

Closing a Maintained Mainstream School

A Guide for Local Authorities and Governing Bodies

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

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

Introduction

1. This guide provides information on the procedures established by The Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Establishment and Discontinuance of Schools)(England) Regulations 2007 (as amended by The School Organisation and Governance (Amendments)(England) Regulations 2007 which came into force on 21 January 2008). It contains both statutory guidance (i.e. guidance to which proposers and decision makers have a statutory duty to have regard) and non-statutory guidance on the process for making changes to school provision. The statutory guidance sections are indicated by shading. The relevant provisions of EIA 2006 came into effect on 25 May 2007.
2. If you have any comments on the content or layout of this guide please send these to the School Organisation Unit (using the SOU website's "Contact Us" facility [www.dcsf.gov.uk/schoolorg] or by e-mail to: school.organisation@dcsgsi.gov.uk) making sure that you identify the title of the guide and quote the page and paragraph numbers where relevant.

Who is this guide for?

3. This guide is for those considering publishing proposals to close schools under Section 15 of EIA 2006, referred to as “proposers” (i.e. the Local Authority [LA] or the governing body), those deciding proposals, referred to as the “Decision Maker” (i.e. the LA and the schools adjudicator) and also for information for those affected by school closure proposals.
4. Separate guides are available for:
 - Establishing a new school;
 - Becoming a “Trust” school;
 - Enlarging a School (including adding a sixth form); and
 - Making other alterations.

School Organisation Planning Requirements

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

guidance on this duty is available in “Duty to Respond to Parental Representations about the Provision of Schools” which is on the School Organisation website www.dcsf.gov.uk/schoolorg.

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

The Secretary of State’s role

8. The Secretary of State has the power to issue guidance to which the Decision Maker **must** have regard when deciding proposals. This should ensure that proposals are considered in a consistent way and that Ministers’ key priorities for raising standards and transforming secondary education are taken into account when decisions are taken. Proposers are strongly advised to look at the factors which the Decision Maker will take into account when considering their proposals (see Stage 4 paragraphs 4.16-4.62).

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

Schools Causing Concern

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

11. All maintained schools causing concern should receive intensive support from their LA.

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

Improvement. Schools requiring Significant Improvement are sometimes described as being under a Notice to Improve.

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

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

15. Proposals for the DCSF “Fresh start” programme normally involve the replacement of a weak school, for example one that is subject to special measures, needs significant improvement or is subject to a warning under section 60 of the EIA 2006. The proposals for both the closure of the weak school and the opening of the new school, usually on the same site, should be published as “related” statutory proposals.

16. DCSF has put in place a programme to support Fresh Start schools. In order to qualify for support under this programme, the Fresh Start proposal will need to be endorsed by Ministers. Such endorsement will of course depend on approval of the statutory proposals relating to the Fresh Start. However, in exceptional circumstances Ministers may decide not to endorse a Fresh Start proposal after the associated statutory proposals have been approved. In such circumstances, the new school will neither qualify for support from the Fresh Start support programme, nor be recognised nationally as a “Fresh Start” school.

17. “Collaborative restart” is a variant of Fresh Start and federation, involving closure/reopening of a failing school in a strong partnership with another local school. It therefore comes under exactly the same decision making regime as Fresh Start.

18. “Fresh Start” or “Collaborative Restart” proposals for a new school can only be published without a competition for the new school if the Secretary of State has granted consent under Section 10 of EIA 2006 (see Part B of “Establishing a New Maintained School – A Guide for Local Authorities”).

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

Secretary of State’s power to direct school closure

20. Section 68 of EIA 2006 gives the Secretary of State the power to direct an LA to close a school requiring special measures. Such a direction will not require the publication of statutory proposals for the school’s closure but proposals may be required for the opening of a new school or for alterations

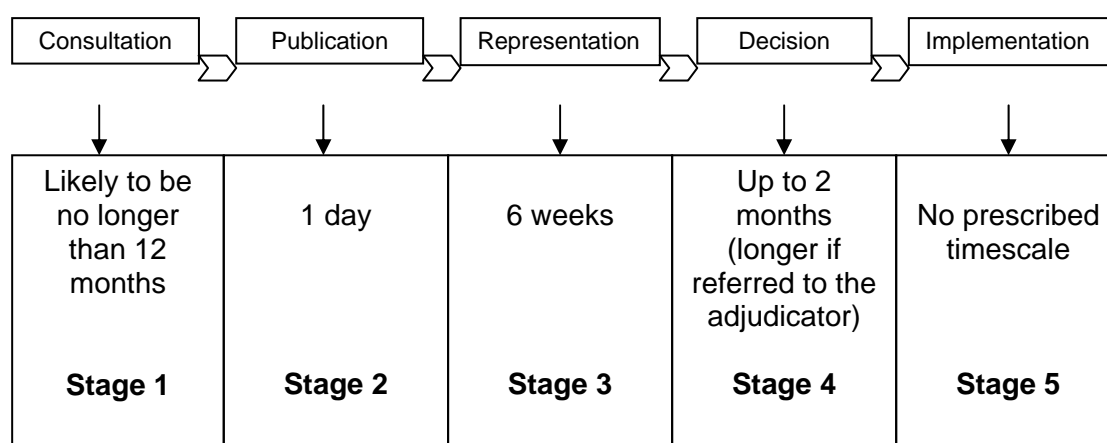
as a consequence of the directed closure.

LSC Powers to publish proposals to close 16-19 schools

21. The Learning and Skills Council (LSC) will work with LAs to support the improvement of 16-19 provision. The LSC's powers of intervention are enacted in the Learning and Skills Act 2000 and the Education Act 2002. Where a maintained school for 16-19 year olds has been judged to require Special Measures in two consecutive Ofsted inspections, the LSC may publish proposals to close the school. The proposals will be decided by the LA or schools adjudicator in accordance with the same procedures as set out in Stage 4 of this guide.

Overview of process

22. There are 5 statutory stages for a statutory proposal:



Two Years Notice of Closure – Voluntary and Foundation Schools

23. In addition to the statutory proposal process, the governing body of a foundation or voluntary school may also close a school by giving two years' notice. The Secretary of State's prior consent is required if expenditure has been incurred on the school's premises by the Secretary of State, the Funding Agency for Schools (in the case of a school which was formerly grant-maintained) or by the school's current, or any previous, LA. If the trustees of a foundation or voluntary school wish to give notice to the governing body that they intend to terminate the school's occupation of the school's site, and as a result the school can no longer continue, the trustees **must** also give a minimum of two years' notice, providing a copy of the notice to the LA and the Secretary of State.

24. Statutory proposals are not required in these cases. The process for both categories of closure is set out in Section 30 of the School Standards and Framework Act 1998 and is not covered by this guidance.

Who can make proposals to close schools?

25. An LA can publish proposals to close any category of maintained school. The governing body of a voluntary and foundation school may also publish proposals to close their school.

Where to start?

26. Before commencing formal consultation, the LA or governing body must ensure they understand the statutory process that must be followed, the factors that will be considered by the Decision Maker and that they have a sufficiently strong case and supporting evidence.

Rural Primary Schools

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

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

28. An order has been made by the Secretary of State to designate schools as “rural primary schools” for this purpose and is available on www.dcsf.gov.uk/publications/otherdocs.shtml.

Stage 1 – Consultation

1.1 Under section 16 of EIA 2006, those considering bringing forward statutory proposals to close a school **must** consult interested parties on the proposals, and in doing so **must** have regard to the Secretary of State's guidance. The statutory guidance for this purpose is contained in paragraphs 1.2 to 1.6 below.

1.2 The Secretary of State considers that those bringing forward proposals should consult all interested parties. In doing so they should:

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

1.3 Where, in the course of consultation, a new option emerges which the proposers wish to consider, it will probably be appropriate to consult afresh on this option before proceeding to publish proposals.

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

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

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

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

Rural Primary Schools – Consulting on Closure

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

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

Conduct of Consultation

1.7 How consultation is carried out is not prescribed in regulations and it is

for proposers to determine the nature of the consultation including, for example, whether to hold public meetings. Proposers should avoid consulting on proposals during school holidays.

Non Statutory Consultation

1.8 Any preliminary consultation which simply set out options being considered, but which did not confirm specific proposals, would not normally be considered as Consultation for the purposes of Section 16 of EIA 2006.

Remember.....

Do	Don't
Consult all interested parties	Consult during school holidays
Provide adequate time and sufficient information	Use language which could be misinterpreted, e.g. We <u>will</u> close the school..... You should explain the process.
Think about the most appropriate consultation method	
Consider feedback and views	
Consider alternative options	
Explain the process of decision making	

Stage 2 – Publication

2.1 An LA can publish proposals to close any category of maintained school. The governing body of a voluntary and foundation school may also publish proposals to close their school.

2.2 Proposals **must** contain the information specified in The School Organisation (Establishment and Discontinuance of Maintained Schools)(England) Regulations 2007 (SI 2007 No. 1288) (as amended) as set out in Annex A. Part of the information is published in a statutory notice (see paragraphs 2.3-2.4 below), but the complete proposal must be sent to a range of copy recipients (see paragraph 2.9-2.10 below). Proposals should be published within a reasonable timeframe following consultation so that they are informed by up-to-date feedback, preferably within 12 months of consultation being concluded.

2.3 A statutory notice containing specified information (indicated by the shaded information in Annex A) **must** be published in a local newspaper, and also posted at the main entrance to the school (or all the entrances if there is more than one entrance) and at some other conspicuous place in the area served by the school (e.g. the local library, community centre or post office etc). Proposers may circulate a notice more widely in order to ensure that all those substantially affected have the opportunity to comment.

2.4 The DCSF School Organisation Website contains an online Statutory Notice Builder tool. Proposers are strongly advised to use this facility as it will help them to draft a statutory notice that complies with regulations, and offers an opportunity for the notice to be checked by the School Organisation Unit of the DCSF. The notice builder can be found at www.dcsf.gov.uk/schoolorg. To gain access you must register for the “Members’ Area” on the website but this is free of charge. A template for the complete proposal is provided automatically by the website when a statutory notice is built (i.e. using the notice builder tool), alternatively the template can be found in “Standard Forms” in the Members’ Area of the website.

Related proposals

2.5 Where proposals are interdependent they should be identified as “related”, either by being published in a single notice or the link to the other proposals made clear in each notice. Where proposals for community and voluntary schools are related (e.g. where an entire area is to be reorganised) the LA and governors/proposers may publish a single notice but this must make it clear who is making which proposals, under their respective powers, and there should be separate signatures for each relevant section. Where proposals are not “related”, they should not be published on the same notice unless the notice makes it very clear that the proposals are not “related”.

Implementation date

2.6 There is no maximum limit on the time between the publication of a

proposal and its date of implementation but circumstances may change significantly if too long a period elapses. In general, therefore - with the possible exception of proposals for major authority-wide reorganisation which may have to be phased in over a long period - the implementation date for proposals should be within 3 years of their publication. You may be expected to show good reason if you propose a longer timescale.

Explanatory note

2.7 If the full effect of the proposals is not apparent to the general public from the published notice, it may be supplemented by an explanatory note or background statement, but this should be clearly distinguishable from the formal proposals.

Invalid notice

2.8 Where a published notice has not been properly formulated in accordance with the regulations, the notice may be judged invalid and therefore ineligible to be determined by the LA or schools adjudicator. In these circumstances you should publish a revised notice making it clear that this replaces the first notice and that the statutory period for representations will run from the publication date of the revised notice.

Who should be sent copies of the proposals?

2.9 The proposers **must** send a copy of the complete proposal, within a week of publication, to:

where proposals published by the LA - the governing body of the school proposed for closure;

- where proposals published by the governing body - the LA that maintain the school;
- any other LA likely to be affected by the proposals;
- the Diocesan Board of Education for any diocese of the Church of England which is comprised in the area of the LA;
- the bishop of a diocese of the Roman Catholic Church which is comprised in the area of the LA;
- the Learning and Skills Council for England if the school provides 14-16 education or sixth form education;
- where the school is a voluntary or foundation - the trustees or foundation body; and
- any person who requests a copy.

2.10 The proposers **must** also send to the Secretary of State (i.e. to SOU,

DCSF, Mowden Hall, Darlington DL3 9BG or via e-mail to school.organisation@dcsf.gsi.gov.uk within a week of publication:

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

Stage 3 - Representations

3.1 Once proposals are published there **must** follow a 6 week statutory period during which representations (i.e. objections or comments) can be made. All representations **must** be sent to the LA.

3.2 The representation period is the final opportunity for people and organisations to express their views about the proposals and ensures that they will be taken into account by the Decision Maker.

Stage 4 – Decision

Who Will Decide the Proposals?

4.1 Decisions on school organisation proposals are taken by the LA or by the schools adjudicator. In this chapter both are covered by the form of words “Decision Maker” which applies equally to both. Paragraphs 7-8 and 19 of Schedule 2 to EIA 2006 set out who should decide proposals for school closures. Most decisions will be taken by the LA, however there is provision for some rights of appeal to the schools adjudicator.

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

4.3 Where proposals are published by the LA and there are no objections and the proposals are not “related” to other proposals, the proposals **must** be determined by the LA under Paragraph 19 of Schedule 2 to EIA 2006. The proposals should then be decided within 2 months (and if not, the proposals must be referred to the schools adjudicator) and there is no provision for an appeal against the LA’s decision. A conditional approval cannot be given where proposals are decided under this paragraph.

4.4 If there are objections to the proposals, or there are no objections but the proposals are “related” to other proposals, the proposals **must** be decided under Paragraph 8 of Schedule 2 to EIA 2006. The LA will normally be the decision maker (i.e. except where the proposals are related to proposals for the establishment of a new school and the schools adjudicator is required to decide the new school proposals – see paragraph 5.6 of Part A, and paragraph 4.6 of Part B, of “Establishing a New Maintained Mainstream School”). If the LA fail to decide proposals within 2 months from the end of the representation period they **must** forward the proposals and any representations (i.e. not withdrawn in writing), to the schools adjudicator for decision. They **must** forward the proposals within one week from the end of the 2 month period.

Who Can Appeal Against an LA Decision?

4.5 There is no right of appeal where proposals are decided under Section 19 of Schedule 2 to EIA 2006. In all other cases the following bodies may appeal against an LA decision:

- The local Church of England diocese;
- The Bishop of the local Roman Catholic diocese;
- The Learning and Skills Council where the school provides education for pupils aged 14 and over; and

- In the case of **foundation** and **voluntary** schools only - the governing body or trustees of the school that is proposed for closure.

4.6 Appeals **must** be submitted to the LA within 4 weeks of the notification of the LA's decision. On receipt of an appeal the LA **must** then send the proposals, and the 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 must consider before judging the respective factors and merits of the statutory proposals:-

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

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 (Establishment and Discontinuance of Schools)(England) Regulations 2007 (SI:2007 - 1288) (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 must be satisfied that the consultation meets statutory requirements (see Stage 1 paragraphs 1.2 – 1.6). If some parties submit objections on the basis that consultation was not adequate, the Decision Maker may wish to take legal advice on the points raised. If the requirements have not been met, the Decision Maker may judge the proposals to be invalid and 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 Paragraphs 9 and 19 of Schedule 2 to the EIA 2006 provide that any proposals that are “related to” particular proposals (e.g. for a new school, school closure or proposals by the LSC to deal with inadequate 16-19 provision proposals) must be considered together. Where the proposals are related to the establishment of a new school, and the schools adjudicator must decide the new school proposals (see paragraph 4.4 above) the schools adjudicator must decide the related proposals 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”. Proposals for a school competition should be considered together with proposals for any school closure where there is a clear link.

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

4.13 Where proposals for a closing school are “related” to proposals published by the local 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 the 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 Paragraphs 8(6) and 17 of Schedule 2 to the EIA 2006 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 4.62 below contain the statutory guidance on considering proposals for school closure.

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 school 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 which will boost standards and opportunities for young people, while matching school place supply as closely as possible to pupils' and parents' needs and wishes.

4.20 Decision Makers should be satisfied that proposals for a school closure will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They should pay 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 4.55 to 4.61).

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

Fresh Start and Collaborative Restarts

4.23 Fresh Start and Collaborative Restart provide for poorly performing schools which are struggling to improve, to close and be replaced with new school provision, usually on the same site. When considering the closure of any school causing concern and, where relevant, the expansion of other schools, the Decision Maker should take into account the popularity with parents of alternative schools.

4.24 For all closure and Fresh Start proposals involving schools causing concern, copies of the Ofsted monitoring letters for the relevant schools should be made available. The Decision Maker should have regard to the length of time the school has been in special measures, needing significant improvement or otherwise causing concern, the progress it has made, the prognosis for improvement, and the availability of places at other existing or proposed schools within a reasonable travelling distance. There should be a presumption that these proposals should be approved, subject only to checking that there will be sufficient accessible places of an acceptable standard available in the area to meet foreseeable demand and to accommodate the displaced pupils.

Academies

4.25 Academies are publicly-funded independent schools established in partnership with business and voluntary sector sponsors. They will normally replace one or more poorly-performing schools or will meet demand for new school places in diverse communities where there is only limited access to free high quality school places. Academies may be established in rural as well as urban areas. All Academies should contribute to a strategic approach to diversity in their area. The involvement of business and other non-Government partners will enable Academies to develop and implement new approaches to governance, teaching and learning in order to raise standards. All Academies will be required to share their facilities and expertise with other local schools and the wider community.

4.26 Where an Academy is to replace an existing school or schools, the proposals for the closure of those schools should indicate whether pupils currently attending the schools will transfer to the Academy and, if appropriate, what arrangements will be made for pupils who are not expected to transfer.

4.27 If provision for pupils at a school proposed for closure is dependent on the establishment of an Academy, any approval of the closure proposals should be conditional on the Secretary of State making an agreement for an Academy (see paragraph 4.64), but there should be a general presumption in favour of approval.

Diversity

4.28 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 develops its own ethos, sense of mission and a centre of excellence or specialist provision.

4.29 Decision Makers should consider how proposals will impact on local diversity. They should consider the range of schools in the relevant area of the LA and how they will ultimately impact on the aspirations of parents and help raise local standards and narrow attainment gaps.

Balance of Denominational Provision

4.30 In deciding proposals to close a school with a religious character, the Decision Maker should consider the effect that this will have on the balance of denominational provision in the area.

4.31 The Decision Maker should not normally approve the closure of a school with a religious character where the proposal would result in a reduction in the proportion of denominational places in the area. This guidance does not however apply in cases where the school concerned is severely under-subscribed, standards have been consistently low or where an infant and junior school (at least one of which has a religious character) are to be replaced by a new all-through primary school with the same religious character on the site of one or the predecessor schools.

Every Child Matters

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

NEED FOR PLACES

Provision for Displaced Pupils

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

Surplus Places

4.34 It is important that education is provided as cost-effectively as possible. Empty places can represent a poor use of resources - resources that can often be used more effectively to support schools in raising standards. The Secretary of State wishes to encourage LAs to organise provision in order to ensure that places are located where parents want them. LAs should take action to remove empty places at schools that are unpopular with parents and which do little to raise standards or improve choice. The removal of surplus places should always support the core agenda of raising standards and respect parents' wishes by seeking to match school places with parental choices.

4.35 The Decision Maker should normally approve proposals to close schools in order to remove surplus places where the school proposed for closure has a quarter or more places unfilled, and at least 30 surplus places, and where standards are low compared to standards across the LA. The Decision Maker should consider all other proposals to close schools in order to remove surplus places carefully. Where the rationale for the closure of a school is based on the removal of surplus places, standards at the school(s) in question should be taken into account, as well as geographical and social factors, such as population sparsity in rural areas, and the effect on any community use of the premises.

IMPACT ON THE COMMUNITY AND TRAVEL

Impact on Community

4.36 Some schools may already be a focal point for family and community activity, providing extended services for a range of users, and its closure may have wider social ramifications. In considering proposals for the closure of such schools, the effect on families and the community should be considered. Where the school was providing access to extended services, some provision should be made for the pupils and their families to access similar services through their new schools or other means.

4.37 The information presented by those bringing forward proposals to close such schools, particularly when they are in receipt of funding as part of regeneration activity, should therefore include evidence that options for maintaining access to extended services in the area have been addressed. The views of other relevant agencies and partnerships with responsibility for community and family services should be taken into account, alongside those of the local police, Government Offices and Regional Development Agencies having responsibility for the New Deal for Communities.

Community Cohesion and Race Equality

4.38 When considering proposals to close a school the Decision Maker should consider the impact of the proposals on community cohesion. This will need to be considered on a case by case basis, taking account of the community served by the school and the views of different sections within the community. In considering the impact of the proposals on community cohesion the Decision Maker will need to take account of the nature of the alternative provision to be made for pupils displaced by the closure and the effects of any other changes to the provision of schools in the area.

Travel and Accessibility for All

4.39 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.

4.40 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.

Equal Opportunity Issues

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

Rural Schools and Sites

4.42 In considering statutory proposals to close a rural school, the Decision Maker should have regard to the need to preserve access to a local school for rural communities. There is therefore a presumption against the closure of rural schools. This does not mean that a rural school should never close, but the case for closure should be strong and the proposals clearly in the best interests of educational provision in the area. The presumption will not apply in cases where a rural infant and junior school on the same site are being closed to establish a new primary school. In order to assist the Decision Maker, those proposing closure should provide evidence to the Decision

Maker to show that they have carefully considered:

- a. Alternatives to closure including the potential for federation with another local school to increase the school's viability; the scope for an extended school or children's centre to provide local community services and facilities e.g. child care facilities, family and adult learning, healthcare, community internet access etc;
- b. The transport implications as mentioned in paragraphs 4.39 to 4.40; and
- c. The overall and long term impact on local people and the community of closure of the village school and of the loss of the building as a community facility.

4.43 When deciding proposals for the closure of a rural primary school, the Decision Maker should refer to the Designation of Rural Primary Schools (England) 2007 to confirm that the school is a rural school. The list of rural primary schools can be viewed on line at:
www.dcsf.gov.uk/publications/otherdocs.shtml

4.44 In the case of secondary schools, it is the responsibility of the Decision Maker to decide whether a school is to be regarded as rural for the purpose of considering proposals for closure under this guidance and in particular the presumption against closure. The Department's register of schools - Edubase - includes a rural/urban indicator for each school in England based on an assessment by the Office for National Statistics. The Decision Maker should have regard to this indicator. Where a school is not recorded as rural on Edubase, the Decision Maker may nonetheless wish to consider evidence provided by interested parties that a particular school should be regarded as rural.

TYPES OF SCHOOLS

Boarding School Provision

4.45 In making a decision on proposals to close a school that includes boarding provision, the Decision Maker should consider whether there is a state maintained boarding school within one hour's travelling distance from the school. The Decision Maker should consider whether there are satisfactory alternative boarding arrangements for those currently in the school and those who may need boarding places in the foreseeable future, including the children of service families.

SPECIFIC AGE PROVISION ISSUES

Early Years Provision

4.46 In considering proposals to close a school which currently includes early years provision, the Decision Maker should consider whether the alternative provision will integrate pre-school education with childcare services and/or with other services for young children and their families; and should

have particular regard to the views of the Early Years Development and Childcare Partnership.

4.47 The Decision Maker should also consider whether the alternative early years provision will maintain or enhance the standard of educational provision and flexibility of access for parents. Alternative provision could be with providers in the private, voluntary or independent sector.

Nursery School Closures

4.48 In deciding whether to approve any proposals to close a nursery school, the Decision Maker should be aware that nursery schools generally offer high quality provision, and have considerable potential as the basis for developing integrated services for young children and families. There should be a presumption against the closure of a nursery school unless the case for closure can demonstrate that:

- a. the LA is consistently funding numbers of empty places;
- b. full consideration has been given to developing the school into a Sure Start Children's Centre, and there are clear, justifiable grounds for not doing so, for example: unsuitable accommodation, poor quality provision and low demand for places;
- c. plans to develop alternative provision clearly demonstrate that it will be at least as equal in terms of the quantity and quality of early years provision provided by the nursery school with no loss of expertise and specialism; and that
- d. replacement provision is more accessible and more convenient for local parents.

14-19 Curriculum and Collaboration

4.49 The Government has ambitious plans to increase post-16 participation rates and improve the skills of learners. The foundation for making progress is a transformed, coherent 14-19 phase offering a rich mix of learning opportunities from which young people can choose tailored programmes and gain qualifications appropriate to their aptitudes, needs and aspirations. This will be achieved by better collaboration between local providers, including schools, colleges, training providers and employers. Decision Makers should therefore consider what measures are being proposed to ensure that opportunities available to students in this age group are not reduced by the school closure, although the absence of such measures should not prevent the closure of a poorly-performing school.

16-19 Provision – General

4.50 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.

4.51 In September 2003 Ministers set out their **five key principles** for the reorganisation of 16-19 provision, following requests from partners (including the LSC and LAs) for more clarity on Government expectations. Decision Makers should therefore consider all proposals for changes to 16-19 provision in the context of these principles.

4.52 Details of the five key principles can be found in [‘Principles underpinning the organisation of 16-19 provision’](#) booklet. 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 age 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.

LSC Proposals to Close Inadequate 16-19 Provision

4.53 The Learning and Skills Act 2000 (as amended by the Education Act 2005) gives the Learning and Skills Council (LSC) powers to propose the closure of 16-19 schools judged to require Special Measures. Where a 16-19 school is proposed for closure in such circumstances there should be a presumption to approve the proposals, subject to evidence being provided that the development will have a positive impact on standards.

Conflicting Sixth Form Reorganisation Proposals

4.54 Where the implementation of reorganisation proposals from 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 - SI 2003 No. 507) from making a decision on the “related” proposals until the Secretary of State has decided

the LSC proposals (see paragraphs 4.13 to 4.14 above).

SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION

Initial Considerations

4.55 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 local authority 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.

4.56 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

4.57 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 the paragraphs below (4.58 to 4.61) 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

4.58 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.

4.59 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.

4.60 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.

4.61 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

4.62 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

4.63 In considering proposals for a school closure the Decision Maker can decide to:

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

Conditional Approval

4.64 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. Conditional approval cannot be granted where proposals are decided under Paragraph 19 of Schedule 2 (i.e. where there are no objections) – see paragraph 4.3 above. For school closures the following conditions can be set:

- a. the making of any agreement under section 482(1) of the 1996 Act for the establishment of an Academy, where the proposals in question provide for some or all of the pupils currently at the school which is the subject of the proposals to transfer to the Academy;
- b. the agreement to any change to admission arrangements specified in the approval, relating to another school;
- c. where the proposals depend upon conditions being met, by a specified date, for any other school or proposed school, the occurrence of such an event.

4.65 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 (School Organisation Unit, DCSF, Mowden Hall, Staindrop Road, Darlington, DL3 9BG) or by email to school.organisation@dcsl.gsi.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.

Decision

4.66 All decisions **must** give reasons for the decision (i.e. irrespective of whether the proposals were rejected or approved) indicating the main factors/criteria for the decision.

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

- the person or body who published the proposals;
- each objector except where a petition has been received. Where a petition is received a decision letter should be sent to the person who submitted the petition, or where this is unknown, the signatory whose name appears first on the petition;
- the Secretary of State (via the School Organisation Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by email to school.organisation@dcsf.gsi.gov.uk);
- where the school includes provision for 14-16 education or sixth form education, the LSC;
- the local CofE diocese;
- the Bishop of the RC diocese.

4.68 Where proposals are decided by the LA a copy of the decision **must** be sent to the Office of the Schools Adjudicator, Mowden Hall, Darlington DL3 9BG. Where proposals are decided by the schools adjudicator a copy of the decision **must** be sent to the LA who maintain the school.

Can proposals be withdrawn?

4.69 Proposals may be withdrawn at any point before a decision is taken. Written notice should be given to the LA, or governing body, if the proposals were published by the LA. Written notice should 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 should also be placed at the main entrance to the school, or all the entrances if there are more than one.

Stage 5 – Implementation

5.1 The proposers are under a **statutory duty** to implement any proposals which an LA or schools adjudicator has approved. The proposals **must** be implemented as published, taking into account any modifications made by the Decision Maker. If the approval was subject to a condition being met by a specified date – proposers **must** ensure that they meet this. If it looks as though it might not be possible to meet the condition by the specified date, the proposer may seek a modification to the condition from the original Decision Maker that decided the proposals.

Can proposals be modified after they have been approved?

5.2. If it proves impossible to implement the proposals as approved, the proposers can seek a modification and must apply to the Decision Maker who decided the proposals. A modification may be made at any time before the implementation date for the proposals.

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

5.4 Before modifying proposals the Decision Maker **must** consult the proposers and the LA, if the LA did not publish the proposals. The proposals must not be modified in a way that would in effect substitute new proposals – this would run the risk of successful legal challenge in the courts. The Secretary of State (via the School Organisation Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by e-mail to school.organisation@dcsf.gsi.gov.uk) must be notified of any modification within one week of the proposal being modified.

Revocation

5.5 If proposers cannot implement approved proposals they should publish fresh proposals to be relieved of the duty to implement (paragraph 21(4) of Schedule 2 to the EIA 2006). The School Organisation (Establishment and Discontinuance of Maintained Schools)(England) Regulations 2007 (as amended) provide that revocation proposals **must** contain the following information:-

- a description of the original proposals as published;
- the date of publication of the original proposals;
- details of who published the proposals; and
- a statement as to why it is proposed that, in accordance with paragraph 21(3), paragraph 21(1) of Schedule 2 to EIA 2006 (duty to implement

proposals) should not apply in relation to the original proposals.

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

5.7 Revocation proposals **must** be decided by the LA, except where the original proposals were decided by the schools adjudicator in which case the LA **must** forward the proposals, and any comments and objections received, to the schools adjudicator within 2 weeks from the end of the representation period. If the LA are to decide proposals they **must** do so within 2 months from the end of the representation period, and if not **must** pass the proposals to the schools adjudicator within 1 week from the end of the 2 month period.

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

MATTERS TO BE SPECIFIED IN SECTION 15 PROPOSALS TO DISCONTINUE A SCHOOL

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

The following sets out the information that must be contained in a complete proposal. Shaded information **must** be published in a statutory notice. See paragraphs 2.2 to 2.10

Contact details

1. The name of the local education authority or governing body publishing the proposals, and a contact address, and the name of the school it is proposed that should be discontinued.

Implementation

2. The date when it is planned that the proposals will be implemented, or where the proposals are to be implemented in stages, information about each stage and the date on which each stage is planned to be implemented.

Consultation

3. A statement to the effect that all applicable statutory requirements to consult in relation to the proposals were complied with.

4. Evidence of the consultation before the proposals were published including—
- (a) a list of persons and/or parties who were consulted;
 - (b) minutes of all public consultation meetings;
 - (c) the views of the persons consulted; and
 - (d) copies of all consultation documents and a statement of how these were made available.

Objectives

5. The objectives of the proposal.

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Standards and Diversity

6. A statement and supporting evidence indicating how the proposals will impact on the standards, diversity and quality of education in the area.

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Provision for 16 -19 year olds

7. Where the school proposed to be discontinued provides sixth form education, how the proposals will impact on—

- (a) the educational or training achievements;
- (b) participation in education or training; and
- (c) the range of educational or training opportunities,

for 16-19 year olds in the area.

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Need for places

8. A statement and supporting evidence about the need for places in the area including whether there is sufficient capacity to accommodate displaced pupils.

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9. Where the school has a religious character, a statement about the impact of the proposed closure on the balance of denominational provision in the area and the impact on parental choice.

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Current School Information

10. Information as to the numbers, age range, sex and special educational needs of pupils (distinguishing between boarding and day pupils) for whom provision is made at the school.

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Displaced Pupils

11. Details of the schools or further education colleges which pupils at the school for whom provision is to be discontinued will be offered places, including—

- (a) any interim arrangements;
- (b) where the school included provision that is recognised by the local education authority as reserved for children with special educational needs, the alternative provision to be made for pupils in the school's reserved provision; and
- (c) in the case of special schools, alternative provision made by local education authorities other than the authority which maintains the school.

12. Details of any other measures proposed to be taken to increase the number of school or further education college places available in consequence of the proposed discontinuance.

Impact on the Community

13. A statement and supporting evidence about the impact on the community and any measures proposed to mitigate any adverse impact.

14. Details of extended services the school offered and what it is proposed for these services once the school has discontinued.

Travel

15. Details of length and journeys to alternative provision.

16. The proposed arrangements for travel of displaced pupils to other schools including how they will help to work against increased car use.

Related Proposals.

17. A statement as to whether in the opinion of the local education authority or governing body, the proposals are related to any other proposals which may have been, are, or are about to be published.

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Rural Primary Schools

18. Where proposals relate to a rural primary school designated as such by an order made for the purposes of section 15 of the EIA 2006, a statement that the local education authority or the governing body (as the case may be) considered—

- (a) the likely effect of discontinuance of the school on the local community;
- (b) the availability, and likely cost to the local education authority, of transport to other schools;
- (c) any increase in the use of motor vehicles which is likely to result from the discontinuance of the school, and the likely effects of any such increase; and
- (d) any alternatives to the discontinuance of the school,

as required by section 15(4) of the EIA 2006.

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Maintained nursery schools

19. Where proposals relate to the discontinuance of a maintained nursery school, a statement setting out—

- (a) the consideration that has been given to developing the school into a children's centre and the grounds for not doing so;
- (b) the local education authority's assessment of the quality and quantity of the alternative provision compared to the school proposed to be discontinued and the proposed arrangements to ensure the expertise and specialism continues to be available; and
- (c) the accessibility and convenience of replacement provision for local parents.

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Special educational provision

20. Where existing provision for pupils with special educational needs is being discontinued, a statement as to how the local education authority or the governing body believes the proposal is likely to lead to improvements in the standard, quality and/or range of the educational provision for these children.

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