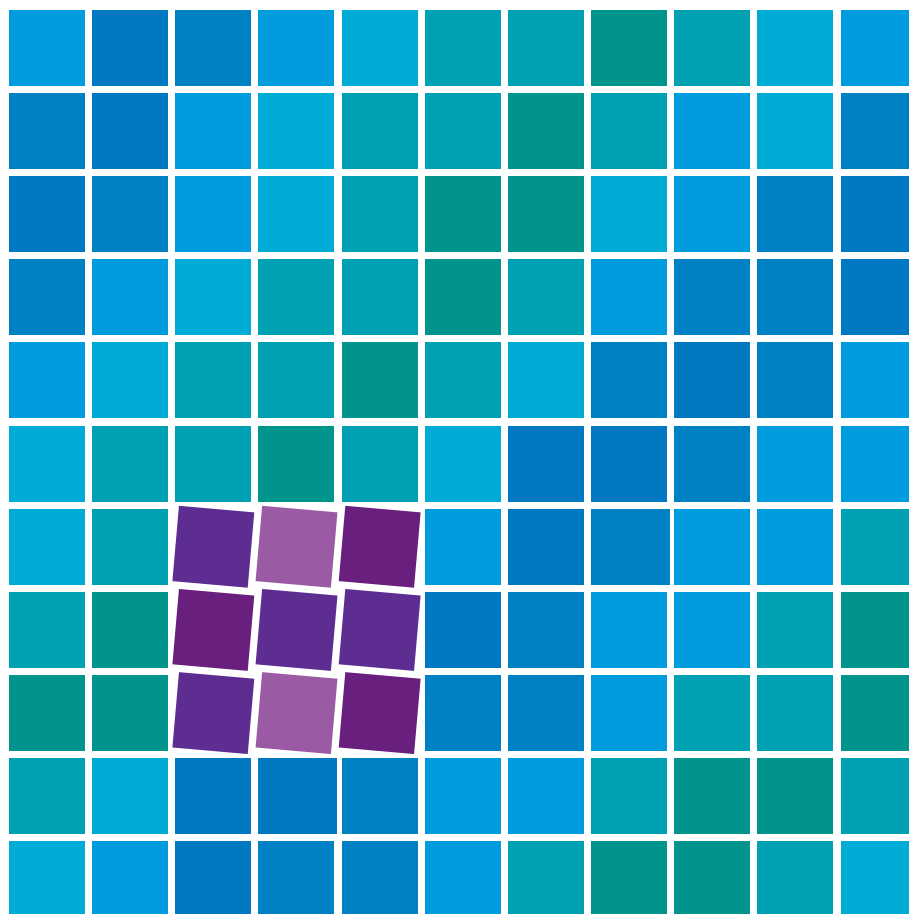




Guidance

Learning & Skills Council,
Chief Education Officers,
School Organisation
Committees,
Church and other faith
groups and Adjudicators

School Reorganisation Proposals by the Learning and Skills Council



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This guidance explains the new procedures for the LSC in respect of statutory proposals for school 6th forms and 16–19 institutions from 1 April 2003

Related documents:

- The Learning and Skills Act 2000 as amended by section 72 of the Education Act 2002
- The School Organisation Proposals by the Learning & Skills Council for England Regulations 2003
- The School Standards & Framework Act 1998

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Introduction

- 1 Section 72 of the Education Act 2002 inserts a new section 113A of, and Schedule 7A to, the Learning and Skills Act 2000 (the Act). They allow the Learning and Skills Council (LSC) to bring forward reorganisation proposals in respect of 16–19 provision in England following either an area inspection report or where reorganisation will raise achievement and participation or increase opportunities for students aged 16–19.
- 2 *The School Organisation Proposals by the Learning and Skills Council for England Regulations 2003* (SI 2003/507) (the Regulations) detail the statutory procedures for the LSC to bring forward proposals under section 113A of and Schedule 7A to the Learning and Skills Act 2000.
- 3 Part 1 of the regulations is the interpretation section. Part 2 deals with proposals by the LSC under section 113A which must go to the Secretary of State for a decision. Part 3 re-enacts the *School Organisation Proposals by the Learning and Skills Council for England Regulations 2001* and details the procedures for LSC proposals in respect of inadequate sixth forms which will go to the local School Organisation Committee (SOC) for a decision.
- 4 This guidance only details **Part 2** of and **Schedule 1** to the regulations which relate to procedures under section **113A** of the Learning and Skills Act 2000. The guidance applies to all maintained secondary schools, including special schools in England. **Annex A** summarises the process.

The Role and Organisation of School Sixth Forms

- 5 There are approximately 1800 sixth forms in England, across 138 Local Education Authority (LEA) areas. Many have high or rising achievement levels, although a few have been found by Ofsted to be inadequate or to have serious weaknesses that are now being addressed. School sixth forms play an important role in providing good quality and diverse provision to learners aged 16–19.
- 6 Since 1 April 2002, the LSC has had responsibility for core funding of school sixth forms and for post-16 special educational needs (SEN) provision through LEAs. Section 113A of the Learning and Skills Act 2000 gives the LSC enhanced powers in post-16 planning and delivery to complement its funding responsibilities. The regulations then fill in the detailed procedures.

Proposals submitted to the SOC

- 7** Local Education Authorities and school governing bodies can bring forward reorganisation proposals in respect of maintained secondary schools in order to add or remove sixth form provision under section 28 of the School Standards and Framework Act 1998 and the *Education (School Organisation Proposals) (England) Regulations 1999*. All such proposals will go to the SOC or Adjudicator for a decision following a consultation process. The Secretary of State expects the LSC to be fully consulted on all such proposals and the LSC will have a voting right on the SOC when the proposals come before the committee for a decision. Where the SOC cannot reach agreement the proposals will be referred to the Adjudicator for a decision. By virtue of provisions made in the Learning and Skills Act 2000 LEAs and other promoters can also establish new 16–19 institutions as schools. These proposals will go to the SOC for a decision. Under section 113 of and Schedule 7 to this Act the LSC also has reserve powers to bring forward closure proposals where a school sixth form has been found to be weak or inadequate following two consecutive Ofsted reports. These proposals will also go to the SOC or Adjudicator for a decision.

Proposals submitted to the Secretary of State

- 8** Section 113A of the Learning and Skills Act widens the LSC's existing powers to bring forward reorganisation proposals in respect of post-16 institutions, including school sixth forms either following an area inspection report or where they can demonstrate the proposals will raise standards, increase participation or expand opportunities for 16–19 year olds. These proposals will go to the Secretary of State for a decision following consultation.

Purpose and Scope of the Guidance

- 9** This guidance summarises the main provisions of section 113A of the Act and the *School Organisation Proposals by the Learning and Skills Council for England Regulations 2003* and gives guidance on the exercise of the LSC's powers. In this guidance references to "area" means the area which the school serves or will serve in the case of new sixth form provision once the proposals are implemented, unless otherwise stated.
- 10** By virtue of section 113A(7) of the Act the LSC is under a duty to have regard to this guidance in exercising its new powers. Where proposals come before the Secretary of State for a decision he will take into account the degree to which the guidance has been followed by the LSC. Each local LSC proposal submitted to the Secretary of State for a decision will be considered on its individual merits.

- 11** Where the LSC has published the *formal notice* of its proposals in its area then any other proposal affecting post-16 provision in the area awaiting a decision by the LEA/local SOC or Adjudicator will be frozen and must await a decision by the Secretary of State on the LSC's proposals. Paragraphs 61–63 give guidance to SOCs, Adjudicators and LEAs as to the circumstances when other statutory proposals are related to proposals published by the LSC. By virtue of Schedule 6, paragraph 3(2C) and 4(4) to the School Standards and Framework Act 1998, SOCs, Adjudicators and LEAs are under a duty, as decision makers, to have regard to this guidance.
- 12** This guidance is to assist the LSC to make appropriate decisions on organisation of post-16 provision under section 113A of the Act. However, it is not intended that this guidance should be an exhaustive nor a complete and authoritative statement of the law. Responsible bodies should read through the legal requirements contained in section 113A of the Learning and Skills Act 2000 as inserted by section 72 of the Education Act 2002 and *Part 2 of the School Organisation Proposals by the Learning and Skills Council for England Regulations 2003*.
- 13** The Secretary of State considers that in general the LSC should arrange for local LSCs to be responsible for preparing and developing statutory proposals on its behalf, in accordance with this guidance, the regulations and any LSC guidance. The Secretary of State has asked the LSC's National Young People's Learning Committee to approve all formal (final) proposals before they are published. The LSC should therefore keep the committee informed of all likely proposals early in the process, and prior to publication of the preliminary notice.
- 14** It is the intention of the Secretary of State that the LSC exercises its powers under section 113A of the Act in collaboration with other partners such as schools, LEAs and dioceses (including other faith groups) who have an interest in the organisation of post-16 provision. The LSC's main aim in reorganising sixth forms will be to improve the range of provision and raise standards overall for post-16 learners. The LSC should be able to lead in planning a coherent and diverse post-16 provision within its local area. However, the LSC should be aware that schools, LEAs and other promoters may bring forward their own post-16 proposals which may impact on their proposals. The LSC should be kept informed of any local school/LEA reorganisation plans for post-16 provision in place in its area. The LSC should keep schools and LEAs informed of any area wide or strategic plans in place. The LSC must ensure that there are effective local collaborative

mechanisms in place to take account of different interest groups. It should be possible for all parties to reach a consensus about post-16 provision in an area which will help the LSC to plan effectively. And since LEAs and schools will be responsible for implementing LSC proposals once approved, it is vital that the LSC seek their views early on in the process.

Background and Context of Regulations

- 15** Section 113A of the Learning and Skills Act widens the LSC's powers in respect of planning post-16 provision in an area. For the first time the LSC will be able to make proposals about the opening, closure or alteration of a school sixth form either to meet recommendations made in the report of an area inspection or where the reorganisation will raise standards of achievement, increase student participation or expand the range of educational opportunities. This will include making proposals for the establishment of 16–19 institutions which will be schools. The LEA, school governing body and independent promoters have similar planning powers.

Summary of Regulations

- 16** Part 2 of the *School Organisation Proposals by the Learning and Skills Council for England Regulations 2003* details the processes that the LSC should follow in developing and publishing proposals under sections 113A (1)(a) and (b) of the Act, as well as the information to be included in its proposals in respect of school sixth forms. The main details of the regulations are:
- types of alterations to schools that the LSC can propose;
 - publication of a preliminary notice and information requirements;
 - manner of publishing notices;
 - list of consultees which affords opportunity to schools, LEAs, dioceses, and School Organisation Committee (SOC) to put forward their views;
 - publication of formal (final) proposals and information requirements;
 - period for objections and comments;
 - timescales for proposals;
 - who should be informed of the Secretary of State's decision; and

- various matters on related school organisation proposals published by LEAs, school governing bodies and other promoters. Where such proposals affecting post-16 provision are before a SOC for consideration and the LSC also publishes final proposals it will have to await the Secretary of State's decision.

Objectives of LSC Reorganisation Proposals

- 17** In cases where LSC proposals are not made with a view to meeting recommendations made in the report of an area inspection section 113A(1)(b) of the Act specifies three possible objectives. These are that the reorganisation will raise standards of achievement, increase student participation or expand the range of educational opportunities. The proposals must be made with a view to promoting at least one of these. In cases where the proposals are not made with a view to meeting recommendations made in an area inspection report the LSC should consider provision as a whole in an area and not just one particular institution. Where the proposals are not combined with any proposals for reorganisation of FE colleges the LSC needs to be able to show that reorganisation will achieve one or more of the objectives below for the sixth forms in question. Where the proposals are combined with proposals for reorganisation of FE colleges the LSC needs to be able to show that the combined reorganisation will promote one or more of the objectives in the sixth forms and the FE colleges taken together. In this paragraph and paragraphs 18 to 24 the “area” is the local LSC area.
- 18** In all cases the LSC should consider whether changes can be effected without resorting to institutional reorganisation but where in its view this is not possible, the LSC may bring forward proposals. The LSC should take the lead in bringing forward proposals but it should do so working in collaboration with relevant partners such as LEAs and schools, and where appropriate, diocese, other FE institutions and employers in the area. The LSC must be able to show that the reorganisation will enable sixth forms to meet one or more of the following objectives:

Objective 1:

Raise standards of achievement amongst 16–19 year olds

- 19** The LSC should consider whether the proposals would improve the standards of educational provision in the area, and the effect of the proposals on existing provision. In particular the LSC proposals should

tackle any weaknesses in individual institutions which significantly undermine the adequacy or sufficiency of local provision overall. In the case of inadequate sixth forms as defined in Schedule 7 to the Learning and Skills Act 2000, the LSC should specifically consider progress against the action plan and results of Ofsted's monitoring reports. The LSC will need to have information on performance and qualifications attained by students in all post-16 local institutions and undertake an assessment of students' prior achievements and the value added. The LSC should use the Department's publications on value added and other information, alongside examination results in the performance tables. They should also consider inspection reports on individual institutions in the area and look at research data on benchmarking with particular emphasis on progress against national and local targets for the last three years and data on the pattern of student progression to Higher Education or employment.

Objective 2:

Increase participation amongst 16–19 year olds

- 20** The LSC should consider whether the proposals would increase local participation rates. The LSC will need evidence from inspection reports and FE provider reviews showing that the participation and/or retention rates are falling or are low in relation to regional and national rates. The LSC should assess progress against its strategy for raising participation and retention rates area wide, and the likely effect on other local institutions including special schools, denominational schools, FE colleges and training providers where closure of a sixth form or other provider body is proposed. The LSC should consider whether closure proposals are appropriate where changes in demography means student numbers are falling. It should also consider whether current provision is of sufficient size and number to cope with an increase in student numbers and the impact of the proposals on other institutions.

Objective 3:

Expand the range of opportunities amongst 16–19 year olds

- 21** The LSC should consider whether the proposals would deliver a broad and balanced curriculum in line with the 14–19 agenda and a range of provision which meets the needs of learners and employers in an area. The LSC should take account of the size and quality of current post-16 curriculum provision, including widening curriculum options offered to students, strategies for widening student access and the provision of student support

and careers advice to learners. The LSC should assess whether ensuring that there are effective collaborative working arrangements in place between local schools, colleges and work-based learning providers would widen opportunities for learners which would make institutional reorganisation unnecessary. Where the LSC considers that institutional reorganisation is necessary in order to expand opportunities for learners, any proposal must clearly demonstrate that this would be the outcome following approval.

- 22** The LSC should also consider whether there is a shortage or surplus of post-16 places within the current provision and look at its planning strategies, including 14–19 area wide plans. It should take into account any relevant LEA/school organisation plans in place at the time. Other data from LEAs and the Department should also be considered. The LSC should take a view on the likely future demands for places using evidence on student demographics and trends in participation rate and any other indicators that the LSC considers relevant. This should include local, regional and national participation and staying on rates; student access to other institutions; economic and labour market data, and any particular skills shortage information. The LSC should assess carefully the overall impact of any closure or expansion on local post-16 provision, including FE and work-based learning.
- 23** Generally, in developing the proposals to meet these objectives the LSC should consider the financial viability and cost effectiveness of the solutions they propose. The LSC should also consider the financial viability and efficiency of all those institutions offering 16–19 provision. It should consider evidence of any significant findings arising from area inspections, particularly those in neighbouring LEAs. It will need evidence from institutional inspection reports and FE provider reviews to judge progress against agreed action plans.
- 24** However, such financial considerations should not be the *overriding* factor. Crucially, section 2 of the Learning & Skills Act 2000 provides that the LSC in performing its duty under that section must, amongst other things, “avoid provision which might give rise to disproportionate expenditure”. However section 2(4) provides that “provision is not to be considered as giving rise to disproportionate expenditure only because that provision is more expensive than comparable provision”. In other words small or rural sixth forms, and other provision with high unit costs, should not be considered for closure on cost grounds alone where they are providing good quality education and are meeting the needs of students, parents and employers within an area.

Types of Statutory Proposals by the LSC

- 25** These are detailed in section 113A(4) of the Act and in regulation 3 of the *School Organisation Proposals by the Learning and Skills Council for England Regulations 2003*. Proposals will impact on provision in the maintained schools sector – both primary and secondary – within an LSC area and it is therefore important that the LSC hold discussions with LEAs, dioceses and schools at an early stage of any reorganisation process. However, the LSC should consider radical ways of providing post-16 education to meet learners' needs, which may involve structural or imaginative collaborative arrangements. In summary the LSC may propose:
- the establishment by the LEA of a new community, community special, foundation or foundation special school which is a 16–19 institution;
 - the closure of an existing maintained secondary school which is a 16–19 institution;
 - the addition or removal of a sixth form;
 - any other change in the age range of a sixth form;
 - the enlargement of school premises to increase the number of students in the sixth form by 25% or more; and
 - in the case of a school which is a 16–19 institution, the enlargement of the school to increase capacity by 25% or more.

Key Considerations

- 26** Where the LSC is considering publishing statutory proposals the Secretary of State expects all relevant issues to be fully considered. Key considerations will be:
- the effect of any proposed change on the standard of education to be provided in the area including the impact on the school or schools named in the proposals;
 - the need for the particular type of provision that is proposed;
 - the effect of the proposed change on the proportion of denominational places in the area when taken with any other related changes;

- the cost-effectiveness of proposals and whether adequate capital and recurrent funds are available to implement the proposals;
- the views of those most directly affected by the proposals such as the LEA, the school itself, parents, young people, training providers and other schools in the area;
- the need for LEAs to comply with their duties under the Sex Discrimination Act 1975, including those provisions relating to single-sex schools;
- equal opportunities issues including meeting the needs of students with special needs;
- the effect of the proposed change on journey times to school;
- the effect of the proposed change on accessibility to schools, particularly rural schools;
- the effect on access to suitable learning opportunities and choice;
- the extent to which the proposals would foster collaborative arrangements between providers; and
- other local options for provision for students aged 16+.

Needs Analysis

27 The LSC should undertake a detailed needs analysis as part of its statement of case prior to bringing forward reorganisation proposals either following an Ofsted/ALI area inspection report or in order to achieve one or more of the specified objectives (paras 19–24 above). The needs analysis should provide the LSC with clear, robust and independent evidence of need when bringing forward proposals, and ensure that the process is transparent and open. The LSC could use the results of any Strategic Area Reviews. The LSC will need to make this evidence publicly available to those who request it. In particular the local LSC should:

- publish a preliminary analysis of the adequacy of local post-16 provision and weaknesses which needs to be addressed;
- consider all the options for addressing these that would include alternatives to institutional re-organisation, for example, encouraging shared curriculum planning and allowing sixth form students to attend an FE college to undertake a vocational course. The LSC should put in place

more effective mechanisms to encourage and foster collaborative working and sharing of good practice between school sixth forms and FE sector, for example, setting up local networks or forums for schools and colleges to meet termly to discuss issues;

- in developing proposals, take account of the impact the proposals will have on a range of issues related to the quality, sufficiency and take-up of local provision;
- publish, alongside the proposals themselves, an analysis of their impact; and
- make these available for viewing at the LSC's office. Copies should be sent to all consultees and the LSC should ask for their comments.

28 Some of the reorganisation proposals are likely to be **controversial** and it is therefore essential that all local stakeholders recognise the rationale for them. In some cases collaborative arrangements between different institutions would be the best option rather than the LSC undertaking reorganisation proposals. Where reorganisation is proposed the LSC should take account of other group interests such as those of the local young people, parents and employers in the area and those students with SEN needs. The LSC should consider LEA/school planning tools in place at the time, including Action Plans following area or institutional inspections by Ofsted/ALI. The LSC should also have regard to the Code of Practice on School Admissions.

Content of Preliminary Notice and Consultative Proposals

29 Regulation 4 of the *School Organisation Proposals by the Learning and Skills Council for England Regulations 2003* requires the LSC before making proposals to publish a preliminary notice and to take into account any comments received in response to the notice. The purpose of regulation 4 is to enable the LSC to announce at an early stage its intention to publish proposals and detail the options it is considering. Regulation 4 requires the preliminary notice to describe the proposals in respect of a sixth form provision eg opening or closing; the factors which led the LSC to consider proposals and the evidence which they have used to justify the proposals. This may be either the area inspection report or the needs analysis report, which may be an FE provider review.

30 Regulation 4 also requires the LSC to include in the notice other information which the LSC considers necessary for an effective consultation. The LSC

may wish to include all the above information in the preliminary notice but it may decide to publish only the basic information and ask respondents to apply to the local office for full details. In all cases the LSC should send all information direct to those consultees listed in the regulations.

- 31** The preliminary notice must state when the consultation period will end and where comments should be sent together with a named contact. The regulations provide that the consultation period must not be less than **two months** from the publication of the preliminary notice. This can be longer if the LSC considers it appropriate. Generally, LSC should not publish any proposals during the summer school holidays. The LSC should inform respondents that their response could be made publicly available on request unless they state otherwise on their forms or letters. A summary of responses will go to the Secretary of State, but the LSC should also attach the full comments from the SOC. The LSC should make available to any person on request a summary of the comments received in response to the preliminary notice.
- 32** Regulation 4(6) requires that the LSC sends a copy of the preliminary notice to the following:
- the Secretary of State;
 - the governing body of the school the subject of any consultative proposals (except where the proposals are to establish a new 16 to 19 institution);
 - the local education authority who maintains, or (in the case of proposals to establish a 16 to 19 institution) which it is proposed should maintain, any school the subject of any consultative proposals;
 - any other adjoining local education authority;
 - the governing body of any other maintained secondary school, special school, city technology college, city college for the technology of the arts or Academy which the LSC considers is likely to be affected by any consultative proposals;
 - the governing body of any further education college which the LSC considers is likely to be affected by consultative proposals;
 - the Diocesan Board of Education for any diocese of the Church of England and the Bishop of any Roman Catholic Church diocese served or to be served by the school;

- the School Organisation Committee; and
- such other persons as the LSC considers appropriate.

In the case of special schools regulation 4(7) requires that the LSC also send a copy of the preliminary notice to the parents of each registered student over compulsory school age and to certain health authorities in addition to those bodies listed above.

Consultation

- 33** The Secretary of State expects those bringing forward proposals to consult all interested parties listed at regulation 4(6) and where the school is a special school, regulation 4(7). This is not an exhaustive list and other consultees who may be affected by the proposals should be considered including feeder primary schools, parents, students and staff, as well as neighbouring local LSCs, employers, work-based training providers, Further and Higher Education institutions nearby, professional organisations or agencies representing the interests of particular groups such as teachers and student unions, parent teacher associations and Local Learning Partnerships. In the case of special schools the LSC should also consult all parents of registered students over compulsory school age, if their names and addresses are available to the LSC, SEN Regional Partnerships and certain health authorities. The LSC should send a summary of the consultative proposals together with a questionnaire to all of them.
- 34** The LSC should foster close and effective working relationships with schools, LEAs, dioceses and other interest groups by setting up local forums, joint working groups or networks in their area. The LSC should also invite local representatives from schools, LEAs and faith groups to give their views on their initial proposals at an open meeting. The LSC should also use the Internet to allow wider access to information and possible discussion forums. Early consultation should identify any concerns which the LSC should take account of, as well as any possible opposition to the proposals.
- 35** The LSC should 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 the final proposals. Where, in the course of consultation, a new option emerges which the LSC wishes to consider, it **must** consult afresh on the new option, publishing a further preliminary notice. To ensure that the Secretary of State has up-to-date information,

including results of consultations, the LSC proposals should not be over a year old. The process from launching the consultation following the preliminary notice to publication of the final proposals and objections period should therefore not take more than a year

Flowchart – Consultation Process



Publication of Notices (Preliminary and Formal)

36 The requirements for the publication of both the preliminary notice and formal notice are the same. These are detailed in regulations 4(4) and (5) and 5(2) and (3) depending on the type of proposals i.e opening, closing or alteration. See **Annex B**. Once a formal (final) notice of proposals has been published by the LSC then any other related proposals concerning secondary schools before the SOC or Adjudicator are frozen. Briefly, the notices should be published at:

- a conspicuous place in the area that serves or is to serve the school;
- at the main entrance(s) of the school named in the proposals, if appropriate, and;
- in a local newspaper.
- In the case of special schools the notice must be published in the LEA area maintained or to be maintained.

37 The LSC should consider other places for posting notices including at the local library, nearby schools, colleges or LEA offices in order to inform more widely. The notices could also be placed on the Internet and discussion forums set up to encourage wider participation and debates, particularly in rural areas where respondents may find travelling to a meeting difficult.

- 38** Regulation 5(4) requires the LSC to send copies of the formal (final) notice of proposals to all those listed in regulation 4(6) and, in the case of special schools, regulation 4(7). Paragraphs 32 and 33 also apply.

Content of Formal Proposals

- 39** *The School Organisation Proposals by the Learning & Skills Council for England Regulations 2003* prescribe the information which must be given in both the preliminary and final notices. This is set out in Schedule 1 to the regulations. **Annex C** sets out additional information which the Secretary of State will require to consider the proposals. In the case of proposals concerning special schools, copies of the formal notice of proposals must also be sent to the parents of all registered students over compulsory school age if their names and addresses are available to the LSC and to certain health bodies.

Objections to and Comments on Formal Proposals

- 40** Regulation 6 details the requirements for an objections and comments period once formal proposals are published. This is a statutory **two months** period. Anyone can object to or comment on the proposals. During this period respondents can send their objections or comments to the local LSC address. All such objections or comments should be in writing and sent to the address stated. The LSC should register any objections received before sending them in full to the Secretary of State for his consideration. The LSC may wish to consider whether or not to submit any late objections to the Secretary of State.
- 41** The LSC should let respondents know in all cases that their comments and or objections may be made public unless they specify otherwise. Objectors may also withdraw their objections at any time prior to submission to Secretary of State. Following the objections and comments period the LSC should submit all written objections in full to the Secretary of State within **one month** following the end of the objections period. However, those objections which have been withdrawn by objectors should not be sent to the Secretary of State.

Submission of Proposals to Secretary of State

- 42** Regulation 7 requires the LSC to send to the Secretary of State:
- the full text of any response from the SOC to the preliminary notice and a summary of responses from other consultees on the preliminary notice; and
 - copies of all objections and comments in response to the formal (final) notice.
- 43** The LSC must submit the material mentioned in paragraph 42 to the Secretary of State within **one month** following the end of the objections period, and the LSC can, of course, but need not, add further comments of its own. Where, in the light of objections to, or comments on, the published proposals the LSC considers that the proposals should be modified, it is open to the LSC to make this suggestion to the Secretary of State so that he can consider whether or not to exercise his powers to approve the proposals with modifications.

Withdrawal of Proposals by the LSC

- 44** Regulation 8 allows the LSC to withdraw its proposals at any time prior to a decision by the Secretary of State.

Decision by Secretary of State

- 45** The Secretary of State under section 113A(5) of the Act may decide to:
- approve the proposals without modification;
 - reject the proposals;
 - approve the proposals with modifications (with the consent of the LSC); or
 - give a conditional approval. A conditional approval may be appropriate for example where implementation depends on the LEA obtaining planning permission, or acquiring a site.

- 46** The Secretary of State may seek further information from the LSC in order to enable him to take a decision. **Annex C** sets out the minimum information which the Secretary of State will need and it is suggested that such information is sent as a matter of course to the Secretary of State with all proposals. Failure to do so will result in delay in considering the proposals. The Secretary of State may seek further information from the LSC, SOC or LEA at any time prior to making a decision. He may also seek advice from Ofsted on the proposals. The Secretary of State will make a decision within four months following the date of submission by the LSC, where there are no objections and within six months if there are objections. These timescales are for guidance only and in a complex case a decision may take longer.
- 47** The Secretary of State will set out his decision in a letter which identifies the information taken into account in reaching his decision and give reasons for that decision. The Department will despatch decision letters to all objectors as well as to the school, LEA, diocese, local SOC and the Adjudicator.

Proposals without objections

- 48** Proposals that are published by the LSC will normally be decided by the Secretary of State within *four months* from the date of submission by the LSC, provided there are no objections and the LSC provide all the necessary information to the Secretary of State.

Proposals with objections

- 49** Where proposals published by the LSC attract objections, the LSC is required to forward all objections to the Secretary of State, together with their comments on the objections. A decision will normally be made within *six months* following submission to the Secretary of State.

Implementation of Proposals – Schedule 7A

- 50** Once statutory proposals have been approved by the Secretary of State there will be a statutory duty on the LEA and/or school governing body, depending on the nature of the proposals, to implement the approved proposals under Schedule 7A to the Learning and Skills Act. These should be implemented on the date specified (or as modified). The LEA or school governing body would be required to implement the approved proposals. However, where the circumstances change and the Secretary of State is satisfied that it would be unreasonably difficult, or that circumstances

have altered since approval was given so that implementation would be inappropriate, he may determine that the duty to implement the proposals should not apply. Before making any such determination the Secretary of State is required to consult the LSC, the LEA and the governing body of any school affected. The Secretary of State may also modify any statutory proposals which have been approved at the request of the LSC, for example, modification of the implementation date.

- 51** The LEA and/or school governing body will be responsible for implementing all LSC approved proposals within the specified time. **The responsibility for staffing, student transfers or admissions, finance and governance will rest with the LEA or governing body, depending on the category of the school.** For example, at *community* and *voluntary controlled* schools, the LEA is the employer and it will deal with any redundancy issues where closure is proposed. In the case of *foundation* and *voluntary aided* schools, the governing body is the employer. It is therefore important that the LSC get the LEA, school and diocese/trustees, where appropriate, on board in the early stages of discussion and development of the proposals. They will need to reach an agreement/consensus on what needs to be done following approval to ensure that implementation is smooth.

Other Issues For Early Consideration by the LSC

The Role of School Organisation Committees

- 52** The LSC must send copies of all reorganisation proposals to the local SOC. The LSC should raise any such proposals at the local SOC meeting during the consultation period. The SOC's role as a consultee is important and it is vital that the LSC involves the committee in discussions at an early stage. It is proposed that the *Education (School Organisation Proposals) (England) Regulations 1999* should be amended to require the SOC to send the LSC copies of any proposals they receive that affect students over the compulsory school age. The SOC will be able to comment in response to the preliminary notice, and the LSC must attach these comments in full to its submission to the Secretary of State for a decision. The SOC will also be able to comment as well as raise objections to the formal proposals. Where the SOC makes comments on the proposals the comments must include the level of support which the proposals have received from each group as well as from the committee as a whole. A copy of the Secretary of State's decision will be sent to the SOC.

Role of Local Education Authority

- 53** The LSC should work closely in collaboration with LEAs and school governing bodies, and other bodies it is required to consult, where it is considering bringing forward reorganisation proposals for post-16 provision in an area. The Memorandum of Understanding drawn up and agreed by the LSC and Local Government Association should help facilitate effective collaborative working arrangements in areas where both LSC and LEA have joint responsibilities.
- 54** The LEA remains the maintaining authority in the case of all maintained secondary schools. The LSC should facilitate formal collaborative working arrangements with their LEAs when exercising its reorganisation powers. LEAs have a detailed knowledge and experience of reorganisations within the maintained secondary schools sector and will be a useful source of advice and information. They will have up-to-date information on student numbers and surplus places within an area. LEAs should keep the LSC informed of any reorganisation proposals which could have an impact on post-16 provision in an area. LEAs can make decisions on reorganisation proposals where there are no objections. However, where such decisions could impact on LSC proposals before the Secretary of State then in such cases the LEA must refer such cases to the SOC for a decision. See paragraphs 61 to 63.

Approval by the LSC's National Young People's Learning Committee

- 55** This is a statutory committee of the LSC and the Secretary of State has requested that the LSC strengthens the committee's membership to allow for representation from the churches, schools and LEAs to ensure that there is input from those sectors. The committee will approve all LSC *final* proposals before publication. The LSC should ensure that the committee has all relevant information prior to approval. Approval by the committee should ensure consistency across differing local LSC proposals.

Proposals by neighbouring local LSCs

- 56** In the case of neighbouring LSCs publishing proposals which impacts on current local provision they should do so either at the same time or within **one month** of each other. The same applies where proposals are linked, for example, closing and opening a sixth form. The Secretary of State will consider all such proposals at the same time. Where published proposals will impact on the provision of a neighbouring local LSC's post-16 provision

they should be given the opportunity to comment on the proposals, if they wish.

Capital Funding

57 The LSC is responsible for all recurrent funding of school sixth forms as well as the cost of consulting on its reorganisation proposals. Where the proposals require capital funding, the LSC must satisfy themselves that adequate financial resources are available to enable the proposals to be implemented if they are approved. A conditional approval will not be granted in these circumstances. When proposals are first published the LSC must provide the Secretary of State with information on the capital costs of the proposals, and how the costs are to be met. The LSC will also need to take account of recurrent costs, and the impact on the LSC's budgetary position. The LSC should ensure that the likely costs of the proposals are stated in the published proposals, particularly where it is proposing to open a new 16–19 institution.

58 The LSC and LEAs should discuss in detail the capital resource implications of any proposals at an early stage. Subject to any future changes, **the LSC will need the LEA's agreement for allocating resources for capital expenditure on schools.** The Secretary of State will not consider or approve any proposals where capital funding has not yet been agreed.

Admissions

59 The LSC will need to take into account planned admission levels in an area since different institutions operate different admissions policies from open to selective. The different admission policies could adversely impact on the type of provision and standards being achieved by schools which operate an open policy. The LSC should involve LEAs, schools, dioceses and colleges in an open and detailed discussion on current post-16 provision in its area in order to get a wider picture.

Transport

60 The LSC will need to ensure it has all the relevant information when making proposals and should seek to involve LEAs at an early stage particularly in addressing transport issues. The availability or otherwise of transport could impact on student participation and retention rates in both rural and urban areas, since some students would not want to travel far to a college, but most 6th forms serve a local area. Also for cultural or religious reasons some

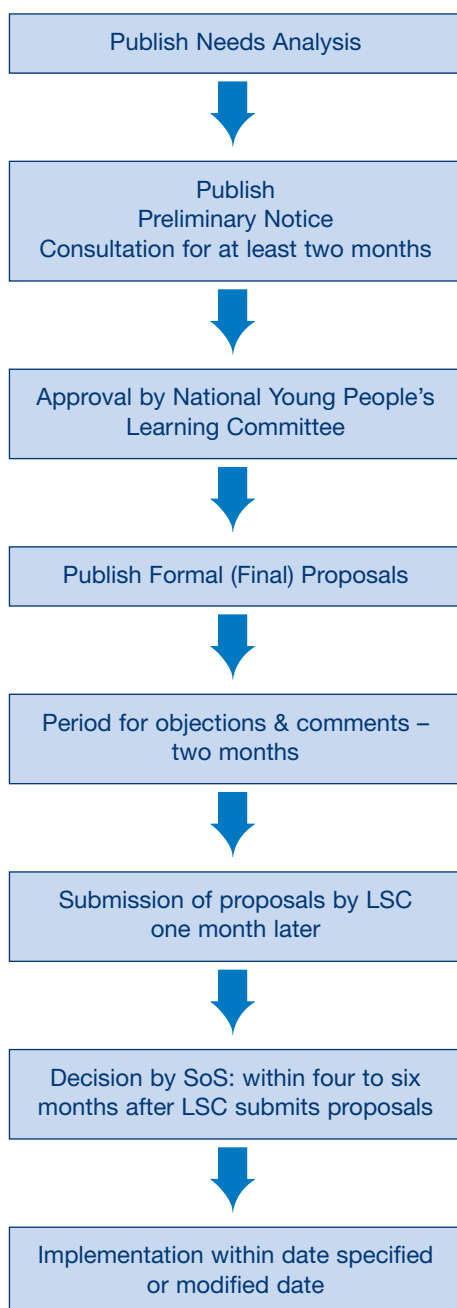
parents may not want their children to go far from home or into a mixed sex environment such as a college. All these views should be considered during the consultation stage.

Conflicting Proposals

- 61** New provisions, inserted into paragraph 3 of Schedule 6 to the School Standards and Framework Act 1998 by the Education Act 2002 (Schedule 21 paragraph 115) together with regulation 11 have the effect that the SOC/Adjudicator cannot take a decision on certain types of statutory proposals which are related to the proposals made by the LSC, either under section 113A of the Learning and Skills Act 2000 or under section 51 of the Further and Higher Education Act 1992 until those proposals have been decided by the Secretary of State. This trigger mechanism will effectively prevent the SOC/Adjudicator making a decision first before the Secretary of State so it will only come into effect where the LSC has published the final notice. The types of statutory proposals which come within this restriction are:
- proposals affecting the same schools;
 - proposals affecting any other secondary school maintained by the same LEA; or
 - proposals affecting any other secondary school in the same LEA area as any FE college the subject of proposals made by the LSC.
- 62** In the same way new provisions inserted into paragraph 4 of Schedule 6 to the 1998 Act provide that an LEA cannot determine proposals which it has published to which there are no objections if they are related to proposals made by the LSC either under section 113A of the Learning and Skills Act 2000 or under section 51 of the Further and Higher Education Act 1992 if those proposals have not been decided by the Secretary of State. Under such circumstances the proposals must be referred to the SOC.
- 63** In the Secretary of State's view proposals which, if approved, would prevent or undermine effective implementation of an LSC proposal would be considered as related to the proposals made by the LSC. On the other hand if proposals before the SOC/Adjudicator would not affect the practicality or achievement of the objective of the LSC proposals they would not be considered as related to the LSC proposals and the SOC/Adjudicator is free to consider them in the normal way.

Annex A Procedures for Publishing Statutory Proposals

Please note that there may be variations to this model and in all cases it would be for the LSC to decide whether or not to proceed with their proposals. The LSC may withdraw proposals at any time prior to Secretary of State's final decision.



Annex B1 Example of a Statutory Notice

To propose the establishment of a 16–19 institution

[Name of LSC] [Address]

Notice is hereby given in accordance with section 113A of the Learning and Skills Act 2000 that the xx Local Learning and Skills Council in exercise of the powers of the Learning and Skills Council for England proposes the establishment by [name of LEA] of a new [community/community special/foundation/foundation special] 16–19 institution for [number] of [male and/or female] students between the ages of 16–19 on [date].

The new school is to be situated [location of the site, including, where appropriate, the postal address].

The proposed arrangements for transport of students to the new school are, if any, [].

[Community and foundation schools only] The number of students from outside the school to be admitted to the school at age [16] each year will be [here insert admission number].

[If the proposals are to be implemented in stages state also the number to be admitted at each stage.]

[If the admission number is lower than the indicated admission number] This is lower than the indicated admission number, a measure based on the intended capacity of the school, which is [here insert indicated admission number].

Further details about these proposals can be obtained from [insert name and address of person or persons from whom further information can be obtained]. A preliminary notice stating that the xx Local Learning and Skills Council was considering making these proposals was published on [date] and a summary of the comments received in response to that notice can also be obtained from that address.

Any person may object to or comment on these proposals.

Objections and comments should be submitted in writing to the xx Local Learning and Skills Council at (insert address) within two months from the date of publication of these proposals.

The proposals require the approval of the Secretary of State for Education and Skills. Within one month, after the end of the period for making objections, the xx Local Learning and Skills Council will forward to the Secretary of State, copies of any objections made (and not withdrawn in writing) and other comments made, together with their comments on them, and also attach copies of comments from the School Organisation Committee.

Signed [Name] for the LSC

[Date]

[Explanatory Note giving further information to explain the background to the proposed changes and fill out the details may be given here if needed.]

Annex B2 Example of a Statutory Notice

To propose the discontinuance of a 16–19 institution

[Name of Learning and Skills Council] [Address]

Notice is hereby given in accordance with section 113A of the Learning and Skills Act 2000 that the xx Local Learning and Skills Council in exercise of the powers of the Learning and Skills Council for England propose the discontinuance of [name and address of sixth form school] on [date].

[Foundation and voluntary schools with a religious character only] Give details of the religion or religious denomination concerned.

It is proposed that the sixth form students will be able to attend [insert details of alternative schools which students will be able to attend, including any interim arrangements]. Admission may also be sought to other schools which may have places available. [Also give details of any other measures proposed to be taken to increase the number of school places available in consequence of the proposed discontinuance.]

The proposed transport arrangements are, if any, [].

Further details about these proposals can be obtained from [insert name and address of person or persons from whom further information can be obtained]. A preliminary notice stating that the xx Local Learning and Skills Council was considering making these proposals was published on [date] and a summary of the comments received in response to that notice can also be obtained from that address.

Any person may object to or comment on these proposals.

Objections and comments should be submitted in writing to the Learning and Skills Council at (insert address) within two months from the date of publication of these proposals.

The proposals require the approval of the Secretary of State for Education and Skills. Within one month, after the end of the period for making objections, the Learning and Skills Council will forward to the Secretary of State, copies of any objections made (and not withdrawn in writing) together

with their comments on those objections, and also attach copies of comments from the School Organisation Committee.

Signed [Name] for the LSC

[Date]

[Explanatory Note giving further information to explain the background to the proposed changes and fill out the details may be given here if needed.]

Annex B3 Example of a Statutory Notice

To propose the opening of a sixth form provision

[Name of LSC] [Address]

Notice is hereby given in accordance with section 113A of the Learning and Skills Act 2000 that the xx Local Learning and Skills Council in exercise of the powers of the Learning and Skills Council for England proposes the establishment of a new sixth form for [number] of [male and/or female] students between the ages of 16–19 at xx [community/foundation/voluntary aided/voluntary controlled] school on [date].

The new sixth form is to be situated [location of the site, including, where appropriate, the postal address].

The proposed arrangements for transport of students to the new sixth form are, if any, [].

The number of students from outside the school to be admitted to the school at age [16] each year will be [here insert admission number].

[If the proposals are to be implemented in stages state also the number to be admitted at each stage.]

[If the admission number is lower than the indicated admission number] This is lower than the indicated admission number, a measure based on the intended capacity of the school, which is [here insert indicated admission number].

[In the case of a foundation or voluntary controlled sixth form, state whether the proposals are to be implemented by the LEA or by the governing body, and, if the proposals are to be implemented by both, the extent to which they are to be implemented by each body, or both and explain the extent to which each will meet the necessary capital costs.]

Further details about these proposals can be obtained from [insert name and address of person or persons from whom further information can be obtained]. A preliminary notice stating that the xx Local Learning and Skills Council was considering making these proposals was published on [date]

and a summary of the comments received in response to that notice can also be obtained from that address.

Any person may object to or comment on these proposals.

Objections and comments should be submitted in writing to the xx Local Learning and Skills Council at (insert address) within two months from the date of publication of these proposals.

The proposals require the approval of the Secretary of State for Education and Skills. Within one month, after the end of the period for making objections, the xx Local Learning and Skills Council will forward to the Secretary of State, copies of any objections made (and not withdrawn in writing) and other comments made, together with their comments on them, and also attach copies of comments from the School Organisation Committee.

Signed [Name] for the LSC

[Date]

[Explanatory Note giving further information to explain the background to the proposed changes and fill out the details may be given here if needed.]

Annex B4 Example of a Statutory Notice

To propose the discontinuance of a sixth form provision

[Name of Learning and Skills Council] [Address]

Notice is hereby given in accordance with section 113A of the Learning and Skills Act 2000 that the xx Local Learning and Skills Council in exercise of the powers of the Learning and Skills Council for England propose the discontinuance of sixth form provision at xx [community/foundation/voluntary controlled/voluntary aided] school from [date].

[Foundation and voluntary schools with a religious character only] Give details of the religion or religious denomination concerned.

It is proposed that the sixth form students will be able to attend [insert details of alternative schools which students will be able to attend, including any interim arrangements]. Admission may also be sought to other schools which may have places available. [Also give details of any other measures proposed to be taken to increase the number of school places available in consequence of the proposed discontinuance.]

The proposed transport arrangements are, if any, [].

Further details about these proposals can be obtained from [insert name and address of person or persons from whom further information can be obtained]. A preliminary notice stating that the xx Local Learning and Skills Council was considering making these proposals was published on [date] and a summary of the comments received in response to that notice can also be obtained from that address.

Any person may object to or comment on these proposals.

Objections and comments should be submitted in writing to the Learning and Skills Council at (insert address) within two months from the date of publication of these proposals.

The proposals require the approval of the Secretary of State for Education and Skills. Within one month, after the end of the period for making objections, the Learning and Skills Council will forward to the Secretary

of State, copies of any objections made (and not withdrawn in writing) together with their comments on those objections, and also attach copies of comments from the School Organisation Committee.

Signed [Name] for the LSC

[Date]

[Explanatory Note giving further information to explain the background to the proposed changes and fill out the details may be given here if needed.]

Annex B5 Example of a Statutory Notice

To propose the enlargement of a sixth form provision

[Name of LSC] [Address]

Notice is hereby given in accordance with section 113A of the Learning and Skills Act 2000 that the xx Local Learning and Skills Council in exercise of the powers of the Learning and Skills Council for England] proposes the increase in the sixth form provision at [xx community/foundation/voluntary controlled/voluntary aided] school by an enlargement of the premises of the school from [date].

[Foundation and voluntary schools with a religious character only] Here give details of the religion or religious denomination concerned.

The number of students from outside the school to be admitted to the school at age [16] each year will be [here insert admission number; *if the school is a 16–19 institution leave out “from outside the school”*]

[If the proposals are to be implemented in stages state also the number to be admitted at each stage.]

[If the admission number is lower than the indicated admission number] This is lower than the indicated admission number, a measure based on the intended capacity of the school, which is [here insert indicated admission number].

In the case of a foundation or voluntary controlled sixth form, state whether the proposals are to be implemented by the LEA or by the governing body, and, if the proposals are to be implemented by both, the extent to which they are to be implemented by each body.

Further details about these proposals can be obtained from [insert name and address of person or persons from whom further information can be obtained]. A preliminary notice stating that the xx Local Learning and Skills Council was considering making these proposals was published on [date] and a summary of the comments received in response to that notice can also be obtained from that address.

Any person may object to or comment on these proposals.

Objections should be submitted in writing to the Learning and Skills Council at (insert address) within two months from the date of publication of these proposals.

The proposals require the approval of the Secretary of State for Education and Skills. Within one month, after the end of the period for making objections, the Learning and Skills Council will forward to the Secretary of State, copies of any objections made (and not withdrawn in writing) together with their comments on those objections, and also attach copies of comments from the School Organisation Committee.

Signed [Name] for the LSC

[Date]

[Explanatory Note giving further information to explain the background to the proposed changes and fill out the details may be given here if needed.]

Annex B6 Example of a Statutory Notice

To propose other prescribed alterations to a sixth form provision

[Name of LSC] [Address]

Notice is hereby given in accordance with section 113A(3)(b) of the Learning and Skills Act 2000 that the xx Local Learning and Skills Council in exercise of the powers of the Learning and Skills Council for England proposes [describe the alteration; refer to regulation 3 of the *School Organisation Proposals by Learning and Skills Council for England Regulations 2003* for alterations for which proposals can be published] to xx [community/foundation/voluntary aided/voluntary controlled] school.

It is proposed [details of the intended change, and the date or dates that it is to be implemented].

[Foundation and voluntary schools with a religious character only] Give details of the religion or religious denomination concerned.

The number of students from outside the school to be admitted to the school at age [16] each year will be [here insert admission number; *if the school is a 16–19 institution leave out “from outside the school”*]

[If the proposals are to be implemented in stages state also the number to be admitted at each stage.]

[If the admission number is lower than the indicated admission number] This is lower than the indicated admission number, a measure based on the intended capacity of the school, which is [here insert indicated admission number.]

In the case of a foundation or a voluntary controlled school sixth form, state whether the proposals will be implemented by either the Local Education Authority or the Governing Body, or both and explain the extent to which each will meet the necessary capital costs.

Further details about these proposals can be obtained from [insert name and address of person or persons from whom further information can be obtained]. A preliminary notice stating that the xx Local Learning and Skills Council was considering making these proposals was published on [date]

and a summary of the comments received in response to that notice can also be obtained from that address.

Any person may object to or comment on these proposals.

Objections and comments should be submitted in writing to the Learning and Skills Council at (insert address) within two months from the date of publication of these proposals.

The proposals require the approval of the Secretary of State for Education and Skills. Within one month, after the end of the period for making objections, the Learning and Skills Council will forward to the Secretary of State, copies of any objections made (and not withdrawn in writing) together with their comments on those objections, and also attach copies of comments from the School Organisation Committee.

Signed [Name] for the LSC

[Date]

[Explanatory Note giving further information to explain the background to the proposed changes and fill out the details may be given here if needed.]

Annex B7 Example of a Statutory Notice

To propose a prescribed alteration to a sixth form provision in a community or foundation special school

[Name of LSC] [Address]

Notice is hereby given in accordance with section 113A of the Learning and Skills Act 2000 that the xx Local Learning and Skills Council in exercise of the powers of the Learning and Skills Council for England proposes [describe the alteration; refer to regulation 3 of the *School Organisation Proposals by the Learning and Skills Council for England Regulations 2003* for changes for which proposals can be published] at xx [community/foundation] special school with effect from [proposed implementation date, or where proposals are planned to be implemented in stages, the date on which each stage is planned to be implemented].

State whether the proposals are to be implemented by the Local Education Authority or the Governing Body, or both and, if the proposals are to be implemented by both, the extent to which they are to be implemented by each body.

Further details about these proposals can be obtained from [insert name and address of person or persons from whom further information can be obtained]. A preliminary notice stating that the xx Local Learning and Skills Council was considering making these proposals was published on [date] and a summary of the comments received in response to that notice can also be obtained from that address.

Any person may object to or comment on these proposals.

Objections or comments should be submitted in writing to the Learning and Skills Council at (insert address) within two months from the date of publication of these proposals.

The proposals require the approval of the Secretary of State for Education and Skills. Within one month, after the end of the period for making objections, the Learning and Skills Council will forward to the Secretary of State, copies of any objections made (and not withdrawn in writing)

together with their comments on those objections, and also attach copies of comments from the School Organisation Committee.

Signed [Name] for the LSC

Date

[Explanatory Note giving further information to explain the background to the proposed changes and fill out the details may be given here if needed.]

Annex B8 Example of a Statutory Notice

To propose the discontinuance of a sixth form provision in a community or foundation special school

[Name of LSC] [Address]

Notice is hereby given in accordance with section 113A of the Learning and Skills Act 2000 that the xx Local Learning and Skills Council in exercise of the powers of the Learning and Skills Council for England proposes the discontinuance of the sixth form provision at xx [community/foundation] special school with effect from [proposed implementation date].

The school caters for [number of students] [sex of students] aged between [age range] with [type of SEN].

It is proposed that students will [insert details of alternative schools which students will be able to attend, including any interim arrangements]. Admission may also be sought to other schools which have places available. [Insert details of any other measures proposed by the LSC to increase the number of sixth form available in consequence of the proposed discontinuance].

The proposed transport arrangements are [give details of proposed arrangements for transport to new schools].

Further details about these proposals can be obtained from [insert name and address of person or persons from whom further information can be obtained]. A preliminary notice stating that the xx Local Learning and Skills Council was considering making these proposals was published on [date] and a summary of the comments received in response to that notice can also be obtained from that address.

Any person may object to or comment on these proposals.

Objections and comments may be submitted in writing to the Learning and Skills Council at (insert address) within two months from the date of publication of these proposals.

The proposals require the approval of the Secretary of State for Education and Skills. Within one month, after the end of the period for making objections, the Learning and Skills Council will forward to the Secretary of State, copies of any objections made (and not withdrawn in writing) together with their comments on those objections, and also attach copies of comments from the School Organisation Committee.

Signed [Name] for the LSC

Date

[Explanatory Note giving further information to explain the background to the proposed changes and fill out the details may be given here if needed.]

Annex C1

INFORMATION REQUIRED BY THE SECRETARY OF STATE TO PROPOSE THE ESTABLISHMENT OF A 16–19 INSTITUTION

- 1 School Name
- 2 Learning and Skills Council area
- 3 Local Education Authority area
- 4 Diocese (if applicable).....
- 5 Date Formal Proposals published
- 6 Proposed implementation date

Note: Not all the required information can be provided on the face of this pro-forma; copies of consultation documents, list of schools, a list of FE institutions and a map of the location of schools and FE institutions will also be required, as detailed within.

This information is to be regarded as in the public domain and may be shown to interested parties without further notification.

PLEASE PROVIDE THE FOLLOWING INFORMATION (typewritten):

- 1 What are the objectives of the proposal?
- 2 Please attach copies of:
 - a. preliminary and formal notices,
 - b. the full comments from SOC on the preliminary notice,
 - c. a summary of the responses of other consultees to the preliminary notice, and
 - d. the full text of any objections and comments on the formal notice.
- 3 Please provide a map showing the location of the proposed institution and all other community, voluntary, foundation schools with sixth form provision within the area to be served by the school, and FE institutions which the LSC considers appropriate.

- 4** Please provide a list of all secondary schools with sixth form provision **which the proposals will have an impact on**, stating which of such schools are maintained by a different local education authority, together with the following information in respect of each such secondary school for the current school year, and (except for the information specified in sub-paragraph d) the previous school year:
- a. the published admissions number for each relevant age group
 - b. the number of year groups aged 16–19
 - c. the capacity of the sixth form
 - d. the number of students at the school over compulsory school age
- and a forecast of the matters specified in sub-paragraphs b to d for each of the subsequent school years.
- 5** Please provide the following information relating to the proposed institution:
- a. the number of year groups aged 16–19
 - b. the capacity of the proposed institution
- for the school year in which the institution will be open and a forecast of those numbers for the subsequent school years.
- 6** Please provide the following information relating to the proposed accommodation (including temporary accommodation):
- a. the location of the accommodation
 - b. whether the proposed institution is to occupy a single or split site
 - c. how accessible the accommodation will be
 - d. details of general and specialist accommodation (both teaching and non teaching).
- 7** Please provide a statement indicating how the proposal would contribute to enhancing the diversity and quality of education, and the extent to which parental preference would be met.
- 8** Please provide a breakdown of the costs of the establishment of the proposed institution together with details of how it is proposed to fund the proposals.

- 9** Please provide:
- a. information as to whether the institution will have recognised SEN provision for children with special educational needs, and if so, the nature of such provision and the proposed number of students for whom such provision is to be made
 - b. details of the proposed policy of the sixth form relating to the education of students with special educational needs.
- 10** Please provide details of the proposed staffing of, and the balance of specialisms at, the proposed institution.
- 11** Please provide details of how the proposed curriculum at the institution will meet the requirements of the basic curriculum (as defined in section 352 of the Education Act 1996: this includes religious education as appropriate, the National Curriculum, and, sex education including the elements specified in the Act).
- 12** Please provide:
- a. details of the courses to be offered (if the proposals are approved) leading to GCE A and AS level examinations and advanced vocational qualifications and the forecast demand for each such course, including details of how the requirement for religious education of students at the school will be met
 - b. details of:
 - (i) the other maintained schools, city technology colleges, city colleges for the technology of the arts, Academy and further education colleges which are, in the opinion of the LSC, reasonably accessible to students who might otherwise be expected to attend the school the subject of the proposals;
 - (ii) arrangements to inform students and parents about the opportunities for education suitable to the requirements of students over compulsory school age at the institutions referred to in sub-paragraph (i); and
 - (iii) the proposed arrangements for co-operation and the exchange of information between the school the subject of the proposals and those other institutions.

c. details of the following examination results for the two school years before the current year in which the proposals are published at each of the institutions referred to in sub-paragraph **b.(i)**:

- (i) GCSE examinations, limited to the results of GCSE examinations taken by students over compulsory school age,
- (ii) GCE A and AS examinations, and
- (iii) VCEs, NVQs, GNVQs and other vocational qualifications for students over compulsory school age.

13 Provide details of:

- a. details of the tenure (freehold or leasehold) on which the site of the proposed institution will be held, and if the site is to be held on a lease, details of the proposed lease
- b. the estimated purchase price of the site (and any existing buildings to be used)
- c. a breakdown of costs
- d. a statement as to whether, as a result of the proposals, premises used for the purposes of another school will no longer be required and if so:
 - (i) a statement as to whether those premises will be sold, and if so, what is the estimated sale proceeds
 - (ii) if those premises are not to be sold, a statement as to the proposed use of the premises.

14 Where the establishment of the new institution involves development for the purpose of the Town and Country Planning Act 1990, please provide a statement as to whether planning permission has been obtained and, if it has not been obtained, details of the reason (if known) why such permission has not been obtained.

ANNEX C2

INFORMATION REQUIRED BY THE SECRETARY OF STATE TO PROPOSE AN ENLARGEMENT OF THE PREMISES OF A SIXTH FORM

- 1 School Name
- 2 DfEE number
- 3 Learning and Skills Council area
- 4 Local Education Authority area
- 5 Diocese (if applicable).....
- 6 Date Formal Proposals published
- 7 Proposed implementation date

Note: Not all the required information can be provided on the face of this pro forma; copies of consultation documents, list of schools, a list of FE institutions and a map of the location of schools and FE institutions etc will also be required, as detailed within.

This information is to be regarded as in the public domain and may be shown to interested parties without further notification.

PLEASE PROVIDE THE FOLLOWING INFORMATION (typewritten):

- 1 What are the objectives of the proposal?
- 2 Please attach copies of:
 - a. preliminary and formal notices,
 - b. the full comments from SOC on the preliminary notice,
 - c. a summary of the responses of other consultees to the preliminary notice, and
 - d. the full text of any objections and comments on the formal notice.
- 3 Please provide a map showing the location of the sixth form and all other community, voluntary and foundation secondary schools with sixth form provision within the area served by the school, and FE institutions which the LSC considers appropriate.

- 4** Please provide a list of all secondary schools with sixth form provision **which the proposals will have an impact on**, stating which of them are maintained by a different local education authority, together with the following information in respect of each such school for the current school year, and (except for the information specified in sub-paragraph d) the previous school year:
- a. the published admissions number for each relevant age group
 - b. the number of year groups aged 16–19
 - c. the capacity of the sixth form
 - d. the number of students at the sixth form
- and a forecast of the numbers specified in sub-paragraphs b to d for each of the subsequent school years.
- 5** Please provide the following information relating to the sixth form for the current school year and (except for the information specified in paragraph c.), the previous school year:
- a. the number of year groups aged 16–19
 - b. the capacity of the sixth form
 - c. the number of students over compulsory school age
- and a forecast of those matters for the subsequent year on the assumption that the proposals are approved.
- 6** Please provide:
- a. a statement as to whether the sixth form has been inspected under the School Inspection Act 1996, during the period starting three years before the date of the notice of the proposals
 - b. where the sixth form has been inspected during that period, the date of the inspection and details of the outcome of the inspection.
- 7** Please provide details of how the curriculum at the sixth form meets the requirements of the basic curriculum (within the meaning of section 352 of the 1996 Act) and any provision which will be in addition to the basic curriculum.
- 8** Where the proposals relate to a **voluntary** school sixth form, please provide:
- a. a statement as to whether any new or additional site will be required for the sixth form if the proposals are implemented and **if so**:

- (i) details of the tenure (freehold or leasehold) on which the site will be held, and if the premises are to be held on a lease, details of the proposed lease
 - (ii) details of the trusts on which the site is to be held together with details of any arrangements to secure that if the sixth form is discontinued or transfers to a new site the proceeds of sale of the site will be available for use in connection with another maintained school
 - (iii) the estimated purchase price of the site (and any existing buildings to be used)
 - (iv) the amount of grant under paragraph 5 and 6 of Schedule 3 to the School Standards and Framework Act 1998 in respect of the acquisition of the site for which it is intended that an application should be made.
- b. a breakdown of any costs involved in the implementation of the proposals between:
- (i) the costs to be borne by the governing body together with the level of grant under paragraph 5 or 6 of Schedule 3 to the 1998 Act in respect of those costs for which it is intended that an application should be made
 - (ii) the costs to be borne by the LSC, profiled over the expected life of the buildings of the school.
- c. a statement as to whether, as a result of the proposals, premises used for the purposes of the school will no longer be required and **if so**:
- (i) a statement as to whether those premises will be sold, and, if so, the estimated sale proceeds
 - (ii) if the premises are not to be sold a statement as to the proposed use of the premises.

9 Please provide:

- a. details of how it is intended to fund the implementation of the proposals
- b. an estimate of any recurrent savings to:
 - (i) the individual sixth form budget for the LSC
 - (ii) transport and other recurrent costs incurred by the LSC which would occur if the proposals were implemented.

- 10** Where the implementation of the proposals will involve development for the purpose of the Town and Country Planning Act 1990, please provide a statement as to whether planning permission has been obtained, and, if it has not be obtained, details of the reason (if known) why such permission has not been obtained.
- 11** Where the sixth form provision is at a voluntary or foundation secondary school which has a religious character, please provide an estimate of the demand in the area for religious education in accordance with the tenets of the religion or religious denomination in question.
- 12** Details of any recurrent costs following implementation of the proposals and any savings in expenditure as a result of implementation of the proposals.
- 13** Please provide:
 - a. details of the courses to be offered (if the proposals are approved) leading to GCE A and AS level examinations and advanced vocational qualifications and the forecast demand for each such course, including details of how the requirement for religious education of students at the school will be met;
 - b. details of:
 - (i) the other maintained schools, city technology colleges, city colleges for the technology of the arts, Academy and further education colleges which are, in the opinion of the LSC, reasonably accessible to students who might otherwise be expected to attend the school the subject of the proposals,
 - (ii) arrangements to inform students and parents about the opportunities for education suitable to the requirements of students over compulsory school age at the institutions referred to in sub-paragraph (i), and
 - (iii) the present and proposed arrangements for co-operation and the exchange of information between the school the subject of the proposals and those other institutions in (i);
 - c. details of the following examination results for the two school years before the current year in which the proposals are published at each of the institutions referred to in sub-paragraph b.(i):
 - (i) GCSE examinations, limited to the results of GCSE examinations taken by students over compulsory school age,

- (ii) GCE A and AS examinations,
 - (iii) VCEs, NVQs, GNVQs and other vocational qualifications for students over compulsory school age.
- d. the number of places available for sixth form education at such of the institutions referred to in sub-paragraph b.(i) as are mainstream schools; and
- e. details of
- (i) the proposed number of students who will be provided with sixth form education if the proposals are approved, and
 - (ii) the capacity of the proposed accommodation for students who will be provided with sixth form education if the proposals are approved.

Supplementary information – Sixth Form Organisation

- a. the proposed numbers of students over compulsory school age in the school year in which the proposals are intended to be implemented and the subsequent school year, if the proposals are approved
- b. details of any full time sixth form education currently provided
- c. details of the number of students over compulsory school age in each year group leaving the school and transferring to other institutions providing full time education together with the names of the institutions in question for the most recent school year ending before that in which the proposals were published
- d. the number of students referred to in sub-paragraph c. in each year group as a proportion of the total number of students in that year group
- e. a plan of the school setting out the long term effect of the proposals
- f. details of examination results in the sixth form for each of the two previous years before the current year in which the proposals are published where appropriate
- g. the number of places available at institutions named in subparagraph c. which are schools with sixth form provision
- h. details of any recurrent costs following implementation of the proposals and any savings in expenditure as a result of implementation of the proposals
- i. details of any additional specialist resources to support the proposed provisions.

Annex D: 16–19 Reorganisation Proposals Table for Maintained Schools

PROPOSALS		RESPONSIBLE PLANNING AUTHORITY				IMPLEMENT	DECISIONS
Proposal Relates to:	Local LSC	LEA	Governing Body	Independent Promoters	Implementation by	Decision by	
Community secondary	Add/remove/alter 6th form provision	Add/remove/alter 6th form provision	Add 6th form provision		LEA	SOC/Adjudicator SoS (if LSC under section 113A)	
Foundation secondary	Add/remove/alter 6th form provision	New schools or enlargement of premises only	Add/remove/alter 6th form provision	New school only	LEA if it published the proposals; otherwise governing body/promoters and LEA depending on what the proposals say	SOC/Adjudicator SoS (if LSC under section 113A)	
Voluntary Controlled secondary	Add/remove/alter 6th form provision		Add/remove/alter 6th form provision	New school only	Governing body/promoters and LEA depending on what the proposals say.	SOC/Adjudicator SoS (if LSC under section 113A)	
Voluntary Aided secondary	Add/remove/alter 6th form provision		Add/remove/alter 6th form provision	New school only	Governing body/promoters except for the provision of playing fields; LEA for the provision of playing fields	SOC/Adjudicator SoS (if LSC under section 113A)	
Maintained special secondary	Add/remove/alter 6th form provision	Add/remove/alter 6th form provision	Add/remove/alter 6th form provision in foundation special schools only		LEA, except where proposals are published by the governing body in which case they are to be implemented by the governing body and LEA depending on what the proposals say.	SOC/Adjudicator SoS (if LSC under section 113A)	

NOTE

- 1** Alterations mean to increase the age range of pupils by a year or more/to increase the number of students or to enlarge premises by 25% or more.
- 2** Under section 113 of the Learning and Skills Act 2000 the LSC can propose closure of inadequate school 6th forms following 2 consecutive Ofsted reports. These will go to the SOC for a decision. However, proposals made under section 113A will go to the Secretary of State.
- 3** Governing bodies/LEAs and independent promoters may propose reorganisation in respect of schools under sections 28 and 31 of the School Standards and Framework Act 1998 and the Education (School Organisation Proposals)(England) Regulations 1999 (to be amended in 2003).

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