum number of pupils the school could accommodate when NCY R were the relevant age group. A public notice was published in the local newspaper inviting objections to the Adjudicator. No objections were received, a copy of the public notice is available.

(2) Where the alteration is an alteration falling within any of paragraphs 1, 2, 9, 12 and 13 to 4, and 7 and 8 of Schedule 2 or paragraphs 1, 2, 8, 18 and 19 of Schedule 4 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 a statement of the number of pupils at the school at the time of the publication of the proposals.

The number of pupils at the school at the time of the publication of the proposals is 332.

Implementation

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

N/a

Additional Site

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

N/a

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

N/a

Changes in boarding arrangements

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

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

N/a

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

N/a

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

N/a

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

N/a

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

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

N/a

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

N/a

Transfer to new site

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

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

N/a

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

N/a

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

N/a

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

N/a

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

N/a

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

N/a

Objectives

11. The objectives of the proposals.

The aim of the proposed permanent expansion is to provide sufficient classroom space at Haydonleigh Primary School to sustain a long-term increase in admission number.

Consultation

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

- (a) a list of persons who were consulted;
- (b) minutes of all public consultation meetings;
- (c) the views of the persons consulted;
- (d) a statement to the effect that all applicable statutory requirements in relation to the proposals to consult were complied with; and

- (e) copies of all consultation documents and a statement on how these documents were made available.

- (a) Parents, Staff and Governors of Haydonleigh Primary School were consulted on the proposal via a publication document circulated by the school.
- (b) No public meetings were held regarding the proposals
- (c) The views of the persons consulted are available to view via the Local Authority. Please contact Gareth Cheal, Children's Service, Sanford House, Sanford Street, Swindon, SN1 1QH or email gcheal@swindon.gov.uk
- (d) All applicable statutory requirements in relation to the proposals to consult as laid down by the School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended) were complied with.
- (e) Copies of all consultation documents were made available via Haydonleigh Primary School

Project costs

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

Haydonleigh Primary School has capacity within the current permanent buildings to accommodate the additional places until September 2008. After this date there will be a need to provide further accommodation. The costs for purchasing mobiles are estimated to be £200K. The costs relating to the temporary mobiles in this report only include expenditure relating to the installation and removal of the mobile classroom. Additional funding will be required to make the mobiles fit for purpose, the estimated costs for this is estimated at around £40k per mobile.

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

The following is a minute from the Swindon Borough Council's Cabinet meeting of 17th October 2007

(4) That the provision of additional accommodation (a double mobile classroom in each case) at Haydonleigh Primary School, from September 2008, and Abbey Meads and Catherine Wayte Primary Schools, from September 2011, in order to enable all three schools to become all-through two-form entry Primary Schools be approved, and that new capital funding of £600,000, timed to support the achievement of these timescales, be earmarked through the Council's annual Capital Programme "refresh", noting that there will be an implication on the Revenue account, as set out in the financial implications section of the joint report, should it not prove possible to accommodate these sums within the overall capital resources available.

Age range

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

N/a

Early years provision

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

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

N/a

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

N/a

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

N/a

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

N/a

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

N/a

Changes to sixth form provision

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

- (a) improve the educational or training achievements;

- (b) increase participation in education or training; and
- (c) expand the range of educational or training opportunities for 16-19 year olds in the area.

N/a

(2) Where the proposals are to alter the upper age limit of the school so that the school will provide sixth form education, the proposed number of sixth form places to be provided.

N/a

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

Special educational needs

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

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

N/a

- (b) any additional specialist features will be provided;

N/a

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

N/a

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

N/a

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

N/a

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

N/a

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

N/a

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

N/a

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

N/a

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

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

N/a

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

N/a

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

N/a

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

N/a

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

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

N/a

Sex of pupils

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

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

N/a

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

N/a

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

N/a

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

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

N/a

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

N/a

Extended services

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

N/a

Need or demand for additional places

25. If the proposals involve adding places—

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

At present, there are 11 forms of entry in the Northern Sector, an increase of three forms of entry from this time last year (February 2007). With an increase at a local Voluntary Aided Primary School from September 2008, there will then be 12 forms of entry available from September 2008 (this figure assumes and includes Abbey Meads Catherine Wayte and Haydonleigh Primary Schools continuing to provide 2 forms of entry at Reception). However, based on the existing school population and projections of growth in the Northern Sector, it is currently estimated that there is likely to be a need for up to 15 forms of entry by 2011, when the current programme of house building is expected to be completed. There is, therefore, currently an overall estimated shortfall of three forms of entry at primary level by 2011, and significant pressure on school places. This is to be mainly addressed by the establishment of a new primary school elsewhere in the Northern Sector of Swindon. However, the availability of a minimum 12 forms of entry at Reception can only be continuously achieved by the permanent expansion of Haydonleigh Primary School.

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

N/a

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

N/a

26. If the proposals involve removing places—

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

N/a

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

N/a

Expansion of successful and popular schools

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

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

(a) (for proposals published by the governing body) paragraphs 1 and 2 of Part 1 to Schedule 2 and paragraphs 12 and 13 of Part 2 to Schedule 2; ;

(b) (for proposals published by the LA) paragraphs 1 and 2 of Part 1 to Schedule 4.

of the Prescribed Alteration regulations.

(3) Whilst not required by regulations to provide this information for any LA proposals to expand a voluntary or foundation school, it is desirable to provide this below.

Swindon Borough Council considers that the presumption for the expansion of successful and popular schools should not apply in this case.

Additional information in the case of special schools

27. Where the proposals relate to a special school the following information must also be provided—

- (a) information as to the numbers, age range, sex and special educational needs of the pupils (distinguishing boarding and day pupils) for whom provision is made at the school;

N/a

- (b) information on the predicted rise or fall (as the case may be) in the number of children with particular types of special educational needs requiring specific types of special educational provision;

N/a

- (c) a statement about the alternative provision for pupils who may be displaced as a result of the alteration;

N/a

- (d) where the proposals would result in the school being organised to make provision for pupils with a different type or types of special educational needs with the result that the provision which would be made for pupils currently at the school would be inappropriate to their needs, details of the other schools which such pupils may attend including any interim arrangements and transport arrangements to such schools;

N/a

- (e) where the proposals relate to a foundation special school a statement as to whether the proposals are to be implemented by the local education authority or by the governing body, and if the proposals are to be

implemented by both, a statement as to the extent to which they are to be implemented by each body.

N/a

Decision Makers' Guidance (Local Authorities and Schools Adjudicator) for:

Expanding a Maintained Mainstream School or Adding a Sixth Form

For further information:

School Organisation Unit
DCSF
Mowden Hall
Darlington
DL3 9BG

Tel: 01325 391274

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

Website: www.dcsf.gov.uk/schoolorg

This guidance is extracted, for ease of reference by decision makers, from the full version of the “Expanding a Maintained Mainstream School or Adding a Sixth Form” guide. The statutory guidance sections are indicated by shading.

Stage 4 – Decision

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

4.2 Section 21 of the EIA 2006 provides for regulations to set out who should decide proposals for any prescribed alterations (i.e. including expansions). The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (SI:2007 No. 1289) (as amended) make detailed provision for the consideration of prescribed alteration proposals (see in particular Schedules 3 and 5). Decisions on expansions will be taken by the LA with some rights of appeal to the schools adjudicator.

4.3 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).

4.4 If the LA fails 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 of the end of the 2 month period.

Who Can Appeal Against an LA Decision?

4.5 The following bodies may appeal against an LA decision on school expansion proposals:

the local Church of England diocese;

the bishop of the local Roman Catholic diocese;

where the school provides education for pupils aged 14 and over- the Learning and Skills Council;

the governing body of the community school that is proposed for expansion; and

the governors and trustees of the foundation or voluntary school that is proposed for expansion.

4.6 Appeals **must** be submitted to the LA within 4 weeks of the LA's decision. On receipt of an appeal the LA **must** then send the proposals, and the comments and objections received, 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 should be sent to the schools adjudicator.

Checks on Receipt of Statutory Proposals

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

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

Does the Published Notice Comply with Statutory Requirements?

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 School Organisation (Prescribed Alterations)(England) Regulations 2007 (SI:2007 - 1289) (as amended) - 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?

4.9 Details of the consultation should 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 yet been met, the Decision Maker may judge the proposals to be invalid and should 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?

4.10 Paragraph 35 of Schedule 3, and Paragraph 35 of Schedule 5, to The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended) provides that any proposals that are 'related to' particular proposals **must** be considered together. 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. If the statutory notices do not confirm a link, but it is clear that a decision on one of the proposals would be likely to directly affect the outcome or consideration of the other, the proposals should be regarded as "related".

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

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

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

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

Statutory Guidance – Factors to be Considered by Decision Makers

4.15 Regulation 8 of The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended) provides that both the LA and schools adjudicator **are required** to have regard to guidance issued by the Secretary of State when they take a decision on proposals. Paragraphs 4.16 to 4.64 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

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;

the best schools are able to expand and spread their ethos and success; and

new providers have the opportunity to share their energy and talents by establishing new schools – whether as voluntary schools, Trust schools or Academies – and forming Trusts for existing schools.

4.18 The EIA 2006 amends the Education Act 1996 to place new 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

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

4.20 Decision Makers should be satisfied that proposals for a school expansion will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They should pay 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 Decision Makers should be satisfied that when proposals lead to children being displaced, any alternative provision will meet the statutory SEN improvement test (see paragraphs 4.57-4.63).

Diversity

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

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

Every Child Matters

4.24. The Decision Maker should consider how proposals will help every child and young person achieve their potential in accordance with Every Child Matters' principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being. This should include considering how the school will provide a wide range of extended services, opportunities for personal development, access to academic and vocational 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.

SCHOOL CHARACTERISTICS

Boarding Provision

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

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

- a. the extent to which boarding places are over subscribed at the school and any state maintained boarding school within an hour's travelling distance of the school at which the expansion is proposed;
- b. the extent to which the accommodation at the school can provide

additional boarding places;

- c. any recommendations made in the previous CSCI/Ofsted reports which would suggest that existing boarding provision in the school failed significantly to meet the National Minimum Standards for Boarding Schools;
- d. the extent to which the school has made appropriate provision to admit other categories of pupils other than those for which it currently caters (e.g. taking pupils of the opposite sex or sixth formers) if they form part of the expansion;
- e. any impact of the expansion on the continuity of education of boarders currently in the school;
- f. the extent to which the expansion of boarding places will help placements of pupils with an identified boarding need; and
- g. the impact of the expansion on a state maintained boarding school within one hour's travelling distance from the school which may be undersubscribed.

Equal Opportunity Issues

4.27 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 there is equal access to single sex provision for the other sex to meet parental demand. Similarly there needs to be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

NEED FOR PLACES

Creating Additional Places

4.28 In considering proposals, the Decision Maker should consider the supporting evidence presented for the increase, and take into account the existence of spare capacity in neighbouring schools, but also the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for places in the school proposed for expansion. The existence of surplus capacity in neighbouring less popular or successful schools should not in itself prevent the addition of new places.

4.29 Where the school has a religious character, or follows a particular philosophy, the Decision Maker should be satisfied that there is satisfactory evidence of sufficient demand for places for the school to be sustainable.

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

Expansion of Successful and Popular Schools

4.31 The Government is committed to ensuring that every parent can choose an excellent school for their child. We have made clear that the wishes of parents should be taken into account in planning and managing school estates. Places should be allocated where parents want them, and as such, it should be easier for successful and popular primary and secondary schools to grow to meet parental demand. For the purposes of this guidance, the Secretary of State is not proposing any single definition of a successful and popular school. It is for the Decision Maker to decide whether a school is successful and popular, however, the following indicators should all be taken into account:

- a. the school's performance;
 - i) in terms of absolute results in key stage assessments and public examinations;
 - ii) by comparison with other schools in similar circumstances (both in the same LA and other LAs);
 - iii) in terms of value added;
 - iv) in terms of improvement over time in key stage results and public examinations.
- b. the numbers of applications for places;
 - i) the Decision Maker should also take account of any other relevant evidence put forward by schools.

4.32 The strong presumption is that proposals to expand successful and popular schools should be approved. In line with the Government's long standing policy that there should be no increase in selection by academic ability, this presumption does not apply to grammar schools or to proposals for the expansion of selective places at partially selective schools.

4.33 The existence of surplus capacity in neighbouring less popular schools should not in itself be sufficient to prevent this expansion, but if appropriate, in the light of local concerns, the Decision Maker should ask the LA how they plan to tackle any consequences for other schools. The Decision Maker should only turn down proposals for successful and popular schools to expand if there is compelling objective evidence that expansion would have a damaging effect on

standards overall in an area, which cannot be avoided by LA action.

4.34 Before approving proposals the Decision Maker should confirm that the admission arrangements of schools proposed for expansion fully meet the provisions of the Schools Admissions Code. Although the Decision Maker may not modify proposed admission arrangements, the proposer should be informed that proposals with unsatisfactory admission arrangements are unlikely to be approved, and given the opportunity to revise them in line with the Code of Practice. Where the LA, rather than the governing body, is the admissions authority, we will expect the authority to take action to bring the admission arrangements into line with the School Admissions Code.

Travel and Accessibility for All

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

4.36 In deciding statutory proposals, the Decision Maker should bear in mind that proposals should not have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. The EIA 2006 provides extended free transport rights for low income groups – see Home to School Travel and Transport Guidance 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.

ADDITION OF SIXTH FORMS BY 'HIGH PERFORMING' SCHOOLS

4.37 There should be a strong presumption in favour of the approval of proposals for a new sixth form where:

- a. the school is a high performing specialist school that has opted for a vocational specialism; or
- b. the school, whether specialist or not, meets the criteria for 'high performing' and does not require capital support.

4.38 Where a new sixth form is proposed by a specialist school that has met the 'high performing' criteria and which has opted for a vocational specialism, capital funding will be available from the 16-19 Capital Fund.

4.39 There should also be a strong presumption in favour of proposals for a new sixth form where the school, whether specialist or not, is assessed as

meeting the DCSF criteria for 'high performing' and does not require additional capital resources. This presumption will apply to proposals submitted to the Decision Maker within:

- a. twelve months from the date a school commences operation with vocational specialist school status; or
- b. twelve months from the date a school is informed of its Ofsted Section 5 inspection results which would satisfy DCSF criteria for 'high performing' status as set out at <http://www.standards.dcsf.gov.uk/specialistschools/guidance2007/?version=1>

[NOTE: 'submitted to the Decision Maker' above refers to when proposals and representations are with the Decision Maker, following the end of the representation period]

4.40 The school should ensure that, in forwarding its proposals to the Decision Maker, it provides evidence that it meets one of the criteria at paragraph 4.37 above.

4.41 It is important that any new school sixth form works in partnership with other providers to ensure young people have access to a wide range of learning opportunities. In assessing proposals from 'high performing' schools to add a sixth form, Decision Makers should have regard to the importance of collaborative working.

16-19 Provision 'Competitions'

4.42 Non statutory competitions for new 16-19 provision were introduced from January 2006. They are being administered by local LSCs, in line with their role as commissioner of 16-19 provision. The establishment of new institutions by competition will involve a 2 stage approval process:

- a. the competition selection process;
- b. approval of the outcome by existing processes (e.g. Decision Maker approval of school/LA proposals and Secretary of State approval of college/LSC proposals, as required by law).

4.43 Competitors will be eligible to apply to the 16-19 Capital Fund. Where a competition is 'won' by a school, they must then publish statutory proposals and these must be considered by the Decision Maker on their merits.

4.44 Where proposals to establish sixth forms are received, and the local LSC is running a 16-19 competition, the Decision Maker must take account of the competition when considering the proposals.

16-19 Provision

4.45 The Learning and Skills Act 2000 provides an entitlement to further education and training for young people aged 16-19. Schools and colleges should offer high quality provision that meets the diverse needs of all young people, their communities and employers. 16-19 provision should be organised to ensure that, in every area, young people have access, within reasonable travelling distance, to high quality learning opportunities across schools, colleges and work-based training routes.

4.46 In September 2003 Ministers set out their **five key principles** for the reorganisation of 16-19 provision, following requests from partners (including LSC and LAs) for more clarity on Government expectations. Decision Makers should therefore consider all proposals which affect local 16-19 provision (ie both proposed school expansions and proposals to add a new sixth form) in the context of these principles.

4.47 Details of the five key principles can be found in '[Principles underpinning the organisation of 16-19 provision](http://www.teachernet.gov.uk/docbank/index.cfm?id=5233)' booklet - <http://www.teachernet.gov.uk/docbank/index.cfm?id=5233> .

Briefly they are:

- a. quality – all provision for all learners should be high quality, whatever their chosen pathway;
- b. distinct 16-19 provision – all young people should be attached to a 16-19 base which will meet the particular pastoral, management and learning needs of this group;
- c. diversity to ensure curriculum breadth – well-managed collaboration between popular and successful small providers will enable them to remain viable and to share and build on their particular areas of expertise;
- d. learner choice – all learners should normally have local access to high quality 16-19 provision in a range of settings and any proposals for change to this provision should take into account the views of all stakeholders;
- e. affordability, value for money and cost effectiveness – proposals for change should include how any capital and recurrent costs and savings will lead to improved educational opportunities.

Conflicting Sixth Form Reorganisation Proposals

4.48 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 (i.e. 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).

FUNDING AND LAND

Capital

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

4.50 There can be no assumption that the approval of proposals will trigger the release of capital funds from the Department, unless the Department has previously confirmed in writing that such resources will be available; nor can any allocation ‘in principle’ be increased. In such circumstances the proposals should be rejected, or consideration of them deferred until it is clear that the capital necessary to implement the proposals will be provided.

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

Capital Receipts

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

- a. Community Schools – the Secretary of State’s consent is required under paragraph 2 of Schedule 35A to the Education Act 1996 and, in the case of playing field land, under section 77 of the Schools Standards and Framework Act 1998 (SSFA 1998). (Details are given in DfES Guidance 1017-2004 *The Protection of School Playing Fields*)

and *Land for Academies* published in November 2004).

b. Foundation and Voluntary Schools:

(i) playing field land – the governing body, foundation body or trustees will require the Secretary of State's consent, under section 77 of the SSFA 1998, to dispose, or change the use of any playing field land that has been acquired and/or enhanced at public expense.

(ii) non-playing field land or school buildings – the governing body, foundation body or trustees will no longer require the Secretary of State's consent to dispose of surplus non-playing field land or school buildings which have been acquired or enhanced in value by public funding. They will be required to notify the LA and seek local agreement of their proposals. Where there is no local agreement, the matter should be referred to the Schools Adjudicator to determine. *(Details of the new arrangements can be found in the Department's guidance 'The Transfer and Disposal of School Land in England: A General Guide for Schools, Local Authorities and the Adjudicator')*

<http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=spectrum&ProductId=DfE-1017-2004&> .

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

New Site or Playing Fields

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

Land Tenure Arrangements

4.55 For the expansion of voluntary or foundation schools it is desirable that a trust holds the freehold interest in any additional site that is required for the expansion. Where the trustees of the voluntary or foundation school hold, or will hold, a leasehold interest in the additional site, the Decision Maker will need to be

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

School Playing Fields

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

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

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

SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION

Initial Considerations

4.57 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:

- i. take account of parental preferences for particular styles of provision or education settings;
- ii. offer a range of provision to respond to the needs of individual children 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;
- iii. are consistent with the LA's Children and Young People's Plan;
- iv. 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;
- v. 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;
- vi. 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;
- vii. ensure appropriate provision for 14-19 year-olds, taking account of the role of local LSC funded institutions and their admissions policies; and
- viii. 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.

4.58 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

4.59 When considering any reorganisation of SEN provision, 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 4.60 to 4.63 below have been taken into account. 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.

Key Factors

4.60 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:

- identify the details of the specific educational benefits that will flow from the proposals in terms of:
 - a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy;
 - b) improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
 - c) improved access to suitable accommodation; and
 - d) improved supply of suitable places.
- 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.

4.61 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 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.

4.62 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.

4.63 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

4.64 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

4.65 In considering proposals for the expansion of a school, the Decision Maker can decide to:

reject the proposals;

approve the proposals;

approve the proposals with a modification (e.g. the school opening date); or

approve the proposals subject to them meeting a specific condition (see paragraph 4.66 below).

Conditional Approval

4.66 The regulations provide for a conditional approval to be given where the Decision Maker is otherwise satisfied that the proposals can be approved, and approval can automatically follow an outstanding event. Conditional approval

can only be granted in the limited circumstances specified in the regulations i.e. as follows:

- a. the grant of planning permission under Part 3 of the Town and Country Planning Act 1990;
- b. the acquisition of the site required for the implementation of the proposals;
- c. the acquisition of playing fields required for the implementation of the proposals;
- d. the securing of any necessary access to a site referred to in sub-paragraph (b) or playing fields referred to in sub-paragraph (c);
- e. the private finance credit approval given by the Department for Education and Skills following the entering into a private finance contract by an LA;
- f. the entering into an agreement for any necessary building project supported by the Department for Education and Skills in connection with Building Schools for the Future programme;
- g. the agreement to any change to admission arrangements specified in the approval, relating to another school;
- h. the making of any scheme relating to any charity connected with the school;
- i. the formation of any federation (within the meaning of section 24(2) of the 2002 Act) of which it is intended that the proposed school should form part, or the fulfilling of any other condition relating to the proposed school forming part of a federation;
- j. the Secretary of State giving approval under regulation 5(4) of the Education (Foundation Body) (England) Regulations 2000 that the school should form part of a group for which a foundation body act;
- k. the Secretary of State making a declaration under regulation 22(3) of the Education (Foundation Body) (England) Regulations 2000 that the school should form part of a group for which a foundation body acts;
- l. where the proposals depend upon any of the events specified in paragraphs (a) to (k) occurring by a specified date for any other school or proposed school, the occurrence of such an event; and
- m. where proposals are related to proposals for the establishment of new

schools or discontinuance of schools, and those proposals depend on the occurrence of events specified in regulation 20 of the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007(1) the occurrence of such an event.

4.67 The Decision Maker **must** set a date by which the condition should be met but will be able to modify the date if the proposers confirm, before the date expires, that the condition will be met later than originally thought. The proposer should inform the Decision Maker and the Department (SOU Unit, Mowden Hall, Darlington DL3 9BG or by e-mail to school.organisation@dcsc.gov.uk) when a condition is met. If a condition is not met by the date specified, the proposals should be referred back to the Decision Maker for fresh consideration.

Decisions

4.68 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.

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

the LA or governing body who published the proposals;

the trustees of the school (if any);

the Secretary of State (via the School Organisation Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by e-mail to school.organisation@dcsc.gov.uk);

where the school includes provision for 14-16 education or sixth form education, the LSC;

the local CofE diocese;

the bishop of the RC diocese;

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; and

where the school is a special school, the relevant primary care trust and NHS trust or NHS foundation trust.

4.70 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

(1) S.I. 2007/1288.

the decision **must** be sent to the LA that it is proposed should maintain the school.

Can proposals be withdrawn?

4.71 Proposals can be withdrawn at any point before a decision is taken. Written notice must be given to the LA, or governing body, if the proposals were published by the LA. Written notice must also be sent to the schools adjudicator (if proposals have been sent to him) and the Secretary of State – i.e. via the School Organisation Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by e-mail to school.organisation@dcsf.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.