

# Circular 00/04

## Post-16 Planning

### Post-16 School Organisation Proposals

#### Summary

This circular is of interest to college principals, school head teachers, chief education officers, diocesan officers and members of school organisation committees. It describes the Council's procedures for considering post-16 school organisation proposals in view of the changes introduced by the *School Standards and Framework Act 1998*. These include the establishment and membership of new statutory bodies, the school organisation committees, which came into existence on 1 April 1999, and the Council's revised role in the decision-making process.

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#### Further information

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# Post-16 School Organisation Proposals

## Introduction

1 This circular describes the Council's procedures for considering post-16 school organisation proposals in the light of the new arrangements for local decision-making on such proposals, as set out in the *School Standards and Framework Act 1998*.

2 This circular supersedes Circular 95/08, *Sixth Forms in Schools*.

## Statutory references

3 The Council has a statutory duty under section 2 (1) of the *Further and Higher Education Act 1992* to secure sufficient facilities for the provision of full-time education for 16 to 18 year olds.

4 The *Schools Standards and Framework Act 1998* (the Act) has introduced new provisions in respect of proposals for the establishment or alteration of schools maintained by local education authorities (LEAs). Under the Act, proposals are considered by the appropriate school organisation committee (SOC): SOCs are described at paragraphs 6 to 10. Each SOC will have at least one member nominated by the Council. Under the new arrangements there is no statutory requirement for proponents to consult with the Council before the SOC considers proposals. There is, however, an opportunity for the Council to comment when the LEA publishes its proposals in accordance with the *Education (School Organisation Proposals) (England) Regulations 1999* (the Regulations). In addition, the Council takes a part in the decision-making process at the SOC.

## The School Standards and Framework Act 1998

5 The Act includes new arrangements to enable decisions on school organisations to be taken at local level. The Act sets out the arrangements to effect this, through the establishment of SOCs and the framework for school organisation plans and proposals to be considered by the SOCs. These are described in paragraphs 11 to 15.

### *School organisation committees*

6 The key feature within the new framework for the consideration of changes to the organisation of schools, including the establishment or closure of school sixth forms, is the establishment, by each LEA, of a school organisation committee (SOC). These came into existence on 1 April 1999.

7 From 1 September 1999, the SOC in each LEA area has taken the place of the secretary of state in the decision-making process on school organisation proposals and, in addition, has the responsibility for approving a school organisation plan for the LEA area.

8 The SOC is not a committee of the LEA; it is a separate statutory body comprising key partners in the provision of education in the local area. Membership is organised into six groups; within each group there can be no more than seven members. Each group has a single vote. The groups comprise members from:

- the LEA – appointed by the LEA from elected members in proportion to the balance of political power within the area of the LEA
- the Church of England – nominated by the diocese(s) for the area of the LEA, drawn from either diocesan officers or headteacher governors of relevant schools
- the Roman Catholic Church – nominated by the diocese(s) for the area of the LEA, drawn from either diocesan officers or headteacher governors of relevant schools

- the Further Education Funding Council – nominated by the Council. It is recommended that this group is represented by a single individual
- schools – drawn from serving governors
- an optional extra group at the discretion of the LEA if necessary or appropriate, to reflect local precedent or practice.

9 The Council’s representative on the committee will normally be the appropriate regional director, regional education officer or regional finance director. It should be emphasised that the Council’s role on the SOC is to reflect the Council’s duty to secure sufficient and adequate further education provision rather than to represent further education colleges.

10 Decisions made by the SOCs must be unanimous. In the event that a unanimous decision is not reached, the matter must be referred to an independent adjudicator appointed by the secretary of state.

### ***School organisation plans***

11 The SOCs have the responsibility for approving the school organisation plan and for determining any proposals for changes to the organisation of maintained schools. The plan draws conclusions about the need to add or remove school places within an LEA area. The intention of the plan is to help the LEA, schools, promoters and local communities to understand the need for school places and establish future demand.

12 The plan should cover a five-year period beginning at the start of the school year after which it is published. Each LEA is required to consult on its plan before it is agreed by the SOC. Each plan should contain three parts, as follows:

- demographic information relevant to the supply of school places
- a statement of the policies or principles relevant to the provision of school places within the LEA area

- conclusions, drawn from the demographic information and principles, about the need to add or remove places in particular areas.

### ***School organisation proposals***

13 The responsibility for making decisions on individual school organisation proposals transferred to the SOCs on 1 September 1999, subject to an approved school organisation plan being in place.

14 LEAs or governors of schools are required to consult before publishing proposals for significant changes in the character of schools. The right to make statutory objections to such proposals extends to any individual person or body.

15 Where a unanimous decision on a proposal cannot be reached by the SOC, it will be referred to an independent adjudicator for a final decision.

## **Types of Proposal to be Considered**

16 The Council will provide a response to individual post-16 school organisation proposals independently of its role as a member of the relevant SOC. Its response will subsequently be fed into the SOC. The Council will consider the following types of proposal:

- the establishment of a new school with a sixth form
- the establishment of a sixth form at an existing school
- the significant enlargement of a school with an existing sixth form, where ‘significant’ is defined as a planned increase in total numbers on roll at the school of at least 25%
- the closure of an existing school with a sixth form, with the exception of the closure of voluntary schools under section 14 of the *Education Act 1944*, where the Council has the right to be consulted but not to make a statutory objection

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- the closure of a sixth form at an existing school.

17 The Council does not have a right to be consulted or to object to proposals in respect of independent schools.

## Procedures

### Information required from proponents

18 The Council wishes, where possible, to consider and offer comments on proposals before the proponents publish statutory notices.

19 The Regulations prescribe the information to be contained in proposals and the manner of publication of those proposals.

20 To assess proposals against its criteria, the Council normally requires the following information, some of which should be included in the prescribed information for the publication of proposals and some of which should be made available at a later stage to the SOC:

- name and address of the proponent
- nature of the school (community, foundation or voluntary)
- proposed implementation date
- proposed post-16 curriculum
- anticipated numbers on roll in the proposed sixth form
- existing numbers on roll at the school aged 11–16
- anticipated numbers on roll aged 11–16 for next three years
- current capacity of the school
- destinations of pupils leaving the school at age 16 in the previous three years
- anticipated housing or business developments which might be anticipated to impact on the number of 16–18 year olds in the area
- GCSE examination results (grades A–C and A–G) of pupils aged 16 at the school in the previous three years
- staying-on rates in the appropriate LEA

- any related capital expenditure required to implement the proposal
- recurrent funding applicable to the proposed sixth form, including funds delegated to the school in respect of pupil numbers and other factors
- the proportion of existing numbers on roll of a particular religious denomination, where relevant.

21 When notified of proposals, and following receipt of the above information, the Council will seek the views of local sector colleges and, where appropriate, the relevant LEA and training and enterprise council, to inform its comments to proponents and its vote on the proposal at the SOC.

### Consideration of proposals

22 The Council looks to its relevant regional committee for advice on proposals.

23 Where the regional committee's advice might lead the Council to consider objecting to the proposal either initially and/or through the nominated representative at the SOC, or where the proposal raises significant issues, the proposal is referred to the Council's reorganisations committee, which has the delegated authority of the Council for deciding whether an objection should be made to published proposals. In other cases, the chief executive is authorised to respond on the Council's behalf.

24 Where it is not possible for proposals to be considered by the appropriate committee, for example because of the timescales for making an objection, or the timing of the meeting of the SOC, the chair of that committee may act on its behalf.

25 If a proposal seems unlikely to have any impact on existing provision, for example, because the number of places proposed are minimal, the regional committee chair may advise the Council that consideration by the regional committee is not required.

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## Criteria

26 The Council has developed a set of criteria, against which proposals are assessed. These are as follows:

- whether there are insufficiencies in the post-16 facilities in the area which could be remedied as part of the proposal
- in cases where the facilities are already sufficient, whether the advantages of offering increased choice and diversity to students and their parents would be likely to outweigh any costs of some duplication of provision
- whether the proposal(s) could significantly affect the unit costs or the viability, and the quality, of existing provision in the further education sector
- whether the level of public funding, both recurrent and capital, of any new provision in the schools sector would be significantly at variance with the level of funding available for comparable provision in the further education sector.

## Publication of the Council's Advice

27 In line with the *Code of Practice on Access to Government Information*, the Council will make public its advice on each proposal.

28 In those circumstances where proposals have not yet been published, the Council will provide its comments to the proponents. Once proposals have been published, comments on it and objections to it are sent to the LEA or directly to the relevant SOC where the LEA is not the proponent. The Council's representative will provide its comments at the SOC also.

29 The Council makes public its advice on proposals as follows:

- the Council will inform all those from whom comments have been sought about a proposal of the outcome of its consideration
- the regional committee's advice to the Council will be published in regional *Committee News*
- the Council's decision on whether or not to make a statutory objection to a particular proposal will be published in *Council News*, together with reasons for that decision.

30 The Council's member on the relevant SOC will vote on the proposal in accordance with the Council's advice.



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