

## School Sixth Form Reviews

### Managing Proposals for Change

#### Summary

The Learning and Skills Council (LSC) shares responsibility for the planning of sixth form provision in schools with local education authorities, governing bodies, Church authorities and other faith groups. *The Education Act 2002* gave the LSC new powers in respect of school sixth forms, enabling us to work with partners to ensure that the provision best meets the needs of young people and employers.

On many occasions it will still be appropriate for local education authorities to take the lead role in proposing change, or for an individual school to determine its own future. In some cases, joint proposals may be made. In others, for example where the changes involve both schools and colleges, it may be appropriate for the LSC to take the lead.

This circular sets out the criteria and procedures which the LSC will follow when it takes responsibility for proposing changes to sixth form provision.



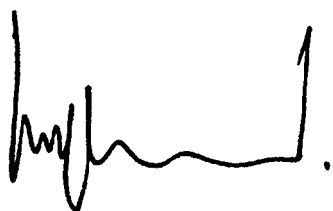
# Foreword

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The Government has set out a far-reaching set of reforms in order to establish a 14-19 phase of education, in which young people will have greater choice of high-quality general and specialist learning programmes. These reforms include *Area Wide Inspections*, *Strategic Area Reviews*, *Success for All*, and *14-19: opportunity and excellence*.

Partnership working is fundamental to these reforms. Increasingly, a young person might be enrolled at a school, but spend some time in a college, with a private training provider, or in the workplace. Often, these arrangements will be able to be put in place without any need to change the existing organisational structures. But sometimes, changes may be needed. There are well-established procedures in place where local education authorities, schools and Church and other faith groups wish to propose changes. These procedures remain in place, and will continue to be the most appropriate route in many cases. In some situations, however, it may be that the Learning and Skills Council is best placed to take the lead. It is to such circumstances that this circular relates.

The Learning and Skills Council is committed to working openly and transparently, a commitment which is demonstrated in these procedures. Above all, we wish to work with partners to raise the participation and attainment of young people in high-quality education and training.

A handwritten signature in black ink, appearing to read 'John Harwood', followed by a period.

*John Harwood, Chief Executive*



# Contents

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	Paragraph numbers
Introduction	1
Context	3
Background	8
Key Source Documents	13
LSC Roles and Responsibilities	14
Criteria	24
Procedures	27

## **Annexes:**

- A Powers to Propose Changes to School Sixth Forms
- B Key Source Documents
- C Flowchart

## **Further information**

For further information, please contact the appropriate local Learning and Skills Council office. Details can be found on our website [www.lsc.gov.uk](http://www.lsc.gov.uk)

# School Sixth Form Reviews- Managing Proposals for Change

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## Introduction

1 This circular outlines the role and responsibilities of the Learning and Skills Council (LSC) in working with local education authorities, schools, Church and faith groups and other stakeholders in the local provision and organisation of high quality 16-19 education and training. In particular, the circular sets out the procedures and criteria which the LSC will follow if it takes the lead in proposing changes.

2 These criteria and procedures will be reviewed regularly in the light of experience, and will be available on the LSC website.

## Context

3 The Government has announced a number of initiatives designed to support the development of a distinct 14-19 phase of education. Taken together, those initiatives seek to ensure greater choice and higher standards for 14-19 learners, with a wide range of general and specialist programmes leading to the higher education and skilled employment.

4 *Success for All* – is a strategy for the reform of further education and training, in colleges and in private training providers. The strategy seeks to improve the responsiveness and quality of provision to meet learner, employer and community needs.

5 *14-19: opportunity and excellence* – sets out the short-term and longer-term measures the Government proposes in order to establish a 14-19 phase of education. In the short-term, there will be greater flexibility in the

curriculum for 14-16 year-olds, new GCSEs both in vocational subjects and also exploring vocational aspects of existing subjects (the so-called “hybrid” GCSEs), with increased collaboration between schools, colleges, private training providers and employers. Longer-term measures are being considered by a 14-19 Working Group. They include coherence of learning programmes, assessment of programmes, and the establishment of a framework for achievement.

6 *Area-Wide Inspections and Strategic Area Reviews* – will provide detailed information about the quality of provision for 14-19 year-olds and how that provision is organised. This will show clearly the strengths and weaknesses in the quality of current provision, as well as identifying any gaps in provision or wasteful duplication.

7 These, and other supporting initiatives, form the broad context within which the LSC will work with other partners and stakeholders.

## Background

8 *The Education Act 2002* allows the LSC to propose changes to the organisation of school sixth forms. Local education authorities, school governing bodies, Church and other faith groups still have the right to propose changes, and will often be the most appropriate body to make such proposals.

9 The type of changes which the LSC may propose under the new powers are:

- adding a sixth form to a school;
- closing a sixth form at a school;
- enlarging a school sixth form; and
- establishment by a local education authority of a new 16-19 school.

10 "School" in this context means a community, foundation or (except for 16-19 schools) voluntary school, and community, foundation or (except for 16-19 schools) voluntary special school.

11 However, the LSC can only propose changes for the following purposes:

- a) to meet recommendations made in the report of an area inspection;
- b) to promote one or more of the following objectives:
  - an improvement in the educational or training achievements of 16-19 year-olds;
  - an increase in the number of 16-19 year-olds who participate in education or training; and
  - an expansion of the range of educational or training opportunities for 16-19 year-olds.

12 It is important to note that these new powers for the LSC are **additional** to the existing powers to propose changes to school sixth forms, which can be exercised by schools, local education authorities or the LSC. A brief outline of those powers is provided at Annex A.

## Key Source Documents

13 Details are provided at Annex B of the key source documents underpinning the LSC's powers to propose school sixth form reorganisation.

## LSC Roles And Responsibilities

14 A strength of the LSC is that it is a single national organisation with local operational arms. The LSC procedures for publishing school sixth form proposals reflect that structure.

15 If reorganisation of sixth form provision is being considered in a local area, and it seems appropriate for the LSC to take the lead role, the National Council looks to the local LSC, with its knowledge of the local area and involvement in local partnerships, to consider what any proposed reorganisation should include. The National Council needs to ensure that all LSC proposals are consistent as measured against broad but specific national criteria.

16 In such circumstances, therefore, the local LSC has full discretion over initiating any proposal, and over the contents of any proposal that it believes it should put forward. The local LSC - not the National Council - is responsible for considering the merits of different reorganisation options and in choosing the most appropriate one for publication.

17 The National Council, through its Young People's Learning Committee, considers each LSC proposal before publication. This is to confirm both that the proposal meets the LSC criteria and that it is legally and procedurally sound.

18 The Young People's Learning Committee (YPLC) will make routine reports to the National Council and in particular draw to their attention any proposals which in the view of the YPLC are likely to be particularly contentious or high profile.



## The local LSC

19 Where a local LSC is taking the lead in consideration of reorganisation of sixth forms in an area, the local LSC will be responsible for reviewing, with local partners and stakeholders, existing post-16 provision in the area. It will consider various options and undertake any consultation it believes fit in addition to the statutory consultation on preliminary and final proposals (which must be not less than two months in each case).

20 The local LSC is responsible for preparing, developing, consulting on and publishing proposals it initiates for the reorganisation of post-16 provision in schools in its area against the LSC's criteria.

21 The YPLC stresses that local LSCs should be sensitive in carrying out their responsibilities over school sixth form reorganisations. Those reorganisations must be about improving quality and participation levels; they may not be about cost-effectiveness alone. The local LSC must also ensure that proposals are legally and procedurally sound.

22 Local LSCs have a responsibility for ensuring that the YPLC is kept informed of relevant developments. The procedures set out in this paper identify the stage at which the YPLC must be informed.

## The Young People's Learning Committee

23 The Young People's Learning Committee (YPLC) is responsible for setting, and keeping under review, the LSC's criteria for making statutory proposals. It is also responsible for approving proposals for publication.

24 The YPLC must approve an LSC proposal before it is published. Its decision-making role is limited to two areas:

- to determine whether or not the LSC's criteria have been met **for the proposal being put forward**. The YPLC will not consider options or alternatives to the proposal, but as

guardian of the LSC's criteria, it must consider whether the proposal meets those criteria before publication. The prior judgement as to which potential option is the most appropriate rests with the local LSC; and

- to give additional legal and procedural scrutiny to the proposal in order to confirm that the statutory and procedural processes are sound.

## Criteria

25 The following criteria are those which the LSC expects to apply to **all** proposals for post-16 reorganisation, including FE college mergers, and in formulating responses to proposals made by LEAs and schools.

26 The YPLC will review the criteria regularly and frequently in the light of actual experience, particularly the operation and impact of the new legislation on school sixth form reorganisations.

27 The YPLC will provide guidance for local LSCs on operating these criteria. This is intended to help local LSCs both in taking forward their own consideration of proposals, and in ensuring that their proposals will meet the criteria against which the YPLC must consider them. It will also guide on the factors which local LSCs may wish to take into account when considering each of the criteria, and the evidence upon which decisions should be based.

- *The proposal is likely to extend participation, learning and training.*
- *The proposal is likely to result in raised learner achievement.*
- *The proposal is likely to result in raised standards of education and training delivered*
- *The proposal is likely to address any issues of over- and under-provision in an area*

- *Appropriate consultation has been undertaken and proper consideration has been given to alternative options*
- *The proposal complies with legislative requirements and is likely to be financially viable, affordable, cost-effective and successfully managed*
- *The proposal is consistent with any area-wide inspection report published.*

## Procedures

28 This section sets out the stages, both the statutory and to meet internal LSC procedures which need to be followed. **Whilst this is set out as consecutive stages, a local LSC may decide to halt the process, or to go back to an earlier stage.** A simplified flowchart describing this procedure is provided at Annex C.

### Stage 1: Initial discussions

The local LSC, following discussion with other stakeholders, identifies the need to consider reorganising provision. It checks that the circumstances match those prescribed in section 113A of the *Learning and Skills Act 2000*. If so, proposals might be brought forward. It would normally be expected that proposals would be developed in partnership with other stakeholders, with the local LSC taking the lead.

### Stage 2: Options analysis

The local LSC identifies and analyses options. It identifies whether additional costs, capital or recurrent, would result from the proposals, and seeks assurances that the proposed arrangements for funding the reorganisation are acceptable and that the funding necessary is likely to be available. **An option to be considered in every case should be whether the desired aims and objectives could be achieved without structural**

**reorganisation**, but with new, solid, partnership and collaboration arrangements. One result of this analysis may be the identification of additional options to be considered.

### Stage 3: Notification of Young People's Learning Committee

The YPLC - must be advised of the outcome of the options analysis (not the options themselves) before publication of the preliminary proposal(s). This is an internal step to give the Council important management information. The YPLC does not approve or otherwise the publication of preliminary proposals by the local LSC; nor does it become involved in the various options considered by the local LSC.

### Stage 4: Publication of preliminary proposal

This can offer alternative options, in which case the local LSC should state its preference if it has one.

### Stage 5: Consultation

The local LSC will need to consult initially the Schools Organisation Committee(s) and others as prescribed in the Regulations. The consultation period should not be less than two months.

### Stage 6: Local LSC consideration of a full proposal

The local LSC will need to consider the responses to the initial consultation. At this stage, the local LSC may: decide not to proceed with any proposal; decide to undertake further consultation on alternative options (again for not less than two months); or consider a full proposal against the Council's reorganisation criteria as well, of course, as the specific criteria prescribed in the Regulations.

**Stage 7: Reference to national Capital Committee and Finance Operations Moderation Group to consider capital/revenue funding**

Assuming the granting of appropriate funds to the Council, the Council's Capital Committee may have to consider the proposal. Any claim for revenue funding would need consideration by the Council's Finance/Operations Moderation Group. This Group does not consider the merits of a proposal as such but does consider the financial consequences of it. Their involvement may be necessary to ensure that the affordability criterion is met; which is essential for the proposal to proceed any further. The importance of this stage is that, whilst the likelihood of funding being available is considered at stage 2, at this stage the Council would be asked to commit that funding.

**Stage 8: Final proposals**

The local LSC will refer the final proposal to the YPLC for approval to publish. YPLC will match the proposal against the criteria, and give it additional legal and procedural scrutiny. It would also ensure funding is available to implement the proposal if approved. The YPLC will not consider options, just the proposal as presented to it by the local LSC.

**Stage 9: Publication**

If the YPLC agrees, the local LSC may publish the final notice of the proposals in the manner prescribed. The sub-committee will not **require** it to publish; the local LSC could still decide not to proceed.

**Stage 10: Objections**

The local LSC must give two months to allow interested parties to comment on and/or object to proposals.

**Stage 11: Submission to the Secretary of State**

The local LSC will consider the comments and/or objections to the proposals and decide whether to make a submission to the Secretary of State. Any submission will be forwarded to the Secretary of State by the local LSC within one month following the end date of the objections period following publication of proposals. The submission would show if the specific criteria are satisfied, which will include a summary of the responses to the initial proposals and full comments and objections on final proposals, as well as the local LSC's comments on any objections or concerns raised in those responses.

**Stage 12: Decision by Secretary of State**

The Secretary of State may decide to approve, modify or reject the local LSC proposals. Where he wishes to modify proposals he will first seek agreement from the local LSC. DfES will inform all relevant parties of the Secretary of State's decision. This is final and there is no right of appeal.

**Stage 13: Implementation**

The Secretary of State, following approval of local LSC proposals, will require the LEA or the governing body of the school to implement them within a specified timescale.

# Annex A: Powers to Propose Changes to School Sixth Forms

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<b>Proposer</b>	<b>Power</b>	<b>Decision by:</b>
Learning and Skills Council	<p>Establish new sixth form or 16-19 school</p> <p>Close inadequate sixth form or 16-19 school</p> <p>Close sixth form or 16-19 school in pursuit of "relevant objectives"</p> <p>Enlarge/reduce sixth form or 16-19 school</p>	<p>Secretary of State</p> <p>School Organisation Committee</p> <p>Secretary of State</p> <p>Secretary of State</p>
School Governing Body	<p>Establish new sixth form</p> <p>Close sixth form or 16-19 school</p> <p>Enlarge/reduce sixth form or 16-19 school</p>	<p>School Organisation Committee</p> <p>School Organisation Committee</p> <p>School Organisation Committee</p>
Local Education Authority	<p>Establish new sixth form or 16-19 school</p> <p>Close sixth form or 16-19 school</p> <p>Enlarge/reduce sixth form or 16-19 school</p> <p>Establish new school with sixth form</p> <p>Establish "additional" school with sixth form</p>	<p>School Organisation Committee</p> <p>School Organisation Committee</p> <p>School Organisation Committee</p> <p>School Organisation Committee</p> <p>Secretary of State</p>
Promoter (including, for example, faith organisations)	<p>Establish new sixth form or 16-19 school</p> <p>Close sixth form or 16-19 school</p> <p>Establish new school with sixth form</p> <p>Establish "additional" school with sixth form</p>	<p>School Organisation Committee</p> <p>School Organisation Committee</p> <p>School Organisation Committee</p> <p>Secretary of State</p>

# Annex B: Key Source Documents

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## **The Learning and Skills Act 2000**

Section 113A and Schedule 7A of the *Learning and Skills Act 2000* provide the statutory basis for the new powers for the LSC. These were added by the *Education Act 2002*, coming into effect on 1 April 2003.

## **School Organisation Proposals by the Learning and Skills Council for England Regulations 2003 (Statutory Instrument 2003 No 507)**

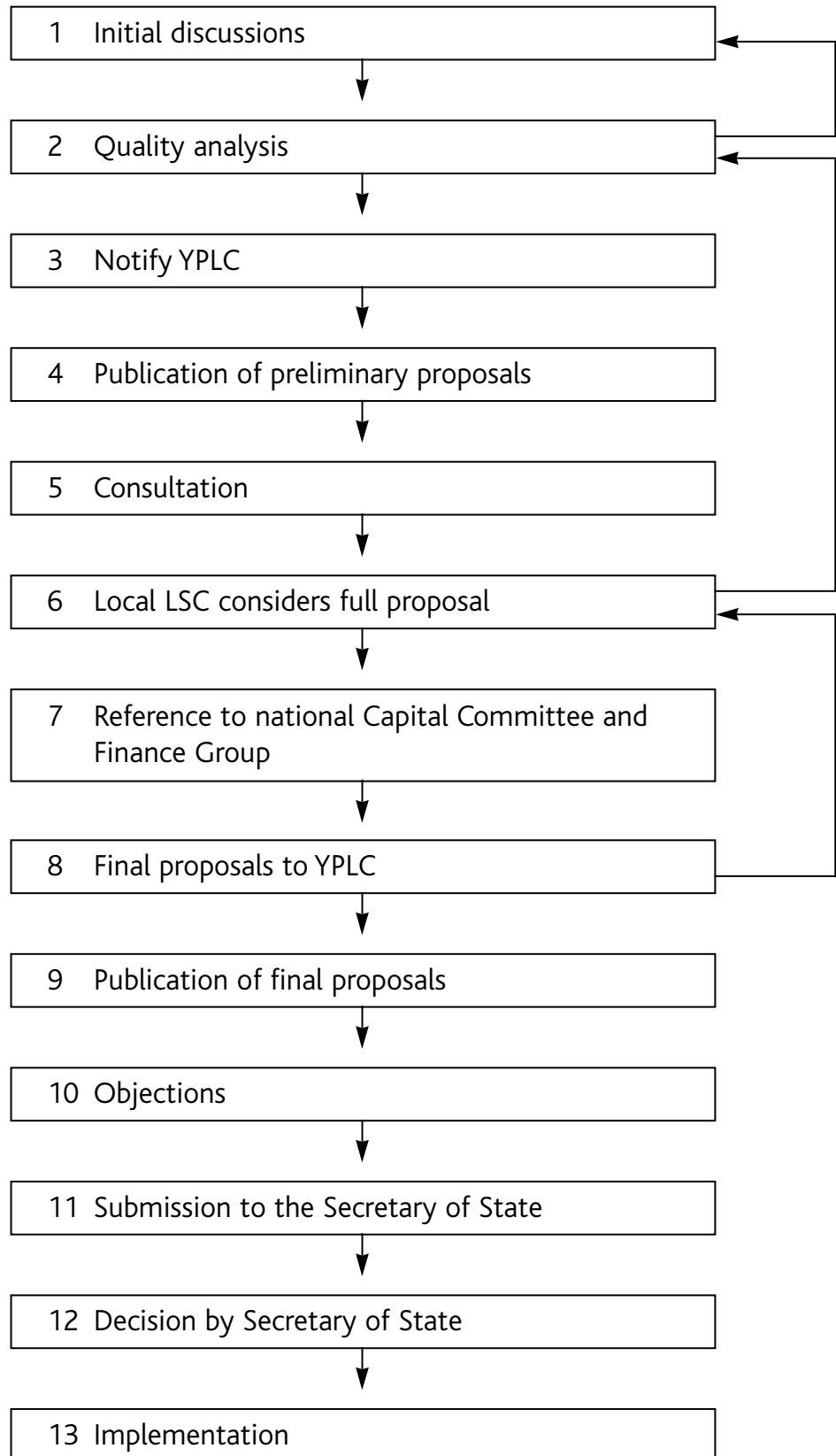
The Regulations were laid before Parliament on 10 March 2003, coming into force on 1 April 2003. The Regulations provide, for example, details of the minimum requirements of information to be included in consultation documents and proposals and minimum requirements of how proposals should be published and who should be consulted.

## **School Reorganisation Proposals by the Learning and Skills Council (DfES Guidance reference DfES/0000/0000)**

The DfES guidance expands on the Regulations, to give details of how the Secretary of State would normally **expect** proposals to be taken forward.

# Annex C: Flowchart

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# Notes

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Publication enquiries: 0870 900 6800

Reference CIRC/0581/03