

BIRMINGHAM CITY COUNCIL

JOINT CABINET MEMBER AND CHIEF OFFICER

FRIDAY, 14 JUNE 2019 AT 00:00 HOURS
IN CABINET MEMBERS OFFICE, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

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Birmingham City Council

Report to Cabinet Member for Education Skills and Culture, jointly with the Director of Education & Skills

Date: 14 June 2019



Subject: PROPOSAL TO TRANSFER OSCOTT MANOR SCHOOL TO A NEW SITE

Report of: Interim Assistant Director for Education and Early Years

Relevant Cabinet Member: Councillor Jayne Francis, Education Skills and Culture

Relevant O &S Chair(s): Councillor Kath Scott, Education & Children's Social Care

Report author: Jaswinder Didially
Head of Service, Education Infrastructure;
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Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Oscott and Stockland Green are the wards most likely to be affected but pupils travel from across the city to access this specialist provision.		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

1.1 To seek the determination of a statutory proposal:

- To Transfer Oscott Manor School from Old Oscott Hill, Birmingham B44 9SP to Reservoir Road, Erdington, Birmingham B23 6DE with effect from 1 November 2021.

2 Recommendations

That the Cabinet Member for Education, Skills and Culture jointly with the Director for Education & Skills;

- 2.1 Approve, having taken into account the statutory guidance, the statutory proposal to transfer Oscott Manor School to a new site.

3 Background

- 3.1 Oscott Manor School is a community special school situated in the Oscott ward in the Perry Barr district of the City. The school can offer up to 116 places for pupils with statements of need or Education and Health Care Plans (EHCP) for Autistic Spectrum Conditions (ASC). Oscott Manor School received Ofsted rating of "Good" when they were inspected on 5th December 2017.
- 3.2 The school is currently located at Old Oscott Hill, Birmingham B44 9SP. Over the years the school's intake has changed from pupils with Severe Learning Difficulties (SLD) to pupils with ASC. A number of adaptations have been carried out and temporary buildings added over the years and the pupil numbers have grown from 96 to 116. The school building is now beyond repair and the Local Authority can no longer maintain the building to a reasonable standard.
- 3.3 The option is now to replace the building in its entirety. The building replacement is part of the Department for Education's (DfE) Priority Schools Building Programme (PSBP) and the new building will be constructed by the DfE's Capital team.
- 3.4 As part of the feasibility study, the DfE explored the option of building the school on the current site but there is not sufficient space on the current (Old Hill) site for the school to remain operational whilst the new building is constructed. It would also be noisy and disruptive to the pupils. Decanting the pupils to a temporary site whilst the new school was built at Old Hill was also ruled out as this was cost prohibitive and would also mean that pupils would be moved twice.
- 3.5 It is proposed that a new purpose built school will be created on the Reservoir Road site which is 2.9 miles in a straight line distance from the Old Hill site. The Reservoir Road site is owned by Birmingham City Council and is within the Education and Skills property portfolio. The new build can take place without any interruptions to the pupils' education and the transition to the new site can be handled with sensitivity to the pupils needs.
- 3.6 If the proposals are approved it is intended that the transfer of Oscott Manor School to the new site at Reservoir Road will be implemented from 1st November 2021.
- 3.7 The majority of the cost for this project will be provided by the DfE. The funding from the DfE is based on the original size of the Old Hill building, which can accommodate 96 pupils. The Local Authority will contribute additional funding under Basic Need grant to increase the number of pupils that the building can

accommodate up to 120. The value of the Basic Need funding required has been calculated by the DFE at £1.4m. Relevant approval for the allocation of Local Authority Basic Need funding will be sought in line with BCC gateways and approvals.

- 3.8 The Local Authority is keen to ensure that future places are provided in the areas that they are needed; helping children to attend a school nearer to home and as part of their local community. The proposed changes at Oscott Manor School are considered appropriate for the current pupils at the school and is part of a programme to enhance the overall school accommodation solution for both the current and future pupils. The new site will be new-build and fit-for-purpose accommodation to meet the needs of key-stage 3, 4 and 5 pupils.
- 3.9 The Local Authority transport arrangements for children with special needs will apply (Travel Assist). Travel Assist will be fully engaged and advised of the proposed changes and will support any necessary changes to travel plans and arrangements. The school will continue to update their travel plan, as and when required.
- 3.10 In compliance with DFE guidance and best-practice, a statutory pre-publication consultation was completed for the proposal during March 2019. Letters were sent to pupils, parents/carers and staff, advising of the forthcoming proposals whilst the outcome of the DfE's feasibility study was completed.
- 3.11 In compliance with DFE guidance, a statutory notice and proposal were published and the representation period was between 4th April 2019 to 2nd May 2019 (four weeks). The representation period commenced with the publication of a statutory notice in the Birmingham Post.
- 3.12 During the four week representation period, comments on the proposal could be submitted in writing to Education Infrastructure, via the BeHeard webpages, email or letter. A copy of the full proposal and public notices can be found within Appendices 1 & 2.
- 3.13 At the close of the representation period, 18 responses were received regarding the proposal. All 18 responses received were in favour of the proposal. The 18 responses received were from a mixture of staff, parents/carers, governor and local residents.
- The full quantitative and qualitative analysis and copies of the comments received can be found in Appendix 3 of this report.
- 3.14 Details of both the internal and external stakeholders consulted and the means by which both consultations were carried out are detailed in section 5 of this report.
- 3.15 The Education and Inspections Act 2006 and Regulation 7 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the Prescribed Alterations Regulations) state that the Local Authority must have regard to any guidance issued by the Secretary of State when making a decision on such proposals. The relevant statutory guidance is attached

(Appendix 4). The Education and Inspections Act 2006, and Paragraph 5 of Schedule 3 to the Prescribed Alterations Regulations allows for the proposals to be approved, approved with modification, approved subject to meeting a prescribed condition, or rejected.

- 3.16 If the proposals are approved, the Oscott Manor School will relocate to a new site in a new purpose built school at Reservoir Road on 1st November 2021.

4 Options considered and Recommended Proposal

- 4.1 It is recommended that the proposal to transfer Oscott Manor to a new site be approved. The current buildings are no longer fit for purpose. The proposal will provide a new fit for purpose building which will enhance the overall school accommodation solution and meet the needs of both the current and future key stage 3, 4 and 5 pupils.
- 4.2 The current building can no longer be maintained to a reasonable standard and if the proposal is not approved the building could reach a condition whereby it may need to be closed due to health and safety reasons. This would mean that alternative places would need to be found for current and future pupils of the school and could result in pupils having to travel longer distances to school. It may also increase the Council's reliance on out of city independent provision if sufficient places are not available within the maintained, Academies and Free School sector which could result in additional costs for transport, as pupils may have to travel further to access out of City provision.

5 Consultation

5.1 Internal

During the statutory consultation period, information about the proposal was sent to:

- All Ward Councillors and Members of Parliament in Birmingham
- Officers from services across Birmingham City Council including Admissions, Finance, School and Governor Support, Human Resources, Legal, Planning, Research and Statistics Information Officers for Education and Skills.

Details of the responses received and outcome of the statutory consultation is set out in Appendix 3. The Ward Councillor consulted and the date and method of consultation is set out in Appendix 5.

5.2 External

- 5.2.1 The proposal has been fully consulted upon in line with the requirements set out in the statutory guidance "Making significant changes ('prescribed alterations') to maintained schools" (October 2018) published by the Department for Education (DfE). A copy of the guidance for decision makers can be found in Appendix 4.
- 5.2.2 During the pre-statutory consultation period, information about the proposal was publicised to the parents, teaching staff, non-teaching staff.

During the statutory consultation period, information about the proposal was publicised to all stakeholders consulted during the pre-statutory period and the following additional consultees:

- Birmingham Schools;
- Neighbouring Local Authorities;
- The Archdiocesan and The Anglican Diocese of Birmingham;
- Professional Associations and Trade unions
- All Birmingham Local Councillors
- All Birmingham Members of Parliament
- The Department for Education-School Organisation

5.2.3 The information was publicised in the following ways:

- Public notice in Birmingham Post newspaper;
- On Birmingham City Council BeHeard webpage;
- On the schools' webpages;
- On the Birmingham City Council School Notice Board.
- Emails to stakeholder groups

5.2.4 A copy of the full proposal document can be found in Appendix 1 and the Public Notice in Appendix 2. The outcome of the external consultation is set out in Section 3 of this report and in Appendix 3.

6 Risk Management

Should the proposals to transfer Oscott Manor School to a new site not be approved there is a high risk of the following;

- The school may close due to health and safety reasons.
- The funding from PSBP would be lost.
- Alternative places would need to be found for the current and future pupils at Oscott Manor.
- The shortage of ASC provision across the City will increase and it will mean that children with ASC may have to travel further to a suitable placement. It may increase the Council's reliance on out of city independent provision if sufficient places are not available within the maintained, Academies and Free School sector which could result in additional costs for transport, as pupils may have to travel further to access out of City provision.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 The Oscott Manor School building can no longer be maintained to a reasonable standard and would ultimately have to close due to health and safety reasons.

7.1.2 The proposed changes are considered appropriate for the current pupils at Oscott Manor School and is part of a programme to enhance the overall school accommodation solution for both current and future pupils.

- 7.1.3 The new site will be a new-build fit-for-purpose accommodation to meet the needs of key stage 3, 4 and 5 pupils with ASC needs.
- 7.1.4 The building replacement is part of the DfE's Priority School Building Programme (PSBP) that considers applications from Local Authorities and other agencies to rebuild and refurbish school buildings in the greatest need of repair across the country. The new building will be constructed by the DfE's Capital team.

7.2 Legal Implications

- 7.2.1 This report exercises powers contained within sections 19 and 21 of the Education and Inspections Act 2006 and Schedule 2 and Schedule 3 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the "Prescribed Alterations Regulations"), whereby the Local Authority of a Community Special School can propose to transfer the school to a new site by following a statutory process. Under the Prescribed Alterations Regulations, the Local Authority is the decision maker for this statutory proposal.

7.3 Financial Implications

The majority of the cost for this project will be provided by the DfE. The funding from the DfE is based on the original size of the Old Hill building, which can accommodate 96 pupils. The Local Authority will contribute additional funding under Basic Need grant to increase the number of pupils that the building can accommodate up to 120. The value of the Basic Need funding required has been calculated by the DfE at £1.4m. Relevant approval for the allocation of Local Authority Basic Need funding will be sought in line with BCC gateways and approvals. Revenue costs arising from any increase in pupils would be funded from the Dedicated School Grant High Needs Block. Approval of this proposal should reduce the Council's reliance on more costly out of city independent provision and associated transport costs.

7.4 Procurement Implications (if required)

Not applicable.

7.5 Human Resources Implications (if required)

- 7.5.1 Staff will generally be unaffected. The new site is 2.9 miles from the old site with good transport links. A new purpose built building may offer new opportunities for professional development.

7.6 Public Sector Equality Duty

- 7.6.1 An updated Equality Assessment initial screening was carried out in October 2018 (EQUA221) against the School Organisation Change process, which identified that a full impact assessment was not required. No events have occurred since then which would require the preparation of a fresh screening in respect of these recommendations.

8. Background Documents

8.1 Documents:

- Education and Inspections Act 2006
- Making significant changes ('prescribed alterations') to maintained schools: "Statutory guidance for proposers and decision makers" published by the Department for Education (DfE) October 2018.

8.2 List of Appendices accompanying this Report (if any):

- 1. Full Proposal Document
- 2. Public Notice
- 3. Statutory Consultation Results
- 4. Guidance for Decision Makers
- 5. Ward Councillors Consulted.



Full Proposal Document

Oscott Manor School

Proposal to:

Transfer to new Site

Introduction

Birmingham City Council, as the Local Authority for Birmingham, is about to commence a consultation on changes to Oscott Manor School (a community special school).

School Information

Type:	Community Special School		
Name:	Oscott Manor School	DFE:	3307053
Address:	Old Oscott Hill, Birmingham B44 9SP		
Ward:	Oscott	District:	Perry Barr
Age Range:	11 - 19	Capacity:	116
Last Ofsted:	8th May 2014	Ofsted Rating	Good

What changes are proposed?

We are proposing to carry out the following changes to Oscott Manor School:

- Transfer from Old Oscott Hill, Birmingham B44 9SP to Reservoir Road, Erdington, Birmingham B23 6DE.

It is proposed that there will be a new purpose built school created on the Reservoir Road site.

Why do we want to do this?

The current school building is beyond repair and the only option is to replace the building in its entirety. Over the years, the school's intake has changed from pupils with Severe Learning Difficulties (SLD) to pupils with Autistic Spectrum Condition (ASC). Although we have carried out a number of adaptations over the years and the numbers have grown from 96 to 116, we can no longer maintain the building to a reasonable standard. To do nothing would mean that the school building will eventually have to close as we can no longer repair it.

The building replacement is part of the Department for Education's (DfE) Priority Schools Building Programme (PSBP) and the new building will be constructed by the DfE's capital team.

Why is the school moving to a new site?

As part of their feasibility study, the DfE explored the option of building on the current site but there is not sufficient space on the current site for the school to remain operational whilst the new building is being constructed. It will also be very noisy and disruptive for the pupils.

Another option was to temporarily decant the pupils to another site whilst the new building is constructed on the current site. However the cost of this option is prohibitive and the pupils would have to be moved twice, once to the temporary site and then back again once the new school is complete. Based on cost and disruption to the pupils' education the current site was dismissed. The Reservoir Road site is 2.9 miles (straight line distance) from the current site and belongs to Birmingham Education department. The new build can take place without any interruptions to the pupils' education and the transition to the new site will be handled with a level of sensitivity to all the stakeholders but in particular to the needs of the pupils.

What is Priority Schools Building Programme?

Priority School Building Programme (PSBP) is a Department for Education programme that considers application from Local Authorities and other agencies to rebuild and refurbish school buildings in the greatest need of repair across the country.

When will these changes happen?

If the proposal is approved by the decision makers (following full consultation), who for this type of proposal is Birmingham City Council, it is intended that the proposals will be implemented from 1st November 2021.

How will the proposal increase educational standards and parental choice?

The Local Authority is keen to ensure that future places are provided in the areas that they are needed; helping children to attend a school nearer to home and as part of their local community. The proposed changes at Oscott Manor are considered appropriate for the current pupils at the school and is part of a programme to enhance the overall school accommodation solution for both the current and future pupils. The new site will be new-build and fit-for-purpose accommodation to meet the needs of key-stage 3, 4 and 5 pupils.

Travel and Transport:

As Oscott Manor is for pupils that have an EHCP or Statement of Need., the Local Education Authority transport arrangements for children with special needs will apply (Travel Assist). Travel Assist will be fully engaged and advised of the proposed changes and will support any necessary changes to travel plans and arrangements. The school will continue to update their travel plan, as and when required.

Will there be any effect on other schools, academies and educational institutions within the area?

There should be no negative effects on other mainstream schools (non-SEN), as Oscott Manor School offers specialist city wide provision. There should be no negative impact on other ASC schools as there is a continued need for ASC places citywide.

How will this affect staff?

Staff will generally be unaffected; the new site at reservoir Road is 2.9 miles from the Oscott Manor site, with good transport links. This may mean that some members of staff experience changes to their daily commute. A new purpose built school might offer new opportunities for professional development.

What are the project costs for this proposal and how is it funded?

The building replacement is part of the Department for Education's (DfE) Priority Schools Building Programme (PSBP) and the new building will be constructed by the DfE's capital team. The majority of the cost for this project will be provided by the DfE. The Local Authority may contribute additional funding to increase the number of peoples that can be accommodated in the new buildings.

Will this definitely happen?

No, there is a statutory process we must follow to make these sorts of changes to schools.

Two pre-publication letters were sent to parents in January and March advising of the forthcoming proposals whilst we awaited the outcome of the DfE's feasibility studies on the proposed new site at Reservoir Road. This document is the full proposal for statutory public consultation, referred to as the "representation period". The representation period lasts for four weeks and will end on 2nd May 2019. All comments received during the representation period will be anonymised (personal details removed) and forwarded to the decision makers for consideration. Within two months of the end of the representation period the Council's Cabinet Member for Education Skills and Culture, jointly with the Director for Education and Skills will make a final decision.

It is only at that point that we will be able to say with certainty that the school will relocate to the new site at Reservoir Road.

What will happen if this proposal is rejected?

If this proposal is rejected, the building could reach a state where it may need to be closed due to health and safety reasons. The current building can no longer be repaired and to do nothing would mean that the school building would eventually have to close. This would mean that alternative places would need to be found for the current and future pupils of the school.

How can I make my views known?

We welcome comments within the four weeks consultation period from 4th April 2019 to 2nd May 2019. Anyone wishing to make comments, support or make objections to this proposal may do so through the BeHeard consultation website:

www.birminghambeheard.org.uk/people-1/oscottmanor

Or in writing to; Birmingham City Council's School Organisation Team through:

Education and Infrastructure

PO Box 15843

Birmingham B2 2RT

or by emailing: eds.enquiries@birmingham.gov.uk

Please include **Oscott Manor SOT10126** in the email subject

Any comments must be received no later than 2nd May 2019

What happens next?

Key Dates:

The following timescale is for guidance only. At any point during the process, the proposal might be withdrawn or rejected by the City Council. The proposed dates below meet the government requirements for us to consult fully with the people affected by the proposal and every effort will be made to keep to these dates.

Action	Date
Statutory notice to be published	4 th April 2019
Beginning of 4 week consultation period	4 th April 2019
End of 4 week consultation period	2 nd May 2019
Final decision to be made no later than	2 nd July 2019
Changes implemented	1 st November 2021

Proposal to:

Transfer Oscott Manor to a New Site at Reservoir Road Erdington

Consultation Response Form

Please help us to analyse your response by completing the following:

Your name (optional*): _____

Your contact details (optional, if you would like a reply*)

Your interest in the proposal (please indicate one of the below):

Pupil	
Parent	
School Governor	
School Staff	
Local Resident	
Local Councillor	
Member of Parliament	
Other (please specify)	

Your comments:

*Personal details are used by Birmingham City Council for the purpose of this consultation only. Your details are not shared publicly or with any other organisation or company.

BIRMINGHAM CITY COUNCIL

Proposal to Make Prescribed Alteration

Oscott Manor School

Notice is given in accordance with Section 19 of the Education and Inspections Act 2006 and Regulation 6 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 that Birmingham City Council proposes to make the following prescribed alterations to Oscott Manor School.

- Transfer Oscott Manor School from Old Oscott Hill, Birmingham B44 9SP to a new site at Reservoir Road, Erdington, Birmingham B23 6DE with effect from 1st November 2021.

Oscott Manor School is a Community Special School, at Old Oscott Hill, Birmingham B44 9SP which offers up to 116 places to pupils with a Statement of Special Educational Needs or an Education, Health and Care Plan for Autistic Spectrum Condition (ASC).

This notice is an extract from the complete proposal. Copies of the complete proposal can be found at: www.birmingham.org.uk/people-1/oscottmanor

If you require a hard copy this can be obtained by writing to: School Organisation Team, Education Infrastructure, PO Box 15843, Birmingham B2 2RT. Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposal. Anyone who wishes to make representations about this proposal should do so through the above web site or by writing to the School Organisation Team at the above postal address. The date by which objections or comments must be received is 2nd May 2019

Signed: Jaswinder Didially

Head of Service – Education Infrastructure

Date: 4th April 2019

Summary of Statutory Consultation: Oscott Manor: Transfer to a New Site

Summary Results:

Total Number of Responses		18
Number in favour or against the proposal		
In Favour		18
Against		0
Don't Know		0
Didn't state		0
Method of Response		
BeHeard		18
Email		0
Letter		0
other		0
Respondent by Type		
Parent/Carer		2
Pupil		
Staff Member		12
Local Resident		2
Parent/School Governor		1
Local Councillor		0
Other		1
Theme of Responses (11 responses contained comments)		
School not big enough to meet pupils needs/not fit for purpose		8/11
New school will benefit students and provide better facilities		8/11



Department
for Education

Making significant changes (‘prescribed alterations’) to maintained schools

**Statutory guidance for proposers and
decision-makers**

October 2018

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1: Summary

About this guidance

This is statutory guidance from the Department for Education. This means that recipients must have regard to it when making ‘prescribed alterations’ to maintained schools.

The purpose of this guidance is to ensure that good quality school places can be provided quickly where they are needed; that local authorities (LAs) and governing bodies (GBs) do not take decisions that will have a negative impact on other schools in the area; and that changes can be implemented quickly and effectively where there is a strong case for doing so. In line with these aims it is expected that, where possible, additional new places will only be provided at schools that have an overall Ofsted rating of ‘good’ or ‘outstanding’. Schools which do not fall within the above categories should only be expanded where there are no other viable options.

A GB, LA or the [Schools Adjudicator](#) must have regard to this guidance when exercising functions under [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#) (‘the Prescribed Alterations Regulations’). It should be read in conjunction with Parts 2 and 3 and Schedule 3 of the [Education and Inspections Act \(EIA\) 2006](#) and the Prescribed Alterations Regulations. It also relates to the [Establishment and Discontinuance Regulations](#) and [The School Organisation \(Removal of Foundation, Reduction in the Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations \(2007\)](#) (‘the ‘Removal Regulations’).

It is the responsibility of LAs and GBs to ensure that they act in accordance with the relevant legislation when making changes to a maintained school and they are advised to seek independent legal advice where appropriate.

Review date

This guidance will be reviewed in October 2019.

Who is this guidance for?

Those proposing to make changes and making decisions on changes to maintained schools (e.g. GBs, LAs and the Schools Adjudicator), and for information purposes for those affected by a proposal (trustees of the school, diocese or relevant diocesan board, any other relevant faith body, parents etc.).

This guidance is relevant to all categories of maintained schools (as defined in section 20 of the [School Standards and Framework Act \(SSFA\) 1998](#)), unless explicitly stated. It is not relevant to [Pupil Referral Units](#). Separate advice [on making significant changes to an academy](#) and [opening and closing a maintained school](#) is available.

Please refer to the '[Further Information](#)' section for the full website address should you be unable to access documents via the hyperlinks provided.

Terminology

Definitions of common terms used in this guidance:

Schools with a religious character - All schools designated as having a religious character in accordance with the [SSFA](#).

Foundation Trust - For the purpose of this guidance the term 'foundation trust' refers to a foundation complying with the requirements set out in section 23A of the SSFA.

Parent(s) - The Education Act 1996 defines 'parent' as including someone who has care of, or legal responsibility for, the child. Therefore, a parent can include, for example, a grandparent, other family member or foster carer if they have care of or responsibility for the child.

Main points

- All proposals for prescribed alterations must follow the processes set out in this guidance.
- Where a LA proposes to expand a school that is eligible for intervention as set out in Section 59 of the [Education and Inspections Act 2006](#), they should copy the proposal to the relevant [Regional Schools Commissioner \(RSC\)](#) at the point of publication.
- To enable the department to monitor potentially contentious proposals, the proposer should copy any proposal, which falls within the definitions set out in [part 3](#), to the School Organisation mailbox as soon as it is published schoolorganisation.notifications@education.gov.uk.
- LAs and GBs proposing to make a significant change to a school which has been designated as having a religious character should engage the trustees of the school, and in the case of Church schools the diocese or relevant

diocesan board, or any other relevant faith body, where appropriate at the earliest opportunity.

- Where a LA is the decision maker, it must make a decision within a period of two months of the end of the representation period. Where a decision is not made within this time frame, the LA must refer the proposal to the Schools Adjudicator for a decision.
- It is not possible for any school to gain, lose or change religious character through a change of category. Information on the process to be followed is available in the [opening and closing maintained schools guidance](#).
- Once a decision has been made the proposer (GB or LA) must make the necessary changes to the school's record in the department's system [Get Information About Schools](#) (GIAS) by the date the change is implemented.
- Where a school wishes to change their name, the GB will need to amend the Instrument of Government in line with regulation 30 of [The School Governance \(Constitution\) \(England\) Regulations 2012](#). Once that is done, either the school or the LA will need to update the school record in the department's GIAS system.

2: Prescribed alteration changes

Enlargement of premises (expansion)

Under section 14 of the [Education Act 1996](#), LAs have a statutory duty to ensure that there are sufficient schools for primary and secondary education in their areas. The department expects LAs to manage the school estate efficiently and to reduce or find alternative uses for surplus capacity (for example, increasing the provision of early education and childcare) to avoid detriment to schools' educational offer or financial position. LAs are encouraged to consider the use of modular construction solutions for any physical building expansion and to consider all options for the reutilisation of space including via remodelling, amalgamations, or closure where this would be the best course of action.

Where additional places are needed, including where there is a local demand for a particular category of places (for example in schools designated as having a religious character), the LA can propose an enlargement of the capacity¹ of premises.

The statutory process should be followed to enlarge premises as set out in the [Prescribed Alterations Regulations](#) (see [part 5](#)) if:

- the proposed enlargement is permanent (longer than three years) and **would increase the capacity of the school** by:
 - more than 30 pupils; **and**
 - 25% or 200 pupils (whichever is the lesser).
- the proposal involves making permanent any temporary enlargement (which was intended to be in place for no more than three years) that meets the above threshold.

GBs of all categories of mainstream schools and LAs can propose small scale expansions that do not meet the thresholds above without the need to follow the formal statutory process in [part 4](#). In many cases this can be achieved solely by increasing the school's published admissions number² (PAN); please see the [School Admissions Code](#). The thresholds do not, however, apply to special schools. Details of how special schools can increase their intake³ are covered below.

¹ Net capacity as calculated using the DfE Guidance Assessing the Net Capacity of Schools (2002).

² All admission authorities must set a published admission number (PAN) for each 'relevant age group' when they determine their admission arrangements. So, if a school has an admissions number of 120 pupils for Year 7, that is its PAN.

³ The number of pupils admitted into the school at a particular time

Examples of when mainstream schools would/would not need to publish 'enlargement' proposals

A secondary school with a capacity of 750 (5 form of entry - 30 pupils per class, 5 year groups) **could** enlarge its premises to add 1 form of entry (30 extra pupils x 5 year groups = increase of 150 pupils) bringing the capacity to 900 pupils, **without** having to publish statutory proposals. Although the increase would be by 'more than 30' pupils, it is less than '200', and also less than '25%' of the current capacity (i.e. by less than 187).

A small primary school with a capacity of 50 **could** enlarge its premises to increase its capacity by up to 29 pupils **without** having to publish statutory proposals, because although it would be more than '25%', it is less than 30.

A school of any size enlarging its premises to enable it to add 300 places **would** need to follow the statutory process as the increase would be **both** 'more than 30' **and** '200' (it may or may not be more than '25%' but that is irrelevant if the 200 threshold would be met).

A primary school with a capacity of 210 enlarging its premises to enable it to add 105 places (1.5 forms of entry 45 x 7 = 315), **would** need to follow the statutory process as the increase would be 'more than 30' and **more than** '25%' (it would be less than 200 but this is irrelevant as the 25% threshold would be met).

The quality of new places created through expansion

We expect LAs to consider a range of performance indicators and financial data, before deciding whether a school should be expanded. Where schools are underperforming, we would not expect them to expand, unless there is a strong case that this would help to raise standards. We expect LAs to create new places in schools that have an overall Ofsted rating of 'good' or 'outstanding'. If, however, there are no other feasible ways to create new places in the area, the LA should notify their Pupil Places Planning adviser⁴. In cases where there is a proposal to expand a school that is rated inadequate, the LA should also send a copy of the proposal to the [relevant RSC](#) so that they can ensure appropriate intervention strategies are in place.

The table below sets out who can propose an enlargement of premises and what process must be followed:

⁴ Advisers.PPP@education.gov.uk

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Enlargement of premises that meets the threshold	Statutory process	LA	CofE Diocese RC Diocese
LA for voluntary or foundation	Enlargement of premises that meets the threshold	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
LA for voluntary and foundation	Enlargement of premises (below the threshold)	Non statutory process	LA	N/A
GB of all categories mainstream	Enlargement of premises (below the threshold)	Non statutory process	GB	N/A

Expansion onto an additional site (or ‘satellite sites’)

Where proposers seek to expand onto an additional site they will need to ensure that the new provision is genuinely a change to an existing school and not in reality the establishment of a new school. Where a LA decides that a new school is needed to meet basic need, they should refer to the [guidance for opening new schools](#).

Decisions about whether a proposal represents a genuine expansion will need to be taken on a case-by-case basis, but proposers and decision makers will need to consider this non-exhaustive list of factors which are intended to expose the extent to which the new site is integrated with the existing site, and the extent to which it will serve the same community as the existing site:

The reasons for the expansion

- What is the rationale for this approach and this particular site?

Admission and curriculum arrangements

- How will the new site be used (e.g. which age groups/pupils will it serve)?
- What will the admission arrangements be?
- Will there be movement of pupils between sites?

Governance and administration

- How will whole school activities be managed?
- Will staff be employed on contracts to work on both sites? How frequently will they do so?
- What governance, leadership and management arrangements will be put in place to oversee the new site (e.g. will the new site be governed by the same GB and the same school leadership team)?

Physical characteristics of the school

- How will facilities across the two sites be used (e.g. sharing of the facilities and resources available at the two sites, such as playing fields)?
- Is the new site in an area that is easily accessible to the community that the current school serves?

The purpose of considering these factors is to determine the level of integration between the two sites; the more integration, the more likely the change will be considered as an expansion.

LAs should copy any proposal to expand a school onto a satellite site to schoolorganisation.notifications@education.gov.uk for monitoring purposes.

Expansion of existing grammar schools

Legislation prohibits the establishment of new grammar schools⁵. Expansion of any existing grammar school onto a satellite site can only happen if the new site is genuinely part of the existing school. Decision-makers must consider the factors listed above when deciding if an expansion is a legitimate enlargement of an existing school.

Changes to the published admissions number (PAN) where an enlargement of premises has not taken place

Admission authorities⁶ must set a PAN for each 'relevant age group' when determining their admission arrangements. If an admission authority of a mainstream school wishes to increase or decrease PAN, without increasing the overall physical

⁵ Except where a grammar school is replacing one of more existing grammar schools

⁶ The LA in the case of community and voluntary controlled (VC) schools or the GB in the case of voluntary aided (VA) and foundation schools

capacity of the buildings, this would be classed as an admissions change, not a prescribed alteration. The statutory process described in this guidance would not need to be followed (please see the [School Admissions Code](#) for further details of the processes admission authorities must follow).

Change in number of pupils in a special school

The School Admissions Code does not apply to special schools. GBs of all categories of special school, and LAs for community special schools, may seek to increase the number of places by following the statutory process in [part 5](#), if the increase is by:

- 10%; or
- 20 pupils (or 5 pupils if the school is a boarding-only school),

(whichever is the smaller number).

The exception to this is where a special school is established in a hospital.

GBs of all categories of special school, and LAs for community special schools, may seek to decrease the number of pupils, by following the statutory process in [part 5](#).

The table below sets out who can propose a change in the number of pupils in a special school and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB foundation special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB community special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	LA	CofE Diocese RC Diocese
LA for community special and foundation special	Increase by 10% or 20 pupils (5 for boarding special)	Statutory process	LA	CofE Diocese RC Diocese

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for foundation special	Increase by 10% or 20 pupils (5 for boarding special)	Statutory process	LA	GB/Trustees
LA for community special	Decrease of numbers	Statutory process	LA	CofE Diocese RC Diocese

Change of age range

For changes that are expected to be in place for more than 2 years (as these are considered permanent increases):

LAs can propose:

- a change of age range of up to 2 years (except for adding or removing a sixth form) for voluntary and foundation schools by following the non-statutory process, see [part 4](#).
- a change of age range of 1 year or more for community schools (including the adding or removal of sixth form or nursery provision) and community special schools or alter the upper age limit of a foundation or voluntary school to add sixth form provision by following the statutory process, see [part 5](#).

GBs of foundation and voluntary schools can propose:

- an age range change of up to 2 years (except for adding or removing a sixth form) by following the non-statutory process, see [part 4](#).
- an age range change of 3 years or more (including adding or removing a sixth form) by following the statutory process, see [part 5](#).

Before making such a proposal, the GB should consult with LAs, and where the school is designated as having a religious character the trustees of the school, dioceses or relevant diocesan boards, or any other relevant faith body, to understand the place management needs of the area.

GBs of community schools can propose the alteration of their upper age limit to add sixth form provision following the statutory process, see [part 5](#).

GBs of community special and foundation special schools can propose a change of age range of 1 year or more following the statutory process, see [part 5](#).

Where a proposed age range change would also require an expansion of the school's premises, the LA or GB must also ensure that they act in accordance with the requirements for proposals for the [enlargement of premises](#).

In cases where the age-range of the school has changed, this should be altered on GIAS. For example if the age-range is changed so that the school no longer caters for pupils below compulsory school age, the lower age range of the school would need to be increased so as not to include that age group.

The table below sets out who can propose a change of age range and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for voluntary and foundation	Alteration of upper or lower age range of up to 2 years (excluding adding or removing a sixth form)	Non statutory process	LA	NA
GB of voluntary and foundation	Alteration of upper or lower age range by up to 2 years (excluding adding or removing a sixth form)	Non statutory process	GB	N/A
GB of voluntary and foundation	Alteration of upper or lower age range by 3 years or more	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
LA for community and community special	Alteration of upper or lower age range by 1 year or more (for community schools including the adding or removal of sixth form or nurse provision)	Statutory process	LA	CofE Diocese RC Diocese
GB foundation special	Alteration of upper or lower age range by one year or more	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB community special	Alteration of upper or lower age range by one year or more	Statutory process	LA	CofE Diocese RC Diocese
LA for community	Alteration of upper age range so as to add or	Statutory process	LA	CofE Diocese RC Diocese

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
	remove sixth form provision			
LA for voluntary and foundation	Alteration of upper age range so as to add sixth form provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of voluntary and foundation	Alteration of upper age range so as to add sixth form provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community	Alteration of upper age range so as to add sixth form provision	Statutory process	LA	CofE Diocese RC Diocese
GB of voluntary and foundation	Alteration of upper age range so as to remove sixth form provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Adding a sixth form

The department wants to ensure that all temporary (which is anticipated will be in place for no more than 2 years) and permanent provision is of the highest quality and provides genuine value for money. There is a departmental expectation that proposals for the addition of sixth form provision will only be put forward for secondary schools that are rated as 'good' or 'outstanding' by Ofsted. Proposers should also consider the supply of other local post-16 provision in the area and assess if there is a genuine need for the additional provision.

In deciding whether new sixth form provision would be appropriate, proposers and decision makers should consider the following guidelines:

- **Quality:** The quality of pre-16 education must be good or outstanding (as rated by Ofsted) and the school must have a history of positive Progress 8 scores (above 0);
- **Size:** The proposed sixth form will provide at least 200 places and there should be sufficient demand for those places;
- **Subject Breadth:** The proposed sixth form should - either directly or through partnership - offer a minimum of 15 A level subjects. LAs may wish to consider the benefits of delivering a broader A level curriculum through

partnership arrangements with other school sixth forms. Working with others can offer opportunities to:

- Improve choice and attainment for pupils
- Deliver new, improved or more integrated services
- Make efficiency savings through sharing costs
- Develop a stronger, more united voice
- Share knowledge and information.

Schools proposing a partnership arrangement must include evidence of how this will operate on a day-to-day basis, including timetabling and the deployment of staff;

- **Demand:** There should be a clear demand for additional post-16 places in the local area (including evidence of a shortage of post-16 places and a consideration of the quality of Level 3 provision in the area). The proposed sixth form should not create excessive surplus places or have a detrimental effect on other high quality post-16 provision in the local area;
- **Financial viability:** The proposed sixth form should be financially viable (there must be evidence of financial resilience should student numbers fall). The average class size should be at least 15, unless there is a clear educational argument to run smaller classes – for example to build the initial credibility of courses with a view to increasing class size in future.

Not all changes in age range to add a sixth form will necessitate a change to the school's admissions arrangements, for example a school may set up sixth form provision solely for its own pupils. However, if the intention is to also admit external applicants to the sixth form the school will need to adopt a sixth form PAN and may also wish to add academic entry requirements on changing its age-range.

The addition of post-16 provision requires a change of age-range, therefore, where a decision-maker is considering a proposal to add post-16 provision, they should refer to the section on changing an age range.

Closing an additional site

For foundation and voluntary schools that are already operating on a satellite site(s), GBs must follow the statutory process in [part 5](#) if they are proposing the closure of one or more sites, where the main entrance at any of the school's remaining sites is one mile or more from the main entrance of the site which is to be closed. The LA may make such a proposal for a community school following the statutory process in [part 5](#).

The table below sets out who can propose the closure of an additional site and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Closure of one or multiple sites	Statutory process	LA	CofE Diocese RC Diocese
GB voluntary or foundation	Closure of one or multiple sites	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Transfer to a new site

Where the main entrance of the proposed new site for a school would be more than two miles from the main entrance of the current school site, or if the proposed new site is within the area of another LA:

- **LAs** can propose the transfer to an entirely new site for community schools, community special schools and maintained nursery schools following the statutory process in [part 5](#).
- **GBs of voluntary, foundation, foundation special and community special** schools can also propose a transfer to a new site following the statutory process in [part 5](#).

The table below sets out who can propose a transfer to a new site and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community, community special and maintained nursery	Transfer to new site	Statutory process	LA	CofE Diocese RC Diocese
GB voluntary foundation or foundation special	Transfer to new site	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB community special	Transfer to new site	Statutory process	LA	CofE Diocese RC Diocese

Changes of category

GBs of all categories of maintained schools, apart from GBs of foundation special schools, may propose to change category by following the statutory process. The [addition or removal of a foundation](#) is described in [part 6](#). Where GBs are proposing a change of category covering a change in provision (e.g. from mainstream to special school) they are encouraged to seek advice by emailing schoolorganisation.notifications@education.gov.uk.

For a proposal to change the category of a school to voluntary-aided, the decision-maker should be satisfied that the GB and/or the foundation are able and willing to meet their financial responsibilities for building work. The decision-maker may wish to consider whether the GB has access to sufficient funds to enable it to meet 10% of its capital expenditure for at least five years from the date of implementation, taking into account anticipated building projects.

Guidance on adding or changing a designated religious character can be found in the [Opening and closing maintained schools](#) guidance.

The table below sets out who can propose a change of category and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB of voluntary	VC to VA VA to VC	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of voluntary	VC or VA to foundation school VC or VA to foundation school and acquire a foundation VC or VA to foundation school, acquire a foundation and majority foundation governors on GB	Statutory process	GB	For proposals at a VA school when decided by the GB: LA CofE Diocese RC Diocese
GB of foundation	Foundation school to VC or VA	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB of foundation	Acquire foundation Acquire a majority of foundation governors on the GB Removal of foundation and/or reduction in majority of foundation governors on GB	Statutory process	GB	N/A
GB of community	Community to VC or VA	Statutory process	LA	CofE Diocese RC Diocese
GB of community	Community to foundation school Community to foundation school and acquire foundation Community to foundation school and acquire majority of foundation governors on GB	Statutory process	GB	N/A
GB of foundation special	Remove foundation and/or reduce majority of foundation governors on GB	Statutory process	GB	N/A

Single sex school becoming co-educational (or vice versa)

Proposers can seek to change their school from single sex to co-educational (or vice versa) when they can show that this would better serve their local community. A co-educational school cannot change its nursery or post-16 provision to single sex. When making a decision, LAs will need to consider the demand for and balance of school places for boys and girls in line with the [Equality Act 2010](#).

The table below sets out who can change a school from single sex to co-educational (or vice versa) and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community or community special	To co-ed or single sex provision	Statutory process	LA	CofE Diocese RC Diocese
GB of foundation. foundation special or voluntary	To co-ed or single sex provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community special	To co-ed or single sex provision	Statutory process	LA	CofE Diocese RC Diocese

Mainstream school: establish/remove/alter special educational needs (SEN) provision

When considering any reorganisation of provision that the LA recognises as reserved for pupils with special educational needs, including that which might lead to children being displaced, proposers will need to demonstrate how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for those children.

The table below sets out who can propose to establish, remove or alter SEN provision and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Establish, remove or alter SEN provision	Statutory process	LA	CofE Diocese RC Diocese
LA for voluntary and foundation	Establish or remove SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of foundation	Establish, remove or alter SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
and voluntary				

Change the types of need catered for by a special school

The table below sets out who can propose a change to the type of need catered for by a special school and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese
LA for foundation special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese
GB of foundation special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Boarding provision

The introduction of boarding provision can require the statutory process to be followed (depending on the type of school in question – see table below). LAs and GBs will need to consider how the Prescribed Alterations Regulations apply in conjunction with this guidance and, where there is any doubt, seek independent legal advice, as the department cannot advise on individual cases.

LAs can propose for:

- community schools; the establishment, removal or alteration (decrease by 50 pupils or 50% whichever is the greater) of boarding provision by following the statutory process in [part 5](#).

- community special schools; the establishment, removal or alteration (increase or decrease by 5 places or more where there are both day and boarding places) of boarding provision following the statutory process in [part 5](#).

GBs of voluntary and foundation schools can propose the establishment or increase of boarding provision following the non-statutory process in [part 4](#) and the removal or alteration (decrease by 50 pupils or 50% whichever is the greater) of boarding provision by following the statutory process in [part 5](#).

GBs of special schools can add or remove boarding provision or, where the school makes provision for day and boarding pupils, can increase or decrease boarding provision by five pupils or more following the statutory process in [part 5](#).

The table below sets out who can propose to establish, change or remove boarding provision and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Add, remove or change (decrease by 50 pupils or 50% whichever is greater) boarding provision	Statutory process	LA	CofE Diocese RC Diocese
LA for community special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	LA	CofE Diocese RC Diocese
GB of foundation or voluntary	Add boarding provision	Non-statutory process	GB	N/A
GB of foundation or voluntary	Remove or change (decrease by 50 pupils or 50% whichever is greater) boarding provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of foundation special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	LA	CofE Diocese RC Diocese

In making a decision on a proposal to remove boarding provision from a school, the decision-maker should consider whether there is a state funded boarding school within reasonable distance from the school and whether there are satisfactory alternative boarding arrangements for those currently in the school and those who may need boarding places in the foreseeable future, including the children of service families.

Remove selective admission arrangements at a grammar school

The table below sets out who can propose the removal of selective admission arrangements⁷ and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB of voluntary or foundation	Remove selective admission arrangements	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community	Remove selective admission arrangements	Statutory process	LA	CofE Diocese RC Diocese

Amalgamations

The LA and/or GB (depending on school category) can publish a proposal to close one school (or more) and enlarge/change the age range/transfer site (following the statutory process as/when necessary) of an existing school, to accommodate the displaced pupils. The remaining school would retain its original school number, as it is not a new school, even if its phase has changed.

Alternatively, LAs may propose to close all the schools involved and replace them with a new school. For more information, please consult the separate guidance on [opening and closing a maintained school](#).

⁷ In accordance with s.109 (1) of the School Standards and Frameworks Act 1998

3: Contentious proposals

When proposing changes, LA's and GBs should act reasonably, and in line with the principles of public law, to ensure that the changes do not have a negative impact on the education of pupils in the area.

To enable the department to monitor potentially controversial proposals, LAs and GBs should notify schoolorganisation.notifications@education.gov.uk of the publication of any proposals which would:

- involve [expansion onto a separate 'satellite' site](#); or
- where objections have been raised that the proposed change could potentially undermine the quality of education in the local area by creating additional places where there is surplus capacity.

4: Changes that can be made outside of the statutory process

LAs and GBs of mainstream maintained schools can make limited changes (see [part 2](#) for the exact detail) to their schools without following a statutory process, including some temporary changes; they are nevertheless required to adhere to the usual principles of public law. They MUST:

- act rationally;
- take into account all relevant and no irrelevant considerations; and
- follow a fair procedure.

The department expects that in making these changes, LAs and GBs will work together and will:

- liaise with the trustees of the school, and in the case of schools designated as having a religious character the diocese or relevant diocesan board, or any other relevant faith body, to ensure that a proposal is aligned with wider place planning/organisational arrangements, and that any necessary consents have been gained;
- not undermine the quality of education provided or the financial viability of other 'good' and 'outstanding' schools in the local area;
- not create additional places in a local planning area where there is already surplus capacity in schools, taking the quality and diversity of the provision into account as well as cross boundary impacts; and
- ensure open and fair consultation with parents, any affected educational institutions in the area (e.g. primary, secondary, special schools, sixth form and FE colleges as required) and other interested parties. The [consultation principles guidance](#) can be referenced for examples of good practice.

Before making any changes GBs should ensure that:

- they have consulted with the LA to ensure the proposal is aligned with local place planning arrangements
- they have secured any necessary funding;
- they have identified suitable accommodation and sites;

- they have secured planning permission and/or agreement on the transfer of land where necessary⁸. The proposal can be approved subject to planning permission being granted;
- they have the consent of the site trustees or other land owner where the land is not owned by the GB;
- where a school is designated as having a religious character, they have the consent of the trustees of the school, the diocese or relevant diocesan board, or any other relevant faith body, where appropriate; and
- the admissions authority is content for the published admissions number (PAN) to be changed where this forms part of expansion plans, in accordance with the School Admissions Code.

Once a decision on the change has been made, the proposer (i.e. LA or GB) is responsible for making arrangements for the necessary changes to be made to the school's record in the department's [GIAS](#) system. These changes must be made no later than the date of implementation for the change and can be input in advance, once a decision is made.

⁸ Including, where necessary, approval from the Secretary of State for change to the use of playing field land under Section 77(1) of the SSFA 1998.

5: Statutory process: prescribed alterations

The statutory process for making prescribed alterations to schools has four stages:

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal/notice)		
Stage 2	Representation (formal consultation)	Must be 4 weeks	As set out in the 'Prescribed Alterations' regulations
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator	Any appeal to the adjudicator must be made within 4 weeks of the decision
Stage 4	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker

Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations. Schools should have the consent of the site trustees and where a school is designated as having a religious character the trustees of the school, the diocese or relevant diocesan board, or any other relevant faith body.

When considering making a prescribed alteration change, it is best practice to take timing into account, for example:

- by holding consultations and public meetings (either formal or informal) during term time, rather than school holidays and, where appropriate, extend the consultation period if it overlaps school holidays etc;
- plan where any public and stakeholder meetings are held to maximise response;
- take into account the admissions cycle for changes that will impact on the school's admission arrangements.

A number of changes can impact admissions necessitating reductions in PAN, new relevant age groups for admission or the adoption of revised admission criteria. Changes to admission arrangements can be made by the admission authority in one of two ways:

- the consultation on changing the admission arrangements (as set out in the [School Admissions Code](#)) takes place sufficiently in advance of a decision on the prescribed alteration so that the change to admissions can be implemented at the same time as the proposals; or
- a variation is sought, where necessary, in view of a major change in circumstances, from the [Schools Adjudicator](#) so that the changes to the admission policy can be implemented at the same time as the prescribed alteration is implemented.

Decision-makers should, so far as is possible, co-ordinate with the admission authority, if different, to ensure they avoid taking decisions that will reduce a PAN or remove a relevant age group for admission after parents have submitted an application for the following September (e.g. 31 October for secondary admissions or 15 January for primary admissions).

Publication

A statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. [Annex A](#) sets out the minimum that this should include. The proposal should be accessible to all interested parties and should therefore use 'plain English'.

Where the proposal for one change is linked to another, this should be made clear in any notices published. Where a proposal by a LA is 'related' to a proposal by other proposers (e.g. where one school is to be enlarged because another is being closed) a single notice could be published.

The full proposal must be published on a website (e.g. the school or LA's website) along with a statement setting out:

- how copies of the proposal may be obtained;
- that anybody can object to, or comment on, the proposal;
- the date that the representation period ends; and
- the address to which objections or comments should be submitted.

A brief notice (including details on how the full proposal can be accessed e.g. the website address) must be published in a local newspaper. If the proposal is published by a GB then notification must also be posted in a conspicuous place on the school premises and at all of the entrances to the school.

Within one week of the date of publication on the website, the proposer must send a copy of the proposal and the information set out in the paragraph above to:

- the GB/LA (as appropriate);
- the parents of every registered pupil at the school - where the school is a special school;
- if it involves or is likely to affect a school which has been designated as having a religious character:
 - the local Church of England diocese;
 - the local Roman Catholic diocese; or
 - the relevant faith group in relation to the school;
- proposals affecting a special school should go to any LA that has commissioned a place at the school (i.e. all relevant authorities who have made an out of county/borough placement there); and
- any other body or person that the proposer thinks is appropriate e.g. any affected educational institutions in the area.

Within one week of receiving a request for a copy of the proposal, the proposer must send a copy to the person requesting it.

There is no maximum limit on the time between the publication of a proposal and its proposed date of implementation. However, proposers will be expected to show good reason (for example an authority-wide reorganisation) if they propose a timescale longer than three years.

Representation (formal consultation)

The representation period must last for four weeks from the date of the publication. During this period, any person or organisation can submit comments on the proposal to the LA to be taken into account by the decision-maker. It is also good practice for representations to be forwarded to the proposer to ensure that they are aware of local opinion.

Decision

The LA will be the decision-maker in all cases except where a proposal is 'related' to another proposal that must be decided by the [Schools Adjudicator](#)⁹.

Decision-makers will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. Decision-makers should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s).

Decisions must be made within a period of two months of the end of the representation period or they must be referred to the Schools Adjudicator.

When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the LA and/or GB (as appropriate); or
- approve the proposal, with or without modification – subject to certain conditions¹⁰ (such as the granting of planning permission) being met.

A proposal can be withdrawn by the proposer at any point before a decision is taken. When doing so, the proposer must send written notice to the LA or the GB (as appropriate); or the Schools Adjudicator (if the proposal has been sent to them). A notice must also be placed on the website where the original proposal was published.

Within one week of making a decision the LA must publish their decision and the reasons for it, on the website where the original proposal was published and send copies to:

- the LA (where the Schools Adjudicator is the decision-maker);
- the Schools Adjudicator (where the LA is the decision-maker);

⁹ For example where a change is conditional on the establishment of a new school under section 10 or 11 of EIA 2006 (where the Schools Adjudicator may be the default decision maker).

¹⁰ The prescribed events are those listed in paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations

- the GB/proposers (as appropriate);
- the trustees of the school (if any);
- the local Church of England diocese;
- the local Roman Catholic diocese;
- the parents of every registered pupil at the school – where the school is a special school; and
- any other body that they think is appropriate (e.g. other relevant diocese or diocesan board, faith organisation and any affected educational institutions in the area).

If the [Schools Adjudicator](#) is the decision-maker they must notify the persons above of their decision, together with the reasons, within one week of making the decision. Within one week of receiving this notification the LA must publish the decision, with reasons, on the website where the original proposal was published.

Related proposals

Where proposals appear to be related to other proposals, the decision-maker must consider the related proposals together. A proposal should be regarded as related if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal.

Conditional approval

For many types of proposal, decision-makers may make their approval conditional on certain prescribed kinds of events¹¹. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

The proposer should inform the decision-maker when a condition is met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

¹¹ Under paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations

Education standards and diversity of provision

Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents, raise local standards and narrow attainment gaps.

Equal opportunities issues

The decision-maker must comply with the Public Sector Equality Duty (PSED), which requires them to have 'due regard' to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

Further information on the considerations can be found on the [Equality and Human Rights Commission](#) website.

Community cohesion

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from, and about each other; by encouraging through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker should consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different groups within the community.

Travel and accessibility

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

Further information is available in the statutory [Home to school travel and transport guidance](#) for LAs.

Funding

The decision-maker should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees of the school, diocese or relevant diocesan board) have given their agreement. A proposal **cannot** be approved conditionally upon funding being made available.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

Rights of appeal against a decision

The following bodies may appeal to the Schools Adjudicator against a decision made by a LA decision-maker, within four weeks of the decision being made:

- the local Church of England diocese;
- the local Roman Catholic diocese; and
- the governors and trustees of a foundation, foundation special or voluntary school that is subject to the proposal.

On receipt of an appeal, a LA decision-maker must then send the proposal, representations received and the reasons for their decision to the Schools Adjudicator within one week of receipt. There is no right of appeal on determinations made by the Schools Adjudicator.

Implementation

The proposer must implement a proposal in the form that it was approved, taking into account any modifications made by the decision-maker.

Modification post determination

Proposers can seek modifications from the decision-maker before the approved implementation date. However, proposals cannot be modified to the extent that new proposals are substituted for those that have been published.

Details of the modification must be published on the website where the original proposals were published.

Revocation of proposals

If the proposer no longer wants to implement an approved proposal, they must publish a revocation proposal to be relieved of the duty to implement, as set out in the Prescribed Alterations Regulations.

Land and buildings

Foundation, foundation special or voluntary controlled schools

Where a LA is required to provide a site for a foundation, foundation special or voluntary controlled school, the LA must¹²:

- transfer their interest in the site and in any buildings on the site which are to form part of the school's premises to the trustees of the school, to be held by them on trust for the purposes of the school; or
- if the school has no trustees, to the GB, to be held by that body for the purposes of the school.

In the case of a dispute as to the persons to whom the LA is required to make the transfer, the adjudicator will make a decision.

Voluntary aided schools

Where a LA is required to provide a site for a voluntary aided school, they must transfer their interest in the land to the trustees of the school, and must pay the reasonable costs to the GB in connection with the transfer.

¹² Under paragraph 17 of schedule 3 of the Prescribed Alterations Regulations

School premises and playing fields

Under the School Premises (England) Regulations 2012, all schools maintained by local authorities are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

[Guidelines](#) setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.

6: Statutory process: foundation proposals

Changing category to foundation, acquiring a foundation trust and/or acquiring a foundation majority

A 'foundation trust school' is a foundation school with a charitable foundation complying with the requirements set out in SSFA 1998¹³. These include that the foundation trust must have a charitable purpose of advancing education and must promote community cohesion.

The term 'acquire a foundation majority' means acquiring an instrument of government whereby the school's foundation trust has the power to appoint a majority of governors on the GB.

Where a school's GB considers changing category to foundation or acquiring a foundation trust and/or acquiring a foundation majority on the school's GB, the following five-stage statutory process must be followed:

Stage	Description	Timescale	Comments
Stage 1	Initiation		The GB considers a change of category to foundation/acquisition of a foundation trust/acquisition of a foundation majority
Stage 2	Publication		Having gained consent where appropriate
Stage 3	Representation (formal consultation)	Must be 4 weeks	As set out in the prescribed alteration regulations. The LA may refer a foundation trust proposal to the Schools Adjudicator during this period if it considers the proposal to have a negative effect on standards at the school
Stage 4	Decision	The GB must decide within 12 months of the date of publication	Unless the LA has referred the proposal to Schools Adjudicator at Stage 3
Stage 5	Implementation	No prescribed timescale	Must be as specified in the statutory notice, subject to any modifications agreed by the decision-maker

¹³ Section 23A

Initiation

For a proposal to change the category of a school to a foundation school, the GB should inform the LA in writing, at least seven days in advance of a meeting, if a motion to consult on a change of category proposal is to be discussed.

Before the GB can publish a proposal to change category from a voluntary school to a foundation school, the existing trustees and whoever appoints the foundation governors must give their consent.

Publication

A statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. Part 1 of [Schedule 1 to the Prescribed Alterations Regulations](#) specifies the information that the statutory proposal must contain. Further details on the publication stage can be found in [Part 5](#).

Representation (formal consultation)

The representation period starts on the date of the publication of the proposal and must last four weeks. During this period, any person or organisation can submit comments on the proposal to the GB, to be taken into account when the decision is made.

During the representation period, the LA has the power to require the referral of a proposal to acquire a foundation trust/foundation majority to the [Schools Adjudicator](#) for decision, if they consider it will have a negative impact on standards at the school.

The LA does not have this power in respect of a proposal solely to change the category to foundation¹⁴.

Where a proposal is referred to the [Schools Adjudicator](#), the GB must forward any objections or comments it has received to the Schools Adjudicator within one week of the end of the representation period.

¹⁴ However, where such a proposal is related to a proposal to acquire a trust, then the whole set of proposals will be referred to the Schools Adjudicator.

Decision

Unless a proposal has been referred to the Schools Adjudicator (as set out above), the GB will be the decision-maker and must make a decision on the proposal within 12 months of the date of publication of the proposal.

Where a proposal to acquire a foundation trust or a foundation majority is linked to a proposal to change category to a foundation school, they will be decided together.

When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the LA;
- approve the proposal with or without modifications but conditional upon:
 - the making of any scheme relating to any charity connected with the school; and
 - the establishment of a foundation¹⁵.

Where the LA has referred a proposal to acquire a foundation trust/foundation majority to the Schools Adjudicator for decision, any related proposal(s) (including a change of category to foundation) will also fall to be decided by the Schools Adjudicator.

Decision-makers should consider the impact of changing category to foundation school, and acquiring or removing a foundation trust on educational standards at the school. In assessing standards at the school, the decision-maker should take account of recent reports from Ofsted and a range of performance data. Recent trends in applications for places at the school (as a measure of popularity) and the local reputation of the school may also be relevant context for a decision.

If a proposal is not considered strong enough to significantly improve standards at a school that requires it, the decision maker should consider rejecting the proposal. Foundation trusts have a duty¹⁶ to promote community cohesion, and decision-makers should carefully consider the foundation trust's plans for partnership working with other schools, agencies or voluntary bodies.

¹⁵ As defined in section 23A of the SSFA 1998

¹⁶ Under section 23A(6) of the SSFA 1998

Foundation schools acquiring a foundation trust

For foundation trust schools the decision-maker should be satisfied that the following criteria are met for the proposal to be approved:

- the proposal is not seeking for a school to alter, acquire, or lose a designated religious character. These alterations cannot be made simply by acquiring a foundation trust;
- the necessary work is underway to establish the foundation trust as a charity and as a corporate body; and
- that none of the foundation trustees are disqualified from exercising the function of foundation trustee, either by virtue of:
 - o disqualifications from working with children or young people;
 - o not having obtained a criminal record check certificate¹⁷;
 - o [Charities Act 2011](#)¹⁸ which disqualify certain persons from acting as charity trustees.

Suitability of partners

Decision-makers will need to be satisfied of the suitability of foundation trust partners and members. They should use their own discretion and judgement in determining on a case-by-case basis whether the reputation of a foundation trust partner is in keeping with the charitable objectives of a foundation trust, or could bring the school into disrepute. However, the decision-maker should make a balanced judgement, considering the suitability and reputation of the current/potential foundation trust.

The following sources may provide information on the history of potential foundation trust partners:

- [The Health and Safety Executive Public Register of Convictions](#)¹⁹
- [The Charity Commission's Register of Charities](#); and
- [The Companies House web check service](#).

¹⁷ Under section 113A of the Police Act 1997

¹⁸ section 178 onwards

¹⁹ Appearance on this database should not automatically disqualify a potential trust member; decision-makers will wish to consider each case on its merits

Within one week of making a decision the GB must publish a copy of the decision (together with reasons) on the website where the original proposal was published and send copies to:

- the LA;
- the local Church of England diocese; and
- the local Roman Catholic diocese.

Where a proposal has been decided by the GB and is to change the category of a VA school to foundation (with or without the acquisition of a foundation trust/foundation majority), the following bodies have the right of appeal to the [Schools Adjudicator](#)²⁰:

- the LA;
- the local Church of England diocese(s); and
- the local Roman Catholic diocese(s).

Conditional approval

For many types of proposal, decision-makers may make their approval conditional on certain prescribed kinds of events²¹. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

The proposer should inform the decision-maker when a condition is met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

Implementation

The GB must implement any approved proposal by the approved implementation date, taking into account any modifications made by the decision-maker.

Within one week of implementation, the GB must provide information to the Secretary of State²² about foundation proposals that have been implemented. Copies of the statutory proposals and decision record should be submitted to

²⁰ The specific circumstances in which a referral can be made are prescribed under paragraph 15 of Schedule 1 to the Prescribed Alterations Regulations

²¹ under paragraph 16 of Schedule 1 to the Prescribed Alterations Regulations

²² Paragraph 18 of Schedule 1 of the Prescribed Alterations Regulations

schoolorganisation.notifications@education.gov.uk in order for the school record to be updated on GIAS.

Modification post determination

Modifications can be made to a proposal by the governing body after determination but before implementation.

Revocation

If the proposer no longer wants to implement an approved proposal they must publish a revocation proposal to be relieved of the duty to implement, as set out in Paragraph 19 of Schedule 1 of the Prescribed Alterations Regulations.

Governance and staffing issues

Schedule 4 of the Prescribed Alterations Regulations provides further information on the requirements about:

- the revision or replacement of the school's instrument of government;
- reconstitution or replacement of the GB;
- current governors continuing in office;
- surplus governors;
- transfer of staff; and
- transitional admission arrangements.

Land transfer issues

Requirements as to land transfers, when a school changes category or acquires a foundation trust, are prescribed in Schedule 5 of the Prescribed Alterations Regulations.

Removing a foundation trust and/or removing a foundation majority

There are five or six statutory stages (depending on the proposal and circumstances) to remove a foundation trust and/or to reduce a foundation majority. It may be triggered in two different ways – either by a majority or a minority of the GB:

Stage	Description	Timescale	Comments
Stage 1	Initiation		<p>Majority A majority of governors considers publishing a proposal to remove a foundation trust/reduce the number of governors appointed by the foundation.</p> <p>or</p> <p>Minority A minority (of not less than a third of the governors) notify the clerk of the GB of their wish to publish a proposal to remove a foundation trust/reduce the number of governors appointed by the foundation</p>
Stage 2	Land Issues (applicable only to removal of trusts)	If not resolved within 3 months, disputes must be referred to the Schools Adjudicator	In cases of removing foundation trusts, the GB, trustees and the LA must resolve issues related to land and assets before a proposal is published
Stage 3	Consultation	<p>Majority A minimum of 4 weeks is recommended.</p> <p>or</p> <p>Minority No consultation required</p>	<p>Majority It is for the GB to determine the length of consultation</p>
Stage 4	Publication and representation	<p>Majority 6 week representation period.</p> <p>or</p> <p>Minority</p>	

Stage	Description	Timescale	Comments
		Where there are no land or asset issues – publish within 3 months of receipt of notice by GB clerk – followed by a 6-week representation period. Where there are land issues, publish within 1 month of receipt of School Adjudicator's determination – followed by a 6-week representation period	
Stage 5	Decision	Within 3 months	A proposal initiated by a minority of governors may not be rejected unless at least two-thirds of the GB are in favour of the rejection
Stage 6	Implementation	No prescribed timescale	But must be as specified in the statutory notice, subject to any modifications agreed by the decision-maker

Initiation

A proposal for removing a foundation trust and/or removing a foundation majority can be triggered by:

- a) a majority²³ of the GB or a committee deciding to publish a proposal. The decision to publish must be confirmed by the whole GB at a meeting held at least 28 days after the meeting at which the initial decision was made; or
- b) at least one-third²⁴ of the governors requesting in writing to the clerk of the GB, that a proposal be published. No vote of the GB is required as they are obliged to publish a proposal. To prevent on-going challenges

²³ Regulation 4 of the Removal Regulations

²⁴ Regulation 5 of the Removal Regulations

there are a number of prescribed circumstances²⁵ in which there is no obligation to follow the wishes of the minority of governors.

Land and assets (when removing a foundation trust)

Before publishing proposals to remove a foundation trust, the GB must reach agreement with the trustees and LA on issues relating to the school's land and assets. Where such issues remain unresolved within three months of the initial decision (majority) or receipt of notice by the clerk (minority), they must be referred to the [Schools Adjudicator](#) for determination.

On the removal of the foundation trust, all publicly provided land held by the foundation trust for the purposes of the school will transfer to the GB²⁶. Where the land originated from private sources (for example, where land was gifted on trust), the land will transfer to the GB in accordance with a transfer agreement, providing for consideration to be paid by the GB to the foundation trust where appropriate. However, there may be land which has benefited from investment from public funds which remains with the trustees under the transfer agreement.

Alternatively, there may have been investment by trustees in the publicly provided land or from public funding in the land provided by the trustees. In either of these cases, it may be appropriate for either the trustees or the public purse to be compensated. The possibility of stamp duty land tax may also need to be taken into account.

The Schools Adjudicator will announce its determination in writing to both parties.

Consultation

Where a minority of governors initiated the process, this stage does not apply.

Where a majority of governors initiated the process, before publishing a proposal the GB must consult:

- families of pupils at the school;
- teachers and other staff at the school;
- the trustees and, if different, whoever appoints foundation governors;
- the LA;

²⁵ See regulation 5(4) of the Removal Regulations

²⁶ By virtue of regulation 17(1) of the Removal Regulations

- the GBs of any other foundation or foundation special schools maintained by the same LA for which the foundation acts as a foundation;
- any trade unions who represent school staff;
- if the school has been designated as having a religious character, the appropriate diocesan authority or other relevant faith group in relation to the school;
- any other person the GB consider appropriate.

Publication

Where the decision to publish a proposal was made by a majority of governors, the GB at this stage must decide whether to go ahead with publishing the proposal.

Where the decision to publish a proposal was made by a minority of governors and there are no land issues to be determined, the GB must publish the proposal within 3 months of the receipt of the notice by the clerk. If land issues were referred to the [Schools Adjudicator](#), the proposal must be published within 1 month of receipt of its determination.

Proposals to remove a foundation trust or to alter the instrument of government so that foundation governors cease to be the majority of governors must contain the information set out in [The School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#). Further details on the publication stage can be found in [Part 5](#).

At the same time as publishing the proposals, the GB must send copies of the proposals to the LA, trustees, and the Secretary of State via schoolorganisation.notifications@education.gov.uk.

Representation

The representation period starts on the date of the publication of the proposal and must last six weeks. During this period, any person or organisation can submit comments on the proposal to the GB to be taken into account when the decision is made.

Unlike the foundation trust acquisition process, there is no power for the LA to refer a proposal to the Schools Adjudicator to remove a school's foundation trust or to reduce the number of governors appointed by the foundation trust. However, GBs

must bear in mind that failure to follow the requirements of the statutory process could lead to a complaint to the Secretary of State under Section 496/497 of the Education Act 1996, and/or ultimately be challenged through judicial review.

Decision

The GB is the decision-maker for a removal proposal and must determine the proposal within 3 months of the date of its publication.

If a proposal was brought forward by a majority of governors, then it may be determined by a majority vote of those governors present²⁷.

If a proposal was brought forward by a minority of governors, then the GB may not reject the proposal unless two thirds or more of the governors indicate that they are in favour of its rejection²⁸.

When deciding a proposal for the removal of a foundation trust, the GB should consider the proposal in the context of the original proposal to acquire the foundation trust, and consider whether the foundation trust has fulfilled its expectations. Where new information has come to light regarding the suitability of foundation trust partners, this should be considered.

All decisions must be taken in accordance with the processes prescribed in [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#).²⁹

The GB must notify the relevant LA, trustees and the Secretary of State via schoolorganisation.notifications@education.gov.uk of their decision.

Implementation

The GB is under a statutory duty to implement any approved proposal, as published, by the approved implementation date, taking into account any modifications made. In changing category, an implementation period begins when the proposal is decided and ends on the date the proposal is implemented. During this period the LA and GB are required to make a new instrument of government for the school, so enough time must be built into the timeframe for this to happen. The GB must then be reconstituted in a form appropriate to the school's new category and also in accordance with the appropriate instrument of government taking into account the [School Governance \(Constitution\) \(England\) Regulations 2012](#).

²⁷ As per the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013.

²⁸ As per regulation 11(2) of the Removal Regulations.

²⁹ Except as otherwise provided by the Removal Regulations.

When removing a foundation trust or a foundation majority, a governor may continue as a governor in the corresponding category (e.g. staff governor, parent governor) if that category remains under the new instrument of government. A member of a current GB who continues as a governor on these grounds holds office for the remainder of the term for which he or she was originally appointed or elected. Where a school with a religious character has no foundation trust, the GB must appoint partnership governors with a view to ensuring that the religious character of the school is preserved and developed in accordance with the School Governance (Constitution) (England) Regulations 2012. There is nothing to prevent the appointment of a former foundation governor being reappointed by the GB as a partnership governor.

The terms of the trust on which land is held for a voluntary or foundation school often include very specific provisions regarding the conduct of the school and the use of any fund held by the foundation trust for the use of the school and premises. When making a proposal to change category, proposers will need to consider whether the current terms on which the school's land is held on trust allows for the change in category proposed. If in doubt, or if a variation in the foundation trust is clearly necessary, promoters and the relevant site trustees are advised to make early contact with the Charity Commission to apply for the terms of the trust to be varied under the relevant trust law.

Modification of proposals

Modifications can only be made to the implementation date and the proposed constitution of the governing body.

Annex A: Information to be included in a prescribed alteration statutory proposal

A statutory proposal for making a prescribed alteration to a school must contain sufficient information for interested parties to make a decision on whether to support the proposed change. A proposal should be accessible to all interested parties and therefore use 'plain English'.

Proposers will need to be mindful of the factors that will inform the decision-makers assessment when determining the proposal.

As a minimum, the department would expect a proposal to include:

- school and LA details;
- description of alteration and evidence of demand;
- objectives (including how the proposal would increase educational standards and parental choice);
- the effect on other educational institutions within the area;
- project costs and indication of how these will be met, including how long-term value for money will be achieved;
- implementation plan; and
- a statement explaining the procedure for responses: support, objections and comments.

Annex B: Further Information

This guidance primarily relates to:

- [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#)
www.legislation.gov.uk/uksi/2013/3110/contents/made
- [The School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#) www.legislation.gov.uk/uksi/2007/3475/contents/made
- [The School Organisation \(Requirements as to Foundations\) \(England\) Regulations 2007](#) www.legislation.gov.uk/uksi/2007/1287/contents/made
- [The Education and Inspections Act 2006](#)
www.legislation.gov.uk/ukpga/2006/40
- [The School Standards and Framework Act 1998](#)
www.legislation.gov.uk/ukpga/1998/31/contents

It also relates to:

- [The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013](#) www.legislation.gov.uk/uksi/2013/3109/contents/made
- [The School Governance \(Constitution\) \(England\) Regulations 2012](#)
www.legislation.gov.uk/uksi/2012/1034/contents/made
- [The School Governance \(Constitution and Federations\) \(England\) \(Amendment\) Regulations 2014](#)
www.legislation.gov.uk/uksi/2014/1257/pdfs/uksi_20141257_en.pdf
- [The School Governance \(Miscellaneous Amendments\) \(England\) Regulations 2015](#) www.legislation.gov.uk/uksi/2015/883/pdfs/uksi_20150883_en.pdf
- [The School Governance \(New Schools\) \(England\) Regulations 2007](#)
www.legislation.gov.uk/uksi/2007/958/pdfs/uksi_20070958_en.pdf
- [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#) www.legislation.gov.uk/uksi/2013/1624/contents/made
- [The Childcare Act 2006](#) www.legislation.gov.uk/ukpga/2006/21/contents
- [The School Premises \(England\) Regulations 2012](#)
www.legislation.gov.uk/uksi/2012/1943/contents/made

- [Making Significant Changes to an Existing Academy](http://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy)
www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy
- [Academy/Free School Presumption – departmental advice](http://www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption)
www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption
- [Establishing New Maintained Schools – departmental advice for local authorities and new school proposers](http://www.gov.uk/government/publications/establishing-new-maintained-schools)
www.gov.uk/government/publications/establishing-new-maintained-schools
- [The School Admissions Code](http://www.gov.uk/government/publications/school-admissions-code--2) www.gov.uk/government/publications/school-admissions-code--2
- [Education Act 1996](http://www.legislation.gov.uk/ukpga/1996/56/contents) www.legislation.gov.uk/ukpga/1996/56/contents
- [Equality Act 2010](http://www.legislation.gov.uk/ukpga/2010/15/contents) www.legislation.gov.uk/ukpga/2010/15/contents
- [Police Act 1997](http://www.legislation.gov.uk/ukpga/1997/50/contents) www.legislation.gov.uk/ukpga/1997/50/contents
- [Charities Act 2011](http://www.legislation.gov.uk/ukpga/2011/25/contents) www.legislation.gov.uk/ukpga/2011/25/contents
- [Public Sector Equality Duty](http://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty) www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty
- [Home-to-school travel and transport - GOV.UK](http://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance)
www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance
- [Get information about schools - GOV.UK](http://www.get-information-schools.service.gov.uk/) www.get-information-schools.service.gov.uk/
- [Consultation principles: guidance - GOV.UK](http://www.gov.uk/government/publications/consultation-principles-guidance)
www.gov.uk/government/publications/consultation-principles-guidance
- [School land and property: protection, transfer and disposal - GOV.UK](http://www.gov.uk/guidance/school-land-and-property-protection-transfer-and-disposal)
www.gov.uk/guidance/school-land-and-property-protection-transfer-and-disposal

Annex C: Contact details for RSC offices

- East and North East London - RSC.EASTNELONDON@education.gov.uk
- North - RSC.NORTH@education.gov.uk
- East Midlands and Humber - EMH.RSC@education.gov.uk
- Lancashire and West Yorkshire - LWY.RSC@education.gov.uk
- South Central England and North West London - RSC.SCNWLON@education.gov.uk
- South East and South London - RSC.SESL@education.gov.uk
- South West - RSC.SW@education.gov.uk
- West Midlands - RSC.WM@education.gov.uk



Department
for Education

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Appendix 5 – Public Report

SCHOOL ORGANISATION PROPOSAL:

Oscott Manor School

- **Proposal to Transfer to a New Site**

Councillor Name	Date	Method of Consultation	Comments
All Ward Councilors for Birmingham	25 th April 2019	E Mail	No comments received
All Members of Parliament for Birmingham	25 th April 2019	E Mail	No comments received



Birmingham City Council

Report to Cabinet Member for Education Skills and Culture, jointly with the Director of Education & Skills

Date: 14 June 2019

Subject: PROPOSAL TO ALTER THE AGE RANGE TO REMOVE NURSERY PROVISION AT GUNTER PRIMARY SCHOOL

Report of: Interim Assistant Director Education and Early Years

Relevant Cabinet Member: Councillor Jayne Francis, Education Skills and Culture

Relevant O &S Chair(s): Councillor Kath Scott, Education & Children's Social Care

Report author: Jaswinder Didially
Head of Service Education Infrastructure;
Telephone No: 0121 303 8847
Email Address: Jaswinder.didially@birmingham.gov.uk

Are specific wards affected?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s): Pype Hayes		
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, add Forward Plan Reference:		
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
If relevant, provide exempt information paragraph number or reason if confidential :		

1 Executive Summary

1.1 To seek the determination of a statutory proposal to:

Alter the age range of Gunter Primary School from 3 – 11 to 4 -11 years to remove the nursery provision.

2 Recommendations

That the Cabinet Member for Education, Skills and Culture jointly with the Director of Education and Skills;

- 2.1 Approve, having taken into account the statutory guidance, the statutory proposal to alter the age range to remove the nursery provision at Gunter Primary School with effect from 1st September 2019.

3 Background

- 3.1 Gunter Primary School is a one form entry community primary school with an admission number in reception of 30. The school is situated in the Pype Hayes ward in the Erdington district of the City. The age range of the school is 3 – 11 years. The school has a 37 full time equivalent (FTE) nursery class that can offer 75 part time nursery places. Currently the nursery attendance is 11 part time pupils and 10 full time.
- 3.2 The Local Authority is proposing to alter the age range of Gunter Primary School from 3 -11 years to 4 – 11 years to remove the nurse provision. The nursery has been operating at approximately 40% capacity due to a large supply of nurse provision in the area.
- 3.3 There is currently a large over supply of Early Education and Childcare provision (0 to 4 age) in the local area surrounding Gunter Primary School i.e. Pype Hayes ward. There are currently 682 part time equivalent (PTE) places in the ward with the places forecast to be needed is 458 PTE places. There are 9 early year providers in Pype Hayes ward consisting of 3 nursery classes managed by primary schools, 2 childminders and 4 full day care private voluntary or independent (PVI) nursery providers. One of the PVI nursery providers is The Nest which operates on the Gunter Primary School site.
- 3.4 Funding for nursery provision is calculated on the number of pupils. Nurseries operating with a large number of unfilled places can be a risk to the financial viability and sustainability of the nursery which can impact on the budget of the school.
- 3.5 Due to the low numbers on roll the cost of providing the nursery provision at Gunter Primary School is costing more than the amount of money received and is currently being subsidised from the school budget. The school is currently operating with an in year deficit budget.
- 3.6 The school has been working in collaboration with the Early Years and Childcare team at the Local Authority who support the proposal to close the nursery.
- 3.7 Should the proposal to alter the age range and remove the nursery be approved the pupils who are currently in the nursery will either have left or will need to find alternative provision. The Nest Nursery is a private nursery provider on the

school site that has an OFSTED rating of “Outstanding”. The Nest has agreed to provide places for the remaining pupils at Gunter Primary School that will be affected by this proposal. The Nest may also be able to provide places for families who have expressed an interest in Gunter Primary School’s nursery for September 2019.

- 3.8 Should the proposals be approved the current nursery space will be used by reception and also for the school’s before and after school clubs.
- 3.9 The school is currently engaging with staff about the future structure of roles across the school. This proposal will form part of the engagement. Any changes to staff terms and conditions will be with full consultation with the trading unions.
- 3.10 In compliance with DFE guidance and best practice, a pre-publication letter was sent out to pupils, parents and carers on 4th March 2019 advising of the forthcoming statutory consultation and inviting for any initial questions or comments be directed to the school or the School Organisation Team.
- 3.11 A statutory notice and proposal were published and the representation period was between 4th April 2019 and 2nd May 2019 (four weeks) and commenced with the publication of a statutory notice in the Birmingham Post. During the four week representation period, comments on the proposal could be submitted in writing to Education Infrastructure, via the BeHeard webpages, email or letter. A copy of the full proposal and the public notice can be found in Appendices 1 & 2.
- 3.12 At the close of the representation period 72 responses were received regarding the proposal. 68 were opposed, 1 in favour, 2 didn’t know and 1 didn’t specify.
- 3.13 The analysis and copies of the comments received (anonymised) can be found in appendix 3 of this report. Details of both the internal and external stakeholders consulted and the means by which the consultations were carried out are detailed in section 5 of this report.
- 3.14 Some comments referenced the positive transition from nursery to reception, however, attendance at the nursery does not give pupils any priority into the school’s reception class. The admission arrangements for reception are not affected by this proposal. The Local Authority oversubscription criteria for community and voluntary controlled schools applies where there are more applications than there are places available (i.e.1.Looked after or previously looked after children, 2. Siblings(not siblings in nursery), 3. Denominational claims (for VC) 4. Distance.)
- 3.15 The Education and Inspections Act 2006 and Regulation 7 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the Prescribed Alterations Regulations) state that the Local Authority must have regard to any guidance issued by the Secretary of State when making a decision on such proposals. The relevant statutory guidance is attached (Appendix 4). The Education and Inspections Act 2006, and

Paragraph 5 of Schedule 3 to the Prescribed Alterations Regulations allows for the proposals to be approved, approved with modification, approved subject to meeting a prescribed condition, or rejected.

- 3.16 If the proposal is approved, the age range of Gunter Primary School will change to 4 – 11 years and the nursery provision will be removed with effect from 1st September 2019.

4 Options considered and Recommended Proposal

- 4.1 It is recommended that the proposal to alter the age range of Gunter Primary School to 4 – 11 years to remove the nursery be approved. The school is currently subsidising the nursery provision from the school budget. The proposal will allow the school to focus their time and finances on Key stage 1 & 2.
- 4.2 Should the proposal be rejected. The financial viability of the nursery will be difficult to sustain and the school will continue to subsidise the nursery provision which will cause the school's budget to fall into further deficit which could have an impact on standards, finances and ultimately the future of the school.

5 Consultation

5.1 Internal

During the statutory consultation periods, information about the proposal was sent to:

- Ward Councillor for Pype Hayes
- Officers from services across Birmingham City Council including Admissions, Finance, School and Governor Support, Human Resources, Legal, Planning, Research and Statistics Information Officers for Education and Skills.

Details of the responses received and outcome of the statutory consultation is set out in Appendix 3. The Ward Councillors consulted and the date and method of consultation is set out in Appendix 5.

5.2 External

- 5.2.1 The proposal has been fully consulted upon in line with the requirements set out in the statutory guidance "Making significant changes ('prescribed alterations') to maintained schools" (October 2018) published by the Department for Education (DfE). A copy of the guidance for decision makers can be found in Appendix 4.
- 5.2.2 During the pre-statutory consultation period, information about the proposal was publicised to the parents, teaching staff, non-teaching staff.

During the statutory consultation period, information about the proposal was publicised to all stakeholders consulted during the pre-statutory period and the following additional consultees:

- Birmingham Schools;
- Neighbouring Local Authorities;
- The Archdiocesan and The Anglican Diocese of Birmingham;
- Professional Associations and Trade unions
- Local Councillor for Pye Hayes
- Members of Parliament for Erdington
- Department for Education – School Organisation

5.2.3 The information was publicised in the following ways:

- Public notice in Birmingham Post newspaper;
- On Birmingham City Council BeHeard webpage;
- On the schools' webpages;
- On the Birmingham City Council School Notice Board.
- Emails to stakeholders and groups

5.2.4 A copy of the full proposal document can be found in Appendix 1 and the Public Notice in Appendix 2. The outcome of the external consultation is set out in Section 3 of this report and in Appendix 3

6 Risk Management

6.1 Should the proposal to change the age range to 4 – 11 years to remove the nursery provision not be approved there is a high risk of the school falling further into budget deficit which could impact on the future of the school.

7 Compliance Issues:

7.1 How are the recommended decisions consistent with the City Council's priorities, plans and strategies?

7.1.1 There is currently a large over supply of Early Education and Childcare provision (0 to 4 age) in the local area surrounding Gunter Primary School i.e. Pye Hayes ward. A school with a large number of unfilled nursey places can be a risk to the financial viability and sustainability of the nursery which can impact the budget of the school. There is currently sufficient supply to fulfil our statutory duty.

7.2 Legal Implications

7.2.1 This report exercises powers contained within sections 19 and 21 of the Education and Inspections Act 2006 and Schedule 2 and Schedule 3 to the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (the "Prescribed Alterations Regulations"), whereby the Local Authority of a Community School can propose to alter the age range to remove the nursery provision by following a statutory process. Under the Prescribed

Alterations Regulations, the Local Authority is the decision maker for this statutory proposal.

7.3 Financial Implications

- 7.3.1 Gunter Primary School had an in year deficit in 2018/19 of £21,977, though a cumulative surplus balance overall of £65,705. The nursery has 40% unfilled places. As funding is calculated on the number of pupils, the consistently low number on roll at the nursery has resulted in the nursery provision being subsidised from the school budget. The removal of the nursery provision should enable the school to have a balanced in year budget position going forward.

7.4 Procurement Implications (if required)

Not applicable.

7.5 Human Resources Implications (if required)

- 7.5.1 The school is currently engaging with the staff about future rolls across the school and the proposal to remove the nursery provision forms part of that engagement. Any changes to existing terms and conditions or staff reductions resulting from the closure of the nursery will be with full consultation with trade unions and teaching associations.

7.6 Public Sector Equality Duty

- 7.6.1 An updated Equality Assessment initial screening was carried out in October 2018 (EQUA221) for the School Organisation Change process, which identified that a full impact assessment was not required. No events have occurred since then which would require the preparation of a fresh screening in respect of these recommendations.

8 Background Documents

8.1 List of Documents

- Education and Inspections Act 2006
- Making significant changes ('prescribed alterations') to maintained schools: "Statutory guidance for proposers and decision makers" published by the Department for Education (DfE) October 2018.

8.2 List of Appendices accompanying this Report (if any):

- 1.Full Full Proposal Document
- 2. Public Notice
- 3. Statutory Consultation Results
- 4. Guidance for Decision Makers
- 5. Ward Councillors Consulted.



Full Proposal Document

Gunter Primary School

Proposal to alter the age range to remove nursery provision.

Introduction

Birmingham City Council, as the Local Authority for Birmingham, in collaboration with the school, is consulting on the following changes to Gunter Primary School (a community school).

School Information

Type:	Community School (Local Authority Maintained)		
Name:	Gunter Primary School	DFE:	2091
Address:	Gunter Road, Pye Hayes, Birmingham B24 0RU		
Ward:	Pye Hayes	District:	Erdington
Age Range:	3 – 11 years	Capacity:	189
Last Ofsted:	April 2012	Ofsted Rating	Good

Nursery Capacity:

Capacity of nursery provision:	75 (part time equivalent)
Full time equivalent:	37
Current nursery attendance:	11 part time; 10 full time.

What changes are proposed?

We are proposing to carry out the following changes to Gunter Primary School:

- Alter the lower age limit from 3 years to become 4 years;
- This would change the age range of the school to be 4 – 11 years.
- This would result in the removal of nursery provision.

Why do we want to do this?

The number attending the nursery at the school has been lower in recent years. This is due to there being a large supply of nursery provision in the local area. The nursery has been operating at approximately 40% capacity. This has financial implications as the cost of providing the nursery is more than the amount of money received. Nurseries operating with a large number of unfilled places can be a risk to the financial viability and sustainability of the nursery which can impact the budget of the school. If the school experiences financial deficit, this can impact on staffing, standards and attainment and affect the performance of the school. To support the school to focus their time and finances on Key stage 1 and 2,

Evidence of Demand:

There is a large over-supply of Early Education and Childcare provision (0 to 4 age range) in the local area surrounding Gunter Primary School i.e. Pye Hayes Ward.

- Number of places in the Pye Hayes Ward: 682 part time equivalent (pte).
- Number of places potentially needed in the Pye Hayes Ward: 458 pte.

There are 9 early-years providers in the Pye Hayes ward consisting of 3 nursery classes managed by primary schools, 2 childminders and 4 full day-care private, voluntary or independent (PVI) nursery providers.

When will these changes happen?

If the proposal is approved by the decision makers at Birmingham City Council, it is intended that the proposal will be implemented from **1st September 2019**.

Will there be any effect on other schools, academies and educational institutions within the area?

Other nursery providers in the area may find that they have increased applications. There is sufficient provision to accommodate the local need. There is a private nursery provider on the Gunter Primary School site (The Nest).

How will this affect pupils at the school?

There are no safeguarding concerns for any of the pupils that may be affected. Pupils who are currently in the nursery will either have left or would need to find alternative provision, if this proposal is approved. There is a private nursery provider on the school site (The Nest) that has an Ofsted grade of outstanding. The Nest has agreed to provide places for current nursery pupils that would be affected by this proposal. This would provide an opportunity for siblings to remain in provision at the same site as Gunter Primary School. The Nest may also be able to offer places for families that have expressed an interest in Gunter Primary School's nursery for September 2019.

Note: The admission arrangements at the School are not affected by this proposal. Attendance at a nursery provision does not give pupils any priority to admission into the School's reception class.

How will this affect staff?

The school is currently engaging with staff about the future structure of roles across the school. This proposal will form part of that engagement. Any changes to existing terms and conditions or staff reductions will be with full consultation with the trading unions and teaching associations.

Will there be changes to the school building?

There is no building work needed for this proposal. The current nursery space will continue to be available and used by the Reception year group. The school also intend to use the space for their before and after-school clubs, as it offers better space and facilities for the clubs.

What are the project costs for this proposal and how is it funded?

There are no project costs associated with this proposal. The nursery provision is currently funded through Early Education Entitlement funding for eligible 3 and 4 year olds based on actual termly attendance. It is intended that the removal of nursery provision from the school would provide savings and relief from pressure on the whole school budget.

Will this definitely happen?

No, there is a statutory process we must follow to make these sorts of changes to schools.

This document is the full proposal for statutory public consultation, referred to as "the representation period". All comments we receive during that period will be anonymised and forwarded to the decision makers for consideration. Within two months of the end of the representation period, Birmingham City Council's Cabinet

Member for Education, Skills and Culture, jointly with the Director of Education and Skills, will make a decision.

It is only after the decision that we will be able to say with certainty whether or not the proposal will be implemented. A letter will be sent to the Governing Body and Head Teacher to notify them of the decision. The school will share the decision with families and staff of the school. The decision will also be published on the consultation webpage in the details below.

What will happen if this proposal is rejected?

If this proposal is rejected, Gunter Primary School will continue to have an age range of 3 to 11 years; and continue to offer nursery provision.

Alternative solutions to the sustainability of the nursery provision would need to be explored to relieve the financial pressure this causes to the school budget.

How can I make my views known?

We invite all interested parties to give us their views and comment on this proposal.

Any comments must be received between 4th April and 2nd May 2019.

You can submit your written comments via the following methods:

- Online survey: <https://www.birminghambeheard.org.uk/people-1/gunter>
- By email (with Gunter in the subject): eds.enquiries@birmingham.gov.uk
- Using the attached form or by letter to:
School Organisation Team – Education Infrastructure
Birmingham City Council
PO Box 15843
Birmingham B2 2RT

What happens next?

The dates set out below meet the government requirements for us to consult fully with the people affected by the proposal.

Key dates

Action	Date
Statutory notice to be published	4 th April 2019
Beginning of 4 week consultation period	4 th April 2019
End of 4 week consultation period	2 nd May 2019
Final decision to be made no later than	2 nd July 2019
Changes implemented	1 st September 2019



BIRMINGHAM CITY COUNCIL
School Organisation Proposal

Gunter Primary School

Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 that Birmingham City Council intends to make a prescribed alteration to Gunter Primary School, (Community School) Gunter Road, Birmingham B24 0RU namely;

- To alter the lower age limit of Gunter Primary School from age 3 years to become age 4 years;
- This proposal would change the age range to become 4 – 11 years with effect from 1st September 2019, resulting in the removal of nursery provision from Gunter Primary School.

This notice is an extract from the complete proposal document. Copies of the complete proposal can be found at; <https://www.birminghambeheard.org.uk/people-1/gunter>

If you require a hard copy, this can be obtained by writing to: School Organisation Team, Education Infrastructure, PO Box 15843, Birmingham B2 2RT. Within four weeks from the date of publication of this proposal, any person may object to or make comments on the proposals. Anyone who wishes to make representation about these proposals should do so through the above web site or by writing to the School Organisation Team at the above postal address. The date by which objections or comments must be received is 2nd May 2019

Signed: Jaswinder Didially, Head of Education Infrastructure
 Dated: 4th April 2019

School Org: Consultation Results (SOT10137 Gunter Nursery 2019)

Summary Table

Total number of responses:	72
Number in favour or against the proposal:	
In favour	1
Against	68
Don't know	2
Not answered	1
Method of response:	
BeHeard (website)	47
Email	3
Letter	22
Respondent by type:	
Pupil	25
Parent	28
School Governor	0
School Staff Member	5
Local Resident	5
Local Councillor	0
Member of Parliament	0
Other, please specify	7
Not answered	2
Comment themes: (counted per mention of total written comments: 55*)	Result
Negative effect on pupils/families/community	44 /55
Positive experience of the nursery	40 /55
Alternative provision – cost/not free	24 /55
Nursery provision more important than saving money	22 /55
Positive transition into Reception [at the school]	6 /55
Alternative provision – additional travel	4 /55
Suggest improve nursery pupil numbers	4 /55
Acknowledge difficult financial circumstances	3 /55
Alternative provision – opinions about quality	3 /55
Negative impact on staff	3 /55
Acknowledge current numbers unsustainable	1 /55
Why low nursery pupil numbers?	1 /55
Opinion about school leadership	1 /55
Against proposal	1 /55

*Analyst Notes:

Comment theme method - example only: If of a total of 10 written comments were received and 3 responses mentioned traffic concerns, the result for “traffic” would be: 3/10. If the same 3 people also mentioned parking and 3 others mentioned parking, the result for “parking” would be: 6/10.

Where multiple comments are from the same person, the comments are combined and counted as a single response.

Response ID	Type of respondent	In favour?	Comments
ANON-GTQM-8JFX-S	Parent	No	I have a child already at the school who went through the nursery so want the same for my other two children. Nursery gets them used to the school environment, routine, teachers, pupils and uniform. My daughter started Reception seamlessly after attending nursery and has thrived at Gunter. It is invaluable. I cannot take my daughter, due to start nursery in September, to another school nursery as I cannot be in two places at the same time. One or other would be late which is unacceptable. This will be an issue for many other parents with children at the school already, or in the future anyone with more than one child. In my daughter's class alone there are six children with younger siblings who would use the nursery. It's doesn't matter if other schools have places available if they can't be utilised by parents who are unable to take children to separate schools. The private nursery next to the school is small and always has a waiting list so I disagree there is an abundance of places. This will only get worse if there is no nursery at Gunter. They cannot always offer the desired session times either. Also, a private nursery does not provide the same education as school nursery so my other children will miss out on this. The school currently offers nursery places for the first half of the week or the second. It could provide only one half of the week instead of giving parents a choice of days, therefore only having to run the nursery for half the time. This would fill up more places and save money. Losing this nursery provision would have a negative effect on the education and development of lots of children in this area and I think it would be a very wrong decision to get rid of it due to funding. It's highly unfair that children a few minutes away can still attend a school nursery where many others will now miss out. This is an imbalance in education and can only have pejorative consequences. I strongly object to this proposal and sincerely hope it is denied for the good of the local area.
ANON-GTQM-8JFR-K	Parent	No	I have 3 children who already attend Gunter Primary School currently, one of whom will be leaving for secondary school in September, our youngest daughter is due to start nursery in September and if there is no provision at Gunter for her we will have 3 children attending 3 different schools, this makes the school run almost impossible and would result in us having to remove our daughter from Gunter so that at least 2 of our children will be attending the same school. Our children have already had a negative impact on their education by losing half a school day per week since Gunter cut school hours on a Friday. I feel that the pupils and families of pupils at this school have had enough upheaval due to budget cuts as it is. Having spoken to other parents of children both already in the school and with those due to start nursery in september that they too find themselves in the same difficult position as us. I also feel that sending out letters with the proposal to close the nursery was a bad move by the school as in my opinion it intentionally discouraged parents to apply for a nursery place for their child due to fear of closure
ANON-GTQM-8JFZ-U	Other, please specify	No	My granddaughter is due to attend this nursery in September. My other granddaughter went there and benefited greatly from progressing straight into the school from there. She is doing extremely well at school. My daughter cannot get to another nursery in the area, she has two other children and it is impossible to be in two places at the same time. It will be a great pity if my two other grandchildren will not be able to benefit from the education provided by this good nursery and move up into the school with all their friends.
ANON-GTQM-8JF4-N	Parent	No	In my opinion it would be an awful shame for Gunter nursery to close. My daughter is currently attending reception at Gunter primary and I feel attending the nursery setting before hand is the sole reason she is so settled and happy in reception. The nursery teachers are fantastic and the free flow/child leading play set up is outstanding. It is such a homely and friendly environment for the children. My son would be due to start Gunter nursery in September 2020, it would be a great loss to him and many other children in our local community if this nursery closes.
ANON-GTQM-8JF6-Q	Parent	No	I am not in favour of this at all. If the nursery closes I will have 3 children in 3 different schools so will be impossible for me to get each of them there on time, my eldest is going to secondary school, my daughter is currently at Gunter School so will continue to go there, and then my daughter is due to start nursery in September, if Gunter closes then I will have to find another school for her. The school has already had an impact on the children's learning by cutting half a day on a Friday so my child's education will be cut even more if I have to get all my children to different places at the same time, 2 of my children will inevitably be late to school every day, therefore missing important lessons
ANON-GTQM-8JF8-S	Parent	No	no comment
ANON-GTQM-8JF3-M	Parent	No	no comment
ANON-GTQM-8JFA-2	Parent	No	I simply love the staff love the nursery and wanted my daughter to join in January 2020, I was gutted when I received the letter I wanted her in the same school as her brother but now she will be going to a different school as I won't keep moving her after she's settled. Gunter was one of the first schools to cut hours on a Friday loads of schools still haven't .. now the nursery it's starting to become a joke.
ANON-GTQM-8JFV-Q	Parent	No	Gunter nursery has been a big part of the community for so long, all the staff are amazing the children have such a high quality of care. I think it would be a big loss to the area losing the nursery. I went there as a child over 20 years ago and I know many others who feel the same way. More appropriate advertising for spaces would be a good option.
ANON-GTQM-8JF2-K	Local Resident	No	no comment
ANON-GTQM-8JFP-H	Parent	No	I think the nursery provision should stay. It's a lovely little nursery. With more advertising of the nursery it would attract more people to consider sending their children there. I also think school nurseries are much nicer than private nurseries and most of the children go on to start reception so it prepares them for their years at Gunter. Please consider making changes and keeping the nursery provision.
ANON-GTQM-8JFY-T	Parent	No	no comment
ANON-GTQM-8JFB-3	Parent	No	no comment
ANON-GTQM-8JFS-M	Parent	No	no comment

ANON-GTQM-8JFH-9	Parent	No	no comment
ANON-GTQM-8JFM-E	Parent	No	Gunter nursery is an excellent Eye provider, the staff and the facilities are superb and they are a shining example of how all nursery and reception places should be run. The school has always had an issue with making itself known to surrounding residents which is a contributing factor to why they have low admissions. This can and will be resolved over the coming year, but the nursery is gone it's almost certainly never going to come back. We need more nursery's, not fewer, despite the harsh central government cuts to education funding which will likely change in the future. This is a heavy handed and short sighted way of cutting costs for short term gain, at the detriment to an already deprived area.
ANON-GTQM-8JFG-8	Parent	No	no comment
ANON-GTQM-8JFU-P	Parent	No	no comment
ANON-GTQM-8JF7-R	Parent	No	no comment
ANON-GTQM-8JFJ-B	Pupil	No	don't agree with proposal
ANON-GTQM-8JF5-P	Parent	No	no comment
ANON-GTQM-8JF1-J	Parent	No	All my children have previously attended Gunter nursery, then followed on into the school. I feel this is a good transition process for children. I have [REDACTED] that i have put name down for this nursery. I feel its an outstanding nursery that all my children have thrived and made good achievements in.
ANON-GTQM-8JFN-F	Local Resident	No	school nursery is highly important for children and families
ANON-GTQM-8JFE-6	Local Resident	No	no comment
ANON-GTQM-8JF9-T	Local Resident	Yes	no comment
ANON-GTQM-8JFK-C	Parent	No	<p>My daughter is starting in the nursery [REDACTED]. I think it's very unfair for her to start and then not have a place come September 2019. She would have made attachments to staff and other children. The staff in early years have a wealth of knowledge and experience that cannot be ignored. My oldest daughter [REDACTED] absolutely loves going to school. Having the nursery attached to reception is outstanding in my opinion. Not only does it teach the older children about responsibility of helping those younger than them but it also allows the younger ones to learn from older ones. I also think it gets them into a good school routine which can only help when they start in reception.</p> <p>At the end of the day it would be disgraceful of Birmingham city council to let go something that has won ofsted over in terms of early years as outstanding.</p> <p>They allow the children to learn through play as well as phonic and maths sessions. Children at this age learn best through play and it is evidenced in how happy the children are to attend. The transition between nursery and reception is smooth because they have been part of it, wearing a uniform, going to the hall for lunch and are familiar the staff as the staff are familiar with the children, which can only be beneficial to helping the children development and grow to their best ability.</p> <p>(email comments from same respondant): My [REDACTED] daughter currently attends reception and youngest daughter will be attending nursery [REDACTED] As a parent speaking on my behalf of my small child, I think it's extremely unfair the school to take on new nursery children [REDACTED] and then for this to close September 2019 and the impact this will have on a child to start in a new setting after a having made attachment to members of staff and other children. I think it would against the welfare of my child's needs to do this to them and that if the proposal is to go ahead this should be for the following year.</p> <p>The closure of the nursery would be such a loss to the children and staff. The staff have a wealth of experience in early years and for the children going to nursery really supports that transition into reception and beyond. They know the day to day routine of the school and are able to look up to the reception children and learn from them. The reception children are able to help the nursery children, which them some responsibility in helping others, which are great core value. The basis of the set up of free play and child leading the play is outstanding. There is no better way of a getting a child to learn and manage social relationships.</p> <p>It would be a real loss in the local community and I hope that Birmingham will look at what's in the best interest of the children and not allow the nursery to close.</p>

ANON-GTQM-8JFT-N	Parent	No	<p>The nursery has such an integral part of the school and has done for many many years.</p> <p>It allows the local of age children to attend a setting unlike most ‘nursery preschools’ and really integrate with the older children and get an experience of school life. The transition is then so much calmer when they do move up into reception. It allows parents of siblings the convenience to send both children to the same school and also gives the younger child the confidence that they have an older sibling in the same location.</p> <p>There are so many children in the playground that will be eligible for a place at the nursery should it continue for 2020 (my own son included) and for that to be taken away is just utterly disappointing. Let alone the staff that have worked in the setting and got it to be the respected and fun educational setting it is today.</p> <p>Please please save the nursery.</p>
ANON-GTQM-8JFD-5	Parent	No	Our daughter started at this school’s nursery and believe it’s all their support and education which has made her into the intelligent character she is today. We have two younger children we hope will follow in her footsteps. Removing the nursery would not only be a disservice but it would be impossible for her siblings to attend another school due to conflict with the start / end times
ANON-GTQM-8JFW-R	Parent	No	no comment
ANON-GTQM-8JDQ-G	Other, please sp	No	Pre school provision in this school is vital for the local community. By removing this you remove the opportunity for some children to attend nursery. Early Years schooling is so important to a child’s social and academic development. You are removing the provision for children of low income households to attend nursery as their parents wouldn’t have the means to send them to a private nursery.
ANON-GTQM-8JDX-Q	Other, please sp	No	My [REDACTED] grandson attends this school and his younger brother is due to commence in the nursery school in September 2019. This will allow their mother to return to work. Without the facility being available here she will have to travel to another nursery before dropping her other son at school. The same when we sometimes collect him from school. Closing this school for the lower ages may be the difference in whether she can take her place up back in work or stay at home. Its grossly unfair to change the school for this age group.
ANON-GTQM-8JDR-H	Local Resident	No	no comment
ANON-GTQM-8JDZ-S	Pupil	No	no comment
ANON-GTQM-8JDF-5	Other, please sp	No	<p>Nursery education is especially important for children living in an area of high deprivation and social inequality, as in Erdington.</p> <p>Without Nursery provision, the life chances of children at Gunter Primary School would be significantly reduced.</p>
ANON-GTQM-8JD6-N	Parent	No	Both of my sons went to the nursery at Gunter School and had the best start to their education, through playing and learning with quality teaching. I think it would be such a dissapointment to the community to lose such a wonderful nursery, especially for those with pupils already in the school wanting to send their younger children into the nursery.
ANON-GTQM-8JD8-Q	Parent	Neither/Don't	<p>I'm not in favour of the proposal but I'm also aware that the school cannot maintain a nursery without reasonable uptake and additional funding. In an ideal world the school needs to keep its nursery provision as birth rates will not stay low and the school will no longer have the benefit of an on site preschool. The early years setting at Gunter is one of the best locally and the staff excel in their work. But as this year's intake is so low it is natural to expect the numbers to continue to fall. And they have fallen over the years I have been a parent at Gunter. I am also a school governor so am fully aware of the financial implications of maintaining the provision but realistically the school cannot continue to take such a huge loss of finances on a nursery that is no longer full. With the new 30 hour funded places more and more people are choosing private nurseries that can do wrap around care and I think it is having a huge impact on the traditional school nurseries. Not just ours. It's a sad fact that the closure of Gunters nursery will help boost intakes at other local schools which will help them maintain their provisions. It isn't right and the loss of the provision at Gunter will have a huge negative impact on the local and wider community. The loss will be very noticeable for many years to come. But if the only way for the school to continue to survive is to close the nursery then there is sadly no real choice.</p>
ANON-GTQM-8JD3-J	Pupil	Not Answered	Without our nursery we will have no foundations to help throught the community
ANON-GTQM-8JDA-Z	Parent	No	I think that it is very poor from the council if it allows this facility, that has served the local community so well for over 30 years, to close. Whilst I understand that funding is an issue, it seems ridiculous to consider this an option especially with the money the council spends so easily on projects that appeal to it personally. Also, with the redevelopment of the area that was the Cincinnati factory and surrounding area, surely looking forward the demand for places will increase due to more families moving to the area?
ANON-GTQM-8JDP-F	Other, please sp	No	no comment
ANON-GTQM-8JDV-N	Parent	Neither/Don't	<p>There must be a reason why the number has dropped it's not because of other nurserys</p> <p>Maybe head teacher very unapproachable</p>

ANON-GTQM-8JD2-H	Other, please sp	No	As a foster carer for Birmingham Children's trust I have always used Gunter nursery and school provision for the children I have had in placement. They have always been accommodating to my children's needs and helped the children feel secure and further their development. The foundation unit provided exactly what the children needed with the two year age range as many of them come into the care system with a degree of developmental delay. If the nursery section was to close it would be a loss to the community.
ANON-GTQM-8JDY-R	Parent	No	My [REDACTED] son started attending the nursery in [REDACTED] He has benefited massively in the [REDACTED] months he has been there. He has gained confidence, improved his speech, uses his imagination more, made friends and enjoys arts and crafts and it is all down to the lovely staff at Gunter Nursery. The nursery provides a much needed service to the local community which enables children to socialise and learn in preparation for attending school. I can not praise the staff highly enough for the positive impact on my sons life. The children who are already attending have settled in and are very happy there. It would be a massive shame to close the nursery and deny these children and any future children the opportunity to flourish in the care of the Gunter nursery team.
ANON-GTQM-8JDB-1	Staff Member	No	Financially closing the Nursery will benefit the school however the implications upon children and the community are vast. Lower staffing levels will impact across the whole school and affect most importantly the education of the children but also the work load placed upon staff who are already stretched to the limit. Educational visits will potentially be threatened, something that school has worked hard to increase in the last few years and many enrichment activities will also not take place due to staff/pupil ratios. The nursery places often benefit children and families in the community who have difficulties which vary from financial, emotional to at risk families. These parents often can not afford private nursery fees or want a seamless start to their child's learning journeys. By closing the Nursery valuable time will be lost where relationships with children and families are formed. These relationships are vital for many of our children and have a tremendously positive impact upon learning, particularly speech and language and socially and emotionally. The schools levels of deprivation are well above average and many children benefit from not having to make transitions between different settings.
ANON-GTQM-8JDH-7	Staff Member	No	Closure of the nursery will have major repercussions on the education of the children at Gunter. As [REDACTED] at the school I believe early intervention is vital to ensure the best possible outcomes for all our children. Closure of the nursery will deprive the children who need it most the quality education they deserve.
ANON-GTQM-8JDU-M	Staff Member	No	Anyone who attends our nursery says how wonderful it is. We provide a solid start to school life, within a family, homely atmosphere. We have families coming through our doors and have grandparents who came through Gunter nursery whose grandchildren are now coming through. We have been rated good with outstanding elements by Ofsted. We were a beacon/training foundation unit for ITMP. We are a Foundation Unit, which is reasonably unusual, with Reception and Nursery mixed, learning from each other, creating amazing friendships and learning all the EYFS has to offer. The staff are very experienced and have the children's best interests at heart. We understand children's development in depth. Parents love the fact we are open with them, have their children's best interests at the forefront of everything we do and work in partnership with them to give their children the best start to their educational life.
ANON-GTQM-8JDM-C	Staff Member	No	The school community and the local community will be affected if the closure is to take place. Nursery education is an entitlement and parents prefer their. Holstein to attend the nursery of the school that the children will be attending as this aids the transition for the children and builds confidence when they attend school full time.
ANON-GTQM-8JDG-6	Staff Member	No	I believe removing the nursery would not only take away the easy transition for both parents and children from nursery to reception, but it will also effect a number of staff within the school, resulting in job losses. The closure of the nursery will also impact the community. Local parents will have reduced options for pre school , including the increased pressure to parents of children already attending the school.

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Head Teacher: Miss L Riley

Deputy Head Teacher:

Mrs C McConnell

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85th Birthday
1930-2015

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5/4/19

Dear Sir/Madam,

I'm writing to you to make you reconsider your proposal to our nursery. I strongly disagree with your proposal to close Gunter Primary School's Wonderful Nursery. I don't believe it's the best interest of the children.

My reason why I don't want you to shut down our delightful nursery is because innocent children will lose friendship and other things like education. You're depriving children of an amazing experience. You just can't do this to innocent children! How would you feel if you was a nursery child and someone was kicking you out of your lovely nursery? It's the same as the rest of the school. It's the heart of our school. Do you remember your time at nursery?



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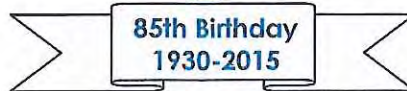
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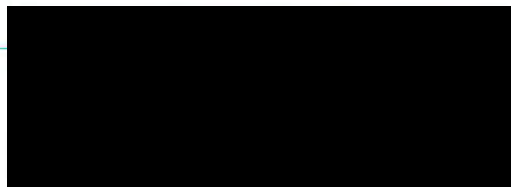
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If you do this, where are these children going to go?
My time at nursery was like a miracle, I learnt
how to communicate, play and make friends. If
you kick these children out, they won't be able to do
any of that, will they?

Furthermore, our welcoming nursery is a free nursery!
If you kick them out, families might have to pay huge
prices for private nurseries, what if families can't
afford those prices? Children will miss out on education!

I understand that this may save money but what's
more important, child's education or money?

To sum up, I urge you to reconsider your proposal
because children will miss out on the basics of life.



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05.04.19

Dear Sir/Madam,

Hello, I'm writing to say I strongly disagree with your idea on Shutting our nursery. I believe that if you shut down our nursery you will feel sorry for the children

My reason is that if you shutdown the nursery you will ruin a child's education. At our nursery I learnt how to read, write, socialize, make friends and draw. Shutting the nursery down will ruin all of our memories of my fun times there. Do you remember your time at nursery? It's the base of our school! You cant do this to the children! where w



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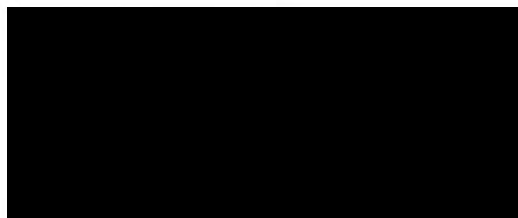
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I can see your point of view it would save lots of money but what's worth more a stack of money or a children's education? I would choose the children's education.



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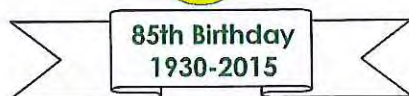
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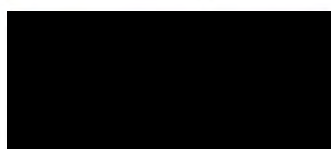
Dear Sir/Madam

I strongly disagree with your proposal to close Gunter Primary School's wonderful Nursery. I do not believe it is in the best interest of the children.

I went to that Nursery and I have really cool memories from that Nursery. It's the heart of our school and it's like my house. What if you went to that Nursery and you missed all of that fun?

By the way this is a free Nursery, what if you couldn't afford to get your child to Nursery.

I understand that the decision may save money. However surely the price of a child's education's way better.



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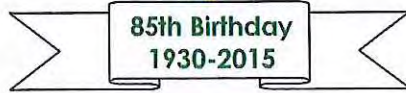
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05.04.19

Dear Sir/Madam,

I Strongly disagree With your proposal to close Gunter primary ~~Schools~~
Wonderful Nursery. I do not believe it is the best interest of all
us children.

It is a disgrace how you think it will be a good idea to close
Gunter Primary's School's Wonderful Nursery. Many children love to play
and learn at are Nursery. You are depriving them of a good time in
Nursery. I have seen them play. I have heard them they have bundles
of fun. I remember when I was in Nursery not at this school but I loved
it. I was so excited to go every day. you are not just disappointing are School
you are disappointing the whole community.

Furthermore, families might have to pay for a private nursery. but our
nursery is Free!. What is families can't pay for a private nursery?



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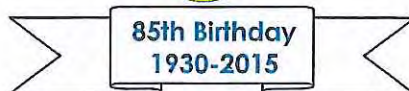
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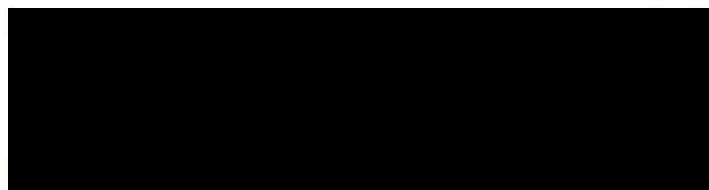


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But I do not understand the decision
about the shutting down the school because
we haven't got that much money
but education is more important
than money. My way more important
than money.

Just imagine is you missed out on
your education and friendship and writing
reading and writing. Why would you shut
it down it for money I think you
shouldn't shut are wonderful nursery that
my option



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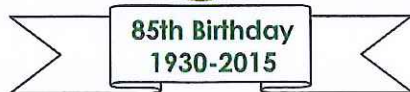
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0.5.4.14

Dear Sir/Madam,

I strongly disagree to shut down our amazing
schools nursey. I don't believe that you are
going to shut down our wonderful nursey.

If you shut it down are nursey
just because image all of the children
missing out on fun and reading and writing
and friendship. I remember when I was little
and went to nursey and I have
good memories. What would you do if you
kicked us our nursey?

Another Reason because our nursey is free
as well so why would shut it down
it's free like come on you don't
have to pay and you can save money.
You can't even give them education



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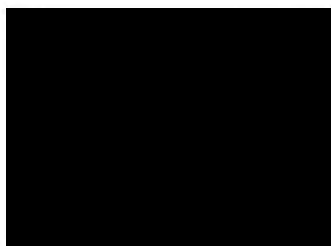
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If you close our nursery you will disappoint
children.

all the little

In addition, I understand that your decision may save money,
however, surely the price of a child's education is worth more.

To sum up, I urge you to reconsider your proposal because you will
disappoint many people.



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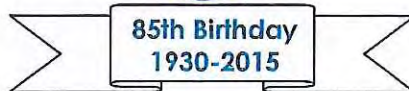
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05.04.19

Dear sir/madam

I am strongly against your proposal to close Gunter Primary School's wonderful and exciting Nursery. I don't believe it is in the best interest of the children.

The main reason I think this is the most horrible decision is because it is depriving the cute and small children of Nursery to learn, socialise and write, basically their entire education. Imagine that you closed Gunter's Nursery and then you started to live in the area and you had a three year old kid and Gunter was your only option? Where would your kid go?



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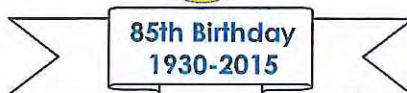
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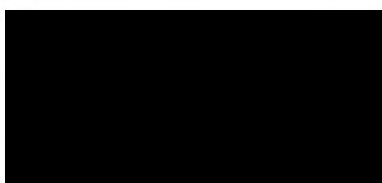
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Furthermore, if you close this **FREE** Nursery
parents will have to pay for a private Nursery.
If they can't afford the price where would they
go? They would miss out on their education again

It will sure save alot of money but however
childrens education and friendships are much
more valuable to the community. So don't shut
down the Nursery for some money.

To sum up, I urge you to reconsider you
proposal because it will cost the friendship
of many children and their education.



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05.04.19

Dear Sir/Madam,

I am writing about the proposal to shut down Gunter's Nursery. I am disgusted and strongly against this and suggest you rethink this. I hope that I am able to persuade you to keep Gunter Primary School's wonderful nursery open and running.

My first reason believing that you and the council withdraw this decision is that no matter how much money we cost nor how many people wish to come, we are still a nursery. People just choose not to come here because we're poor compared to the others. That's why we're judged by the public. It's not our fault. Anyway, you're disabling and depriving innocent little one from a fantastic experience. An experience of learning to socialise, communicate and actually learn the foundation of education themselves. This shut down will be detrimental to the heart of our school. What would you say if time turned and your nursery was shut down?



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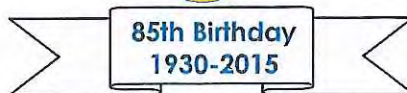
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Furthermore, my second reason is that our nursery is local and free. Closing the nursery would result with many of the parents to be forced into paying for a private nursery or petrol for the car. But what if there are no local nurseries except the expensive private ones and people are too poor to afford it? Your putting many parents in the drastic position by going forward with this proposal.

In addition, how are you going to feel when in 5 years time the only ~~most~~ nursery free and local is the one you shut down? Your not only annoying and upsetting the community but maybe even yourself.

I do understand that money is being used, ~~maybe~~ even wasted. However, surely the happiness of a child and their education is worth much more than a chest of emeralds? Most of ourselves were in the nursery 5 years ago and some of the happiest, loveliest memory lanes are down there. Shut it and regret it. Would you be such a "Scrooge" to not care?

In conclusion, I urge you think about this letter and withdraw the proposal of shutting down Gunter's wonderfully lovely nursery. Again you disabling and depriving them from the basis of life. Why not come see our nursery for yourself? Remember: Don't judge a book by it's cover.



Gunter Core Values

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Gunter Primary School

Top performing primary school in Tyburn
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Head Teacher: Miss L Riley

Deputy Head Teacher:

Mrs C McConnell

parents@gunter.bham.sch.uk

admin@gunter.bham.sch.uk



85th Birthday
1930-2015

Gunter Road
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B24 0RU

Tel: 0121 464 2367

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School Organisation Team
Education Infrastructure
PO BOX 15843
1 Lancaster Circus
Birmingham
B2 2RT

05.04.19

Dear Sir/Madam,

I completely disagree with your proposal to shut down
Gunter Primary school's Wonderful Nursery.

The main reason I think you shouldn't shut down
our Nursery is because the young children won't have
the wonderful, caring teachers which love cute, young
children. The children will learn to communicate, behave, make
friends and learn to have fun. How would you feel if
you got kicked out of your Nursery? There has been
so many good memories here don't end it now!

Furthermore, our Nursery is free which will encourage
children to come here. Families might have to pay for
an endless supply of money to pay for a private
Nursery.



Gunter Core Values

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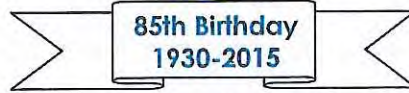
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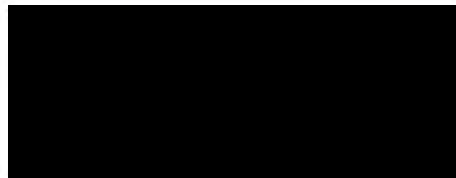
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Fax: 0121 464 8015

This is many peoples local Nursery and shutting
isn't good for the children but also bad for
the Earth since driving causes greenhouse gases.

I can see why you want to shut down the
Nursery for money but surely innocent children is
worth more

To sum up I wish for you to reconsider
your idea



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PO Box 15843
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Birmingham
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05:04.19

Dear sir/ madam

I Strongly disagree with your proposal to shut down
gunter primary school's wonderful Nursery, to do so, to be terrible
for the children.

The valuable experiences for learning to read, to count, making friends,
and socialising will be taken away from them. I went to that Nursery and
have good memories of play and learning and other kids want to go to
that Nursery also it is a free Nursery; some families do not have
a lot of money to pay for expensive private nurseries.

I realise that closing the nurseries may save money however
at what price? the children's education and broken community

To sum up strongly urge you to change your ^{decision} ~~dec~~ for
the benefit of our children



Gunter Core values

Finding out and exploring

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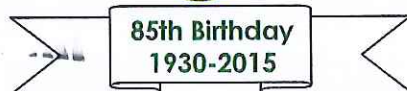
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05.04.19

Dear Sir/Madam

I strongly disagree with your proposal, to close a lovely and wonderful nursery. I cannot believe that you are closing down such a brilliant nursery.

The main reason I think this is because, small children are going to lose out on education until they find another nursery. How would you feel if you had to leave your nursery with all of your friends, happy memories and fun! Imagine all the small children's education could go down hill. US Gunter children and teachers all disagree.

Further more a lot of parents might not be able to afford nurseries are very expensive, do you really think this is fair that young children are missing out on education. In addition, it could save money, but Surely you don't want this to happen.

Yours Faithfully,



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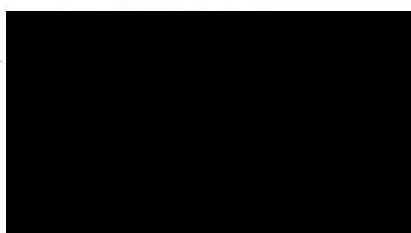
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I completely understand that you want to save money, but a child's education matters more than money.



Gunter Core Values

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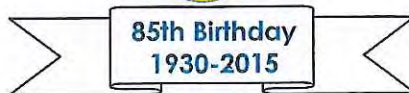
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05.04.2019

Dear sir/Madam

I strongly disagree with your proposal of shutting down Gunter primary school's Nursery.

I use to go to that Nursery I learnt how to read, build, do math, do English and lots of other things and all the children are really going to miss out on a life time experiences. (It the heart of our school).

Furthmore, This Nursery is free and if you shut down this Nursery parent's will have to spend more money on a private Nursery or spend all day finding another Nursery.

I know one decision could actually save money however surely it's the prize of your child's education.



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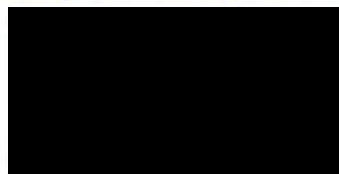
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I see your point of view that your doing it to save money but the future of a child's life is worth more than money. what would you do if you child's nersery is closing down?



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05.04.19

Dear sir / madam,

I Strongly disagree with your proposal to close Gunter Primary school's wonderful Nursery. I don't believe the children there would be in the best interest of this decision of yours.

Small innocent children learn to socialise, to read, write, maths alongside the foundations of an education. Don't you remember your time in splendid Nursery because would you wouldn't like it if you had been kicked out of your own Nursery would you. I was one in this splendid Nursery but time to move to reception no room for me so I went to who cheat. I was in [redacted] for [redacted] years. I was on the list for [redacted] years but because of the great memories at Gunter's Nursery I made me want to come back. After [redacted] years I surely came back.



Gunter Core Values

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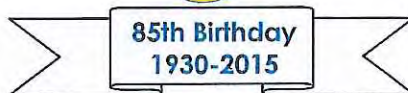
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Head Teacher: Miss L Riley

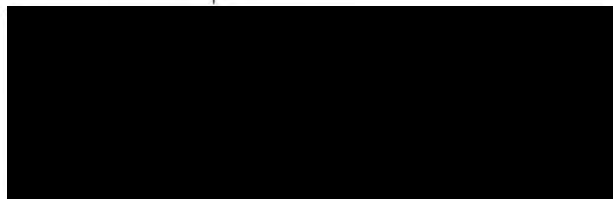
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Further more, this Nursery is free. If you shut this Nursery down
Adules will have to pay for a Nursery. What if Parents can't Afford
to get their children into Nursery? Is it fair if Parents to spend
all day doing nothing because their children are with them.
Is it fair for children to miss some education because you
cruely decided to shut down our Preschool Nursery we Need it
I do understand you are trying to save money but a child's
education is much more important im Sure of it



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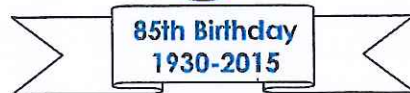
Head Teacher: Miss L Riley

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School Organisation Team
Education Infrastructure
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05.04.19

Dear Sir/madam

I am Strongly against your decision. To Shut down Gunter primary Schools nursery.

I believe this A disgrace because Small kids will lose out. The Small kids make Friends and learn diggerent things like maths, english and reading. You might even lose your Best Friends. What would you do if you lose your best friend? The Nursury is the heart of our School

our wonderful nursery is free So now parents have to pay for another nursery. What if the Parents can not aford the nursery. And that means They will lose out with education.



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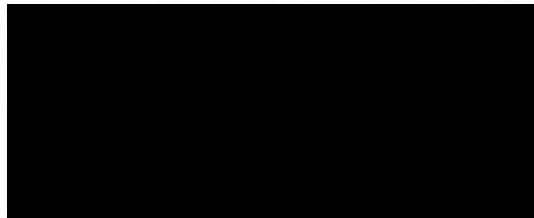
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I understand your decision to save money. However
a child's education will work more.

To consider kids will lose out with their education



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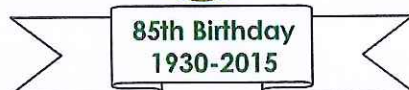
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05.04.19

Dear Sir or Madam,
I strongly disagree with your plans to shut down Gunter's lovely nursery. As a pupil I do not agree as I know a lot of our schools pupils don't agree.

If these plans go ahead you will deprive innocent children of an amazing experience. Although, I didn't go to this nursery I regret it now and I have only heard good things. How will you feel in three years when the closest nursery to you is the nursery YOU shut down? Little ones are losing out on socialising, learning to read, write, learn maths and most importantly make friends.

Furthermore, our nursery is totally free and some people can't afford private nurseries' huge prices. This also may be further for people.



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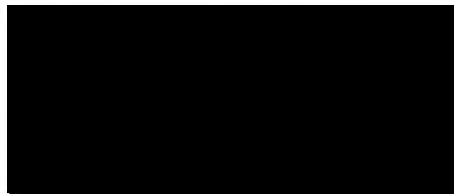
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B24 0RU

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As you would know closing down this nursery will have it's affects
Such as people will have to travel further creating more greenhouse
gases.

I do see your point trying to save us money but surely a
little ones happiness comes first.

So just to sum up my point don't shut down our nursery!



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85th Birthday
1930-2015

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School organisation team

Education Infrastructure

PO box 15843

1 Langster circus

Birmingham

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05.04.19

Dear Sir/Madam,

I disagree with your proposal to close Gunter primary school's amazing nursery. I don't believe it is the best decision.

How would you feel if your children need to go to a local nursery and you have closed it down? Lots of children will miss out on an outstanding experience. I went to that nursery, I learned maths, reading, writing and I made friends.

I made so much friends! It will be very upsetting for me and my friends to see it go. Little ones will miss out on an education. I remember when I got taught to be kind and respectful to people and not be rude, guys

Furthermore, our school has a free nursery and most schools don't, then people will have to pay their children to go to school. What if parents can't afford a huge price and they won't get an education? Some adults don't have lots of money and they can't go to a private school. It's not fair.



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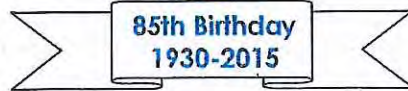
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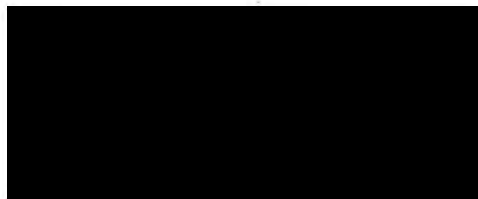


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In addition, I also disagree because parents will have to struggle to find a new school because you kicked them out.

I understand you need to shut it down to save money but no they need to learn!!!



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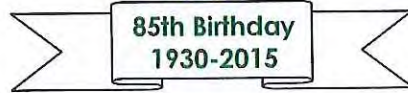
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05.04.19

Dear sir/Madam,

I Strongly disagree with your proposal to close Gunter Primary school's Wonderful nersery. I do not beleive it in the best intrest of the children.

The main reason I think this is a horrible choice to make because I was there in that nersery and I had Happy memories and you will destroy it. this will have a detrimental effect on these children ^{they} wouldn't have a place to go. and this is your fault,

Furthermore, this is a free school and if you close us down the parents wich make there chidthren go there will have to go else where and they may not asord the Heigh prices.



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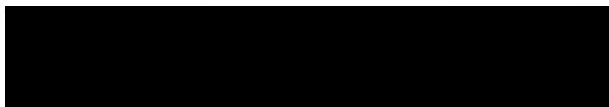
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Urge you to reconsider your proposal because children need
these foundations to help them throughout school.



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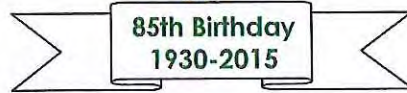
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05.04.19

Dear Sir/Madam

I completely disagree with your proposal to close Gunter Primary School's Nursery. Why would you shut down a loving, welcoming nursery? I wish to persuade you to stop this decision.

The main reason I think this is a horrible idea is because I've went to this amazing nursery and it's only had good memories and it's the heart of our school. If you take this away from the considerate, kind-hearted little ones would they make friends? Would they educate? Would they have fun? It will be heartbreaking. It could even make teachers lose jobs. Who would do such a thing?

In addition, our enjoyable nursery is free; even though we don't have alot of money and your trying to help us, a child's education is worth more. Do you think everyone can afford the price? Our nursery welcomes everyone for nothing. Not all nursery's are for free. Their usually £10 to get in however a child's happiness is worth



SCHOOL
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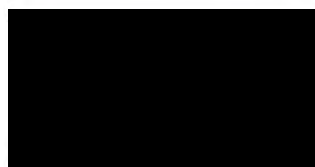
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more than money. What if you had not alot of money so your child
cant educate and the free nursery is shut down?

I understand you want to save the school's money but a child's
education is worth more. It might save us alot of money but
what about the children who goes to the nursery?

To sum up, I wish you could keep the nursery so children
can make friends, educate and have fun.



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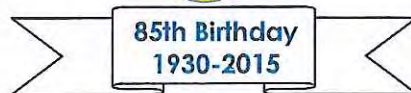
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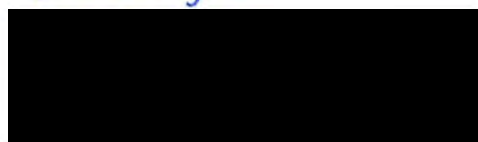
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05.04.19

dear sir/madam

I think that you shouldn't close our nursery
Because children are happy there and bigger
children have memories from there
It is heart breaking for the children in
Gunter and its heart breaking for
the bigger school. this nursery is free
so if you close it down some parents
won't be able to pay for a private
nursery.



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05.04.19

Dear Sir/Madam,

I strongly disagree with your decision to close Gunter Primary School's Nursery. I think it's an awful decision that you're making with your time.

I am very disappointed with this decision because I went to Gunter Primary School's nursery and I learnt how to read, write and even learn the alphabet. And that would be very sad to see it go to waste. Gunter Primary School's nursery is the heart of our school. How would you feel if your child went to a nursery and you wouldn't be able to find a new nursery for them to go to. The children who are going to our nursery would just get kicked out. Would just be really sad!

Furthermore, families now might have to pay for a private nursery but our's is for free. And what happens is their parents might not have enough money to pay for one.

In addition, I know that people might disagree with me but our nursery is a really good nursery. You shouldn't because you're stopping kids from learning.



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Head Teacher: Miss L Riley

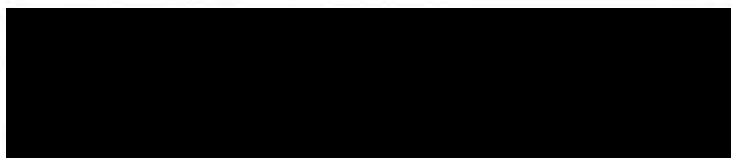
Deputy Head Teacher:
Mrs C McConnell
parents@gunter.bham.sch.uk
admin@gunter.bham.sch.uk



Gunter Road
Pype Hayes
Birmingham
B24 0RU

Tel: 0121 464 2367
Fax: 0121 464 8015

I understand about you shutting down the nursery for getting more money to pay for the schools bills but children would talco love to learn more before going to reception-



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Spirituality

Understanding others
Creativity and thinking critically

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23 APR 2019



Gunter Primary School

Top performing primary school in Tyburn

Department for Education Primary Performance Tables 2015



Head Teacher: Miss L Riley

Deputy Head Teacher:

Mrs C McConnell

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85th Birthday
1930-2015

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School Organisation Team
Education Infrastructure
PO Box 158 43
Lancaster Circus
Birmingham
B2 2RT

05.04.19

Dear Sir/Madam,

I am strongly against your proposal to shut down our extraordinary, free play Nursery. Our Nursery teacher spend their own time teaching and inspiring our lovely pupils.

The main reason I think this is because Nursery is the foundation of education. You learn how to play, write, make friends and communicate. Do you remember your time in Nursery. It will also create more air pollution as families will have to drive to nurseries. Nursery is the heart of our school and would be a shame to see it go. Also in the future you will have to drive to a nursery as you closed our sun, play, sun Nursery. How would you feel if every child couldn't read write or count?



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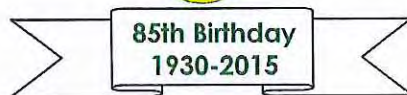
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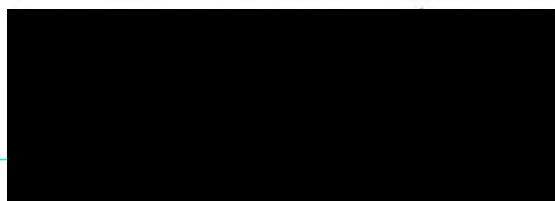
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Tel: 0121 464 2367
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Furthermore, if these events happen families will have to pay for a Nursery (as our one is free). They will have to go to private Nurseries which might make families broke. What if they can't afford the huge prices?

In addition, I understand you are trying to save money but surely a child's education is more important and worth more. Could you think of a world with children uneducated? Well let's stop all of this mess.

To sum up, I urge you to reconsider your proposal because of a child's happiness, playfulness, entertainment and education.



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Tel: 0121 464 2367

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School Organisation Team
Education Infrastructure
PO Box 15843
1 Lancaster Arcus
Birmingham
B2 2RT

05.04.19

Dear sir/madam,

I completely disagree with your proposal to close our wonderful nursery at Gunter Primary school. It would not be fair to the children who go there.

A lot of people are disappointed with this terrible decision, you're all making. This could also affect the poor innocent little children who are already going there or will hopefully go there one day. How would you feel if you got kicked out from your nursery and got taken away from your friends you made? I went there with my close friends and it's horrible for me to know that my nursery will go.

It's also a free nursery and if it gets shut down what if parents will have to find a new nursery what isn't free and they can't afford a nursery and their child doesn't see the wonder of a nursery.



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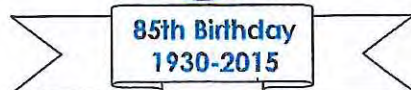
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To sum up, I beg you to reconsider your proposal because kids will lose education.



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School Organisation Team
Education Infrastructure
PO Box 15843
1 Lancaster Circus
Birmingham
B2 2RT

05.04.19

Dear Sir / Madam,

I strongly disagree with your proposal to shut down Gunter Primary School's phenomenal free Nursery permanently. I don't believe - at all - it's in the best interest of Nursery's small, young children.

The main reason I think this because you are depriving children from their first educational lessons. In case you didn't know, I actually went to this nursery and also made friendship, education and respect. So, if you close the nursery, you are destroying my memories and when I stayed in Nursery. This is a thrilling, exciting, once in a lifetime experience and you're ending the experiences not just for me, for the school. If it shuts down, everyone will be sad and angry. They might even send angry comments to you.



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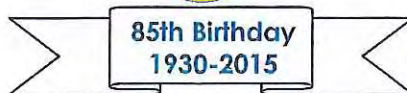
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Another reason why is because our nursery is completely free so if the nursery shuts down, parents will have to choose one of two options: One of the options is that they'll have to pay money for Nest Nursery and what if they can't afford it? They'll have to go somewhere else a miles away (going somewhere else was the other option).

In addition, I know that this decision will make you pay less money for our school however, the cost of a child's happiness is worth WAY more than shutting a nursery. ~~It~~

To sum up, this proposal is completely wrong and incredibly unnecessary. Does it really matter if you pay a bit ^{more} ~~more~~ money. ~~than us~~

Yours Faithfully,



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Hi

I am emailing in regard to the news that Gunter nursery school may be closing. Gunter nursery serves many families in the Erdington community and if it closes, this is going to have a detrimental impact on the families that live around Erdington /Pyper Hayes area. Without these provisions families will have to look at private nurseries which just isn't the same as the community nurseries within the schools.

Some of these staff have worked in this nursery for numerous years and there doesn't seem to be any consideration for these staff members either.

We have numerous children's centres closing and already have an extreme lack of services and support for many families within the Erdington area already and I am concerned at the knock on effect that this will have on our families in the area if this nursery closes.

Kind regards

[illegible]

From: [REDACTED]
Sent: 05 April 2019 11:36
To: Edsi Enquiries
Subject: Gunter Closure

Hi

I am writing to express my sincere concern over the plans to get rid of Gunter Nursery School as a parent and a professional. My son now age 15 attended this school and my 3 year old has just settled here and was looking forward to another year with nursery taught by the same wonderful staff that taught my son. However the future looks grim if I am expected to take her out for another year and then expect her to return the following year for reception – the emotional impact this will have on her and many other 3 year olds and their families is devastating. I work [REDACTED] in the Erdington area I am concerned of the already cut services and lack of provisions in Erdington a very deprived area – the community rely on this nursery school it not only serves as amazing support for the families or Erdington – but the invaluable education it provides for our children is un replaceable. With already enough cuts to poor areas please, please, please reconsider this as it is going to be detrimental to the children and families and the staff who have worked there for 38 years plus.

Kind Regards

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

From: [REDACTED]
Sent: 09 April 2019 14:59
To: Edsi Enquiries
Subject: Gunter Nursery

Hello

I am emailing to express my concern that the nursery will be axed from Gunter School.

[REDACTED] I work with many vulnerable families that access this provision and I feel that if it was to go then it would impact the local community dramatically.

I would like to express my concern at this and ask the local authority to reconsider.

Kind Regards

[REDACTED]

[REDACTED]

[REDACTED]



Department
for Education

Making significant changes ('prescribed alterations') to maintained schools

**Statutory guidance for proposers and
decision-makers**

October 2018

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1: Summary

About this guidance

This is statutory guidance from the Department for Education. This means that recipients must have regard to it when making ‘prescribed alterations’ to maintained schools.

The purpose of this guidance is to ensure that good quality school places can be provided quickly where they are needed; that local authorities (LAs) and governing bodies (GBs) do not take decisions that will have a negative impact on other schools in the area; and that changes can be implemented quickly and effectively where there is a strong case for doing so. In line with these aims it is expected that, where possible, additional new places will only be provided at schools that have an overall Ofsted rating of ‘good’ or ‘outstanding’. Schools which do not fall within the above categories should only be expanded where there are no other viable options.

A GB, LA or the [Schools Adjudicator](#) must have regard to this guidance when exercising functions under [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#) (‘the Prescribed Alterations Regulations’). It should be read in conjunction with Parts 2 and 3 and Schedule 3 of the [Education and Inspections Act \(EIA\) 2006](#) and the Prescribed Alterations Regulations. It also relates to the [Establishment and Discontinuance Regulations](#) and [The School Organisation \(Removal of Foundation, Reduction in the Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations \(2007\)](#) (‘the ‘Removal Regulations’).

It is the responsibility of LAs and GBs to ensure that they act in accordance with the relevant legislation when making changes to a maintained school and they are advised to seek independent legal advice where appropriate.

Review date

This guidance will be reviewed in October 2019.

Who is this guidance for?

Those proposing to make changes and making decisions on changes to maintained schools (e.g. GBs, LAs and the Schools Adjudicator), and for information purposes for those affected by a proposal (trustees of the school, diocese or relevant diocesan board, any other relevant faith body, parents etc.).

This guidance is relevant to all categories of maintained schools (as defined in section 20 of the [School Standards and Framework Act \(SSFA\) 1998](#)), unless explicitly stated. It is not relevant to [Pupil Referral Units](#). Separate advice [on making significant changes to an academy](#) and [opening and closing a maintained school](#) is available.

Please refer to the '[Further Information](#)' section for the full website address should you be unable to access documents via the hyperlinks provided.

Terminology

Definitions of common terms used in this guidance:

Schools with a religious character - All schools designated as having a religious character in accordance with the [SSFA](#).

Foundation Trust - For the purpose of this guidance the term 'foundation trust' refers to a foundation complying with the requirements set out in section 23A of the SSFA.

Parent(s) - The Education Act 1996 defines 'parent' as including someone who has care of, or legal responsibility for, the child. Therefore, a parent can include, for example, a grandparent, other family member or foster carer if they have care of or responsibility for the child.

Main points

- All proposals for prescribed alterations must follow the processes set out in this guidance.
- Where a LA proposes to expand a school that is eligible for intervention as set out in Section 59 of the [Education and Inspections Act 2006](#), they should copy the proposal to the relevant [Regional Schools Commissioner \(RSC\)](#) at the point of publication.
- To enable the department to monitor potentially contentious proposals, the proposer should copy any proposal, which falls within the definitions set out in [part 3](#), to the School Organisation mailbox as soon as it is published schoolorganisation.notifications@education.gov.uk.
- LAs and GBs proposing to make a significant change to a school which has been designated as having a religious character should engage the trustees of the school, and in the case of Church schools the diocese or relevant

diocesan board, or any other relevant faith body, where appropriate at the earliest opportunity.

- Where a LA is the decision maker, it must make a decision within a period of two months of the end of the representation period. Where a decision is not made within this time frame, the LA must refer the proposal to the Schools Adjudicator for a decision.
- It is not possible for any school to gain, lose or change religious character through a change of category. Information on the process to be followed is available in the [opening and closing maintained schools guidance](#).
- Once a decision has been made the proposer (GB or LA) must make the necessary changes to the school's record in the department's system [Get Information About Schools](#) (GIAS) by the date the change is implemented.
- Where a school wishes to change their name, the GB will need to amend the Instrument of Government in line with regulation 30 of [The School Governance \(Constitution\) \(England\) Regulations 2012](#). Once that is done, either the school or the LA will need to update the school record in the department's GIAS system.

2: Prescribed alteration changes

Enlargement of premises (expansion)

Under section 14 of the [Education Act 1996](#), LAs have a statutory duty to ensure that there are sufficient schools for primary and secondary education in their areas. The department expects LAs to manage the school estate efficiently and to reduce or find alternative uses for surplus capacity (for example, increasing the provision of early education and childcare) to avoid detriment to schools' educational offer or financial position. LAs are encouraged to consider the use of modular construction solutions for any physical building expansion and to consider all options for the reutilisation of space including via remodelling, amalgamations, or closure where this would be the best course of action.

Where additional places are needed, including where there is a local demand for a particular category of places (for example in schools designated as having a religious character), the LA can propose an enlargement of the capacity¹ of premises.

The statutory process should be followed to enlarge premises as set out in the [Prescribed Alterations Regulations](#) (see [part 5](#)) if:

- the proposed enlargement is permanent (longer than three years) and **would increase the capacity of the school** by:
 - more than 30 pupils; **and**
 - 25% or 200 pupils (whichever is the lesser).
- the proposal involves making permanent any temporary enlargement (which was intended to be in place for no more than three years) that meets the above threshold.

GBs of all categories of mainstream schools and LAs can propose small scale expansions that do not meet the thresholds above without the need to follow the formal statutory process in [part 4](#). In many cases this can be achieved solely by increasing the school's published admissions number² (PAN); please see the [School Admissions Code](#). The thresholds do not, however, apply to special schools. Details of how special schools can increase their intake³ are covered below.

¹ Net capacity as calculated using the DfE Guidance Assessing the Net Capacity of Schools (2002).

² All admission authorities must set a published admission number (PAN) for each 'relevant age group' when they determine their admission arrangements. So, if a school has an admissions number of 120 pupils for Year 7, that is its PAN.

³ The number of pupils admitted into the school at a particular time

Examples of when mainstream schools would/would not need to publish 'enlargement' proposals

A secondary school with a capacity of 750 (5 form of entry - 30 pupils per class, 5 year groups) **could** enlarge its premises to add 1 form of entry (30 extra pupils x 5 year groups = increase of 150 pupils) bringing the capacity to 900 pupils, **without** having to publish statutory proposals. Although the increase would be by 'more than 30' pupils, it is less than '200', and also less than '25%' of the current capacity (i.e. by less than 187).

A small primary school with a capacity of 50 **could** enlarge its premises to increase its capacity by up to 29 pupils **without** having to publish statutory proposals, because although it would be more than '25%', it is less than 30.

A school of any size enlarging its premises to enable it to add 300 places **would** need to follow the statutory process as the increase would be **both** 'more than 30' **and** '200' (it may or may not be more than '25%' but that is irrelevant if the 200 threshold would be met).

A primary school with a capacity of 210 enlarging its premises to enable it to add 105 places (1.5 forms of entry 45 x 7 = 315), **would** need to follow the statutory process as the increase would be 'more than 30' and **more than** '25%' (it would be less than 200 but this is irrelevant as the 25% threshold would be met).

The quality of new places created through expansion

We expect LAs to consider a range of performance indicators and financial data, before deciding whether a school should be expanded. Where schools are underperforming, we would not expect them to expand, unless there is a strong case that this would help to raise standards. We expect LAs to create new places in schools that have an overall Ofsted rating of 'good' or 'outstanding'. If, however, there are no other feasible ways to create new places in the area, the LA should notify their Pupil Places Planning adviser⁴. In cases where there is a proposal to expand a school that is rated inadequate, the LA should also send a copy of the proposal to the [relevant RSC](#) so that they can ensure appropriate intervention strategies are in place.

The table below sets out who can propose an enlargement of premises and what process must be followed:

⁴ Advisers.PPP@education.gov.uk

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Enlargement of premises that meets the threshold	Statutory process	LA	CofE Diocese RC Diocese
LA for voluntary or foundation	Enlargement of premises that meets the threshold	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
LA for voluntary and foundation	Enlargement of premises (below the threshold)	Non statutory process	LA	N/A
GB of all categories mainstream	Enlargement of premises (below the threshold)	Non statutory process	GB	N/A

Expansion onto an additional site (or ‘satellite sites’)

Where proposers seek to expand onto an additional site they will need to ensure that the new provision is genuinely a change to an existing school and not in reality the establishment of a new school. Where a LA decides that a new school is needed to meet basic need, they should refer to the [guidance for opening new schools](#).

Decisions about whether a proposal represents a genuine expansion will need to be taken on a case-by-case basis, but proposers and decision makers will need to consider this non-exhaustive list of factors which are intended to expose the extent to which the new site is integrated with the existing site, and the extent to which it will serve the same community as the existing site:

The reasons for the expansion

- What is the rationale for this approach and this particular site?

Admission and curriculum arrangements

- How will the new site be used (e.g. which age groups/pupils will it serve)?
- What will the admission arrangements be?
- Will there be movement of pupils between sites?

Governance and administration

- How will whole school activities be managed?
- Will staff be employed on contracts to work on both sites? How frequently will they do so?
- What governance, leadership and management arrangements will be put in place to oversee the new site (e.g. will the new site be governed by the same GB and the same school leadership team)?

Physical characteristics of the school

- How will facilities across the two sites be used (e.g. sharing of the facilities and resources available at the two sites, such as playing fields)?
- Is the new site in an area that is easily accessible to the community that the current school serves?

The purpose of considering these factors is to determine the level of integration between the two sites; the more integration, the more likely the change will be considered as an expansion.

LAs should copy any proposal to expand a school onto a satellite site to schoolorganisation.notifications@education.gov.uk for monitoring purposes.

Expansion of existing grammar schools

Legislation prohibits the establishment of new grammar schools⁵. Expansion of any existing grammar school onto a satellite site can only happen if the new site is genuinely part of the existing school. Decision-makers must consider the factors listed above when deciding if an expansion is a legitimate enlargement of an existing school.

Changes to the published admissions number (PAN) where an enlargement of premises has not taken place

Admission authorities⁶ must set a PAN for each 'relevant age group' when determining their admission arrangements. If an admission authority of a mainstream school wishes to increase or decrease PAN, without increasing the overall physical

⁵ Except where a grammar school is replacing one of more existing grammar schools

⁶ The LA in the case of community and voluntary controlled (VC) schools or the GB in the case of voluntary aided (VA) and foundation schools

capacity of the buildings, this would be classed as an admissions change, not a prescribed alteration. The statutory process described in this guidance would not need to be followed (please see the [School Admissions Code](#) for further details of the processes admission authorities must follow).

Change in number of pupils in a special school

The School Admissions Code does not apply to special schools. GBs of all categories of special school, and LAs for community special schools, may seek to increase the number of places by following the statutory process in [part 5](#), if the increase is by:

- 10%; or
- 20 pupils (or 5 pupils if the school is a boarding-only school),

(whichever is the smaller number).

The exception to this is where a special school is established in a hospital.

GBs of all categories of special school, and LAs for community special schools, may seek to decrease the number of pupils, by following the statutory process in [part 5](#).

The table below sets out who can propose a change in the number of pupils in a special school and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB foundation special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB community special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	LA	CofE Diocese RC Diocese
LA for community special and foundation special	Increase by 10% or 20 pupils (5 for boarding special)	Statutory process	LA	CofE Diocese RC Diocese

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for foundation special	Increase by 10% or 20 pupils (5 for boarding special)	Statutory process	LA	GB/Trustees
LA for community special	Decrease of numbers	Statutory process	LA	CofE Diocese RC Diocese

Change of age range

For changes that are expected to be in place for more than 2 years (as these are considered permanent increases):

LAs can propose:

- a change of age range of up to 2 years (except for adding or removing a sixth form) for voluntary and foundation schools by following the non-statutory process, see [part 4](#).
- a change of age range of 1 year or more for community schools (including the adding or removal of sixth form or nursery provision) and community special schools or alter the upper age limit of a foundation or voluntary school to add sixth form provision by following the statutory process, see [part 5](#).

GBs of foundation and voluntary schools can propose:

- an age range change of up to 2 years (except for adding or removing a sixth form) by following the non-statutory process, see [part 4](#).
- an age range change of 3 years or more (including adding or removing a sixth form) by following the statutory process, see [part 5](#).

Before making such a proposal, the GB should consult with LAs, and where the school is designated as having a religious character the trustees of the school, dioceses or relevant diocesan boards, or any other relevant faith body, to understand the place management needs of the area.

GBs of community schools can propose the alteration of their upper age limit to add sixth form provision following the statutory process, see [part 5](#).

GBs of community special and foundation special schools can propose a change of age range of 1 year or more following the statutory process, see [part 5](#).

Where a proposed age range change would also require an expansion of the school's premises, the LA or GB must also ensure that they act in accordance with the requirements for proposals for the [enlargement of premises](#).

In cases where the age-range of the school has changed, this should be altered on GIAS. For example if the age-range is changed so that the school no longer caters for pupils below compulsory school age, the lower age range of the school would need to be increased so as not to include that age group.

The table below sets out who can propose a change of age range and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for voluntary and foundation	Alteration of upper or lower age range of up to 2 years (excluding adding or removing a sixth form)	Non statutory process	LA	NA
GB of voluntary and foundation	Alteration of upper or lower age range by up to 2 years (excluding adding or removing a sixth form)	Non statutory process	GB	N/A
GB of voluntary and foundation	Alteration of upper or lower age range by 3 years or more	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
LA for community and community special	Alteration of upper or lower age range by 1 year or more (for community schools including the adding or removal of sixth form or nurse provision)	Statutory process	LA	CofE Diocese RC Diocese
GB foundation special	Alteration of upper or lower age range by one year or more	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB community special	Alteration of upper or lower age range by one year or more	Statutory process	LA	CofE Diocese RC Diocese
LA for community	Alteration of upper age range so as to add or	Statutory process	LA	CofE Diocese RC Diocese

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
	remove sixth form provision			
LA for voluntary and foundation	Alteration of upper age range so as to add sixth form provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of voluntary and foundation	Alteration of upper age range so as to add sixth form provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community	Alteration of upper age range so as to add sixth form provision	Statutory process	LA	CofE Diocese RC Diocese
GB of voluntary and foundation	Alteration of upper age range so as to remove sixth form provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Adding a sixth form

The department wants to ensure that all temporary (which is anticipated will be in place for no more than 2 years) and permanent provision is of the highest quality and provides genuine value for money. There is a departmental expectation that proposals for the addition of sixth form provision will only be put forward for secondary schools that are rated as 'good' or 'outstanding' by Ofsted. Proposers should also consider the supply of other local post-16 provision in the area and assess if there is a genuine need for the additional provision.

In deciding whether new sixth form provision would be appropriate, proposers and decision makers should consider the following guidelines:

- **Quality:** The quality of pre-16 education must be good or outstanding (as rated by Ofsted) and the school must have a history of positive Progress 8 scores (above 0);
- **Size:** The proposed sixth form will provide at least 200 places and there should be sufficient demand for those places;
- **Subject Breadth:** The proposed sixth form should - either directly or through partnership - offer a minimum of 15 A level subjects. LAs may wish to consider the benefits of delivering a broader A level curriculum through

partnership arrangements with other school sixth forms. Working with others can offer opportunities to:

- Improve choice and attainment for pupils
- Deliver new, improved or more integrated services
- Make efficiency savings through sharing costs
- Develop a stronger, more united voice
- Share knowledge and information.

Schools proposing a partnership arrangement must include evidence of how this will operate on a day-to-day basis, including timetabling and the deployment of staff;

- **Demand:** There should be a clear demand for additional post-16 places in the local area (including evidence of a shortage of post-16 places and a consideration of the quality of Level 3 provision in the area). The proposed sixth form should not create excessive surplus places or have a detrimental effect on other high quality post-16 provision in the local area;
- **Financial viability:** The proposed sixth form should be financially viable (there must be evidence of financial resilience should student numbers fall). The average class size should be at least 15, unless there is a clear educational argument to run smaller classes – for example to build the initial credibility of courses with a view to increasing class size in future.

Not all changes in age range to add a sixth form will necessitate a change to the school's admissions arrangements, for example a school may set up sixth form provision solely for its own pupils. However, if the intention is to also admit external applicants to the sixth form the school will need to adopt a sixth form PAN and may also wish to add academic entry requirements on changing its age-range.

The addition of post-16 provision requires a change of age-range, therefore, where a decision-maker is considering a proposal to add post-16 provision, they should refer to the section on changing an age range.

Closing an additional site

For foundation and voluntary schools that are already operating on a satellite site(s), GBs must follow the statutory process in [part 5](#) if they are proposing the closure of one or more sites, where the main entrance at any of the school's remaining sites is one mile or more from the main entrance of the site which is to be closed. The LA may make such a proposal for a community school following the statutory process in [part 5](#).

The table below sets out who can propose the closure of an additional site and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Closure of one or multiple sites	Statutory process	LA	CofE Diocese RC Diocese
GB voluntary or foundation	Closure of one or multiple sites	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Transfer to a new site

Where the main entrance of the proposed new site for a school would be more than two miles from the main entrance of the current school site, or if the proposed new site is within the area of another LA:

- **LAs** can propose the transfer to an entirely new site for community schools, community special schools and maintained nursery schools following the statutory process in [part 5](#).
- **GBs of voluntary, foundation, foundation special and community special** schools can also propose a transfer to a new site following the statutory process in [part 5](#).

The table below sets out who can propose a transfer to a new site and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community, community special and maintained nursery	Transfer to new site	Statutory process	LA	CofE Diocese RC Diocese
GB voluntary foundation or foundation special	Transfer to new site	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB community special	Transfer to new site	Statutory process	LA	CofE Diocese RC Diocese

Changes of category

GBs of all categories of maintained schools, apart from GBs of foundation special schools, may propose to change category by following the statutory process. The [addition or removal of a foundation](#) is described in [part 6](#). Where GBs are proposing a change of category covering a change in provision (e.g. from mainstream to special school) they are encouraged to seek advice by emailing schoolorganisation.notifications@education.gov.uk.

For a proposal to change the category of a school to voluntary-aided, the decision-maker should be satisfied that the GB and/or the foundation are able and willing to meet their financial responsibilities for building work. The decision-maker may wish to consider whether the GB has access to sufficient funds to enable it to meet 10% of its capital expenditure for at least five years from the date of implementation, taking into account anticipated building projects.

Guidance on adding or changing a designated religious character can be found in the [Opening and closing maintained schools](#) guidance.

The table below sets out who can propose a change of category and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB of voluntary	VC to VA VA to VC	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of voluntary	VC or VA to foundation school VC or VA to foundation school and acquire a foundation VC or VA to foundation school, acquire a foundation and majority foundation governors on GB	Statutory process	GB	For proposals at a VA school when decided by the GB: LA CofE Diocese RC Diocese
GB of foundation	Foundation school to VC or VA	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB of foundation	Acquire foundation Acquire a majority of foundation governors on the GB Removal of foundation and/or reduction in majority of foundation governors on GB	Statutory process	GB	N/A
GB of community	Community to VC or VA	Statutory process	LA	CofE Diocese RC Diocese
GB of community	Community to foundation school Community to foundation school and acquire foundation Community to foundation school and acquire majority of foundation governors on GB	Statutory process	GB	N/A
GB of foundation special	Remove foundation and/or reduce majority of foundation governors on GB	Statutory process	GB	N/A

Single sex school becoming co-educational (or vice versa)

Proposers can seek to change their school from single sex to co-educational (or vice versa) when they can show that this would better serve their local community. A co-educational school cannot change its nursery or post-16 provision to single sex. When making a decision, LAs will need to consider the demand for and balance of school places for boys and girls in line with the [Equality Act 2010](#).

The table below sets out who can change a school from single sex to co-educational (or vice versa) and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community or community special	To co-ed or single sex provision	Statutory process	LA	CofE Diocese RC Diocese
GB of foundation. foundation special or voluntary	To co-ed or single sex provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community special	To co-ed or single sex provision	Statutory process	LA	CofE Diocese RC Diocese

Mainstream school: establish/remove/alter special educational needs (SEN) provision

When considering any reorganisation of provision that the LA recognises as reserved for pupils with special educational needs, including that which might lead to children being displaced, proposers will need to demonstrate how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for those children.

The table below sets out who can propose to establish, remove or alter SEN provision and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Establish, remove or alter SEN provision	Statutory process	LA	CofE Diocese RC Diocese
LA for voluntary and foundation	Establish or remove SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of foundation	Establish, remove or alter SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
and voluntary				

Change the types of need catered for by a special school

The table below sets out who can propose a change to the type of need catered for by a special school and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese
LA for foundation special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese
GB of foundation special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Boarding provision

The introduction of boarding provision can require the statutory process to be followed (depending on the type of school in question – see table below). LAs and GBs will need to consider how the Prescribed Alterations Regulations apply in conjunction with this guidance and, where there is any doubt, seek independent legal advice, as the department cannot advise on individual cases.

LAs can propose for:

- community schools; the establishment, removal or alteration (decrease by 50 pupils or 50% whichever is the greater) of boarding provision by following the statutory process in [part 5](#).

- community special schools; the establishment, removal or alteration (increase or decrease by 5 places or more where there are both day and boarding places) of boarding provision following the statutory process in [part 5](#).

GBs of voluntary and foundation schools can propose the establishment or increase of boarding provision following the non-statutory process in [part 4](#) and the removal or alteration (decrease by 50 pupils or 50% whichever is the greater) of boarding provision by following the statutory process in [part 5](#).

GBs of special schools can add or remove boarding provision or, where the school makes provision for day and boarding pupils, can increase or decrease boarding provision by five pupils or more following the statutory process in [part 5](#).

The table below sets out who can propose to establish, change or remove boarding provision and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Add, remove or change (decrease by 50 pupils or 50% whichever is greater) boarding provision	Statutory process	LA	CofE Diocese RC Diocese
LA for community special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	LA	CofE Diocese RC Diocese
GB of foundation or voluntary	Add boarding provision	Non-statutory process	GB	N/A
GB of foundation or voluntary	Remove or change (decrease by 50 pupils or 50% whichever is greater) boarding provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of foundation special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	LA	CofE Diocese RC Diocese

In making a decision on a proposal to remove boarding provision from a school, the decision-maker should consider whether there is a state funded boarding school within reasonable distance from the school and whether there are satisfactory alternative boarding arrangements for those currently in the school and those who may need boarding places in the foreseeable future, including the children of service families.

Remove selective admission arrangements at a grammar school

The table below sets out who can propose the removal of selective admission arrangements⁷ and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB of voluntary or foundation	Remove selective admission arrangements	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community	Remove selective admission arrangements	Statutory process	LA	CofE Diocese RC Diocese

Amalgamations

The LA and/or GB (depending on school category) can publish a proposal to close one school (or more) and enlarge/change the age range/transfer site (following the statutory process as/when necessary) of an existing school, to accommodate the displaced pupils. The remaining school would retain its original school number, as it is not a new school, even if its phase has changed.

Alternatively, LAs may propose to close all the schools involved and replace them with a new school. For more information, please consult the separate guidance on [opening and closing a maintained school](#).

⁷ In accordance with s.109 (1) of the School Standards and Frameworks Act 1998

3: Contentious proposals

When proposing changes, LA's and GBs should act reasonably, and in line with the principles of public law, to ensure that the changes do not have a negative impact on the education of pupils in the area.

To enable the department to monitor potentially controversial proposals, LAs and GBs should notify schoolorganisation.notifications@education.gov.uk of the publication of any proposals which would:

- involve [expansion onto a separate 'satellite' site](#); or
- where objections have been raised that the proposed change could potentially undermine the quality of education in the local area by creating additional places where there is surplus capacity.

4: Changes that can be made outside of the statutory process

LAs and GBs of mainstream maintained schools can make limited changes (see [part 2](#) for the exact detail) to their schools without following a statutory process, including some temporary changes; they are nevertheless required to adhere to the usual principles of public law. They MUST:

- act rationally;
- take into account all relevant and no irrelevant considerations; and
- follow a fair procedure.

The department expects that in making these changes, LAs and GBs will work together and will:

- liaise with the trustees of the school, and in the case of schools designated as having a religious character the diocese or relevant diocesan board, or any other relevant faith body, to ensure that a proposal is aligned with wider place planning/organisational arrangements, and that any necessary consents have been gained;
- not undermine the quality of education provided or the financial viability of other 'good' and 'outstanding' schools in the local area;
- not create additional places in a local planning area where there is already surplus capacity in schools, taking the quality and diversity of the provision into account as well as cross boundary impacts; and
- ensure open and fair consultation with parents, any affected educational institutions in the area (e.g. primary, secondary, special schools, sixth form and FE colleges as required) and other interested parties. The [consultation principles guidance](#) can be referenced for examples of good practice.

Before making any changes GBs should ensure that:

- they have consulted with the LA to ensure the proposal is aligned with local place planning arrangements
- they have secured any necessary funding;
- they have identified suitable accommodation and sites;

- they have secured planning permission and/or agreement on the transfer of land where necessary⁸. The proposal can be approved subject to planning permission being granted;
- they have the consent of the site trustees or other land owner where the land is not owned by the GB;
- where a school is designated as having a religious character, they have the consent of the trustees of the school, the diocese or relevant diocesan board, or any other relevant faith body, where appropriate; and
- the admissions authority is content for the published admissions number (PAN) to be changed where this forms part of expansion plans, in accordance with the School Admissions Code.

Once a decision on the change has been made, the proposer (i.e. LA or GB) is responsible for making arrangements for the necessary changes to be made to the school's record in the department's [GIAS](#) system. These changes must be made no later than the date of implementation for the change and can be input in advance, once a decision is made.

⁸ Including, where necessary, approval from the Secretary of State for change to the use of playing field land under Section 77(1) of the SSFA 1998.

5: Statutory process: prescribed alterations

The statutory process for making prescribed alterations to schools has four stages:

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal/notice)		
Stage 2	Representation (formal consultation)	Must be 4 weeks	As set out in the 'Prescribed Alterations' regulations
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator	Any appeal to the adjudicator must be made within 4 weeks of the decision
Stage 4	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker

Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations. Schools should have the consent of the site trustees and where a school is designated as having a religious character the trustees of the school, the diocese or relevant diocesan board, or any other relevant faith body.

When considering making a prescribed alteration change, it is best practice to take timing into account, for example:

- by holding consultations and public meetings (either formal or informal) during term time, rather than school holidays and, where appropriate, extend the consultation period if it overlaps school holidays etc;
- plan where any public and stakeholder meetings are held to maximise response;
- take into account the admissions cycle for changes that will impact on the school's admission arrangements.

A number of changes can impact admissions necessitating reductions in PAN, new relevant age groups for admission or the adoption of revised admission criteria. Changes to admission arrangements can be made by the admission authority in one of two ways:

- the consultation on changing the admission arrangements (as set out in the [School Admissions Code](#)) takes place sufficiently in advance of a decision on the prescribed alteration so that the change to admissions can be implemented at the same time as the proposals; or
- a variation is sought, where necessary, in view of a major change in circumstances, from the [Schools Adjudicator](#) so that the changes to the admission policy can be implemented at the same time as the prescribed alteration is implemented.

Decision-makers should, so far as is possible, co-ordinate with the admission authority, if different, to ensure they avoid taking decisions that will reduce a PAN or remove a relevant age group for admission after parents have submitted an application for the following September (e.g. 31 October for secondary admissions or 15 January for primary admissions).

Publication

A statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. [Annex A](#) sets out the minimum that this should include. The proposal should be accessible to all interested parties and should therefore use 'plain English'.

Where the proposal for one change is linked to another, this should be made clear in any notices published. Where a proposal by a LA is 'related' to a proposal by other proposers (e.g. where one school is to be enlarged because another is being closed) a single notice could be published.

The full proposal must be published on a website (e.g. the school or LA's website) along with a statement setting out:

- how copies of the proposal may be obtained;
- that anybody can object to, or comment on, the proposal;
- the date that the representation period ends; and
- the address to which objections or comments should be submitted.

A brief notice (including details on how the full proposal can be accessed e.g. the website address) must be published in a local newspaper. If the proposal is published by a GB then notification must also be posted in a conspicuous place on the school premises and at all of the entrances to the school.

Within one week of the date of publication on the website, the proposer must send a copy of the proposal and the information set out in the paragraph above to:

- the GB/LA (as appropriate);
- the parents of every registered pupil at the school - where the school is a special school;
- if it involves or is likely to affect a school which has been designated as having a religious character:
 - the local Church of England diocese;
 - the local Roman Catholic diocese; or
 - the relevant faith group in relation to the school;
- proposals affecting a special school should go to any LA that has commissioned a place at the school (i.e. all relevant authorities who have made an out of county/borough placement there); and
- any other body or person that the proposer thinks is appropriate e.g. any affected educational institutions in the area.

Within one week of receiving a request for a copy of the proposal, the proposer must send a copy to the person requesting it.

There is no maximum limit on the time between the publication of a proposal and its proposed date of implementation. However, proposers will be expected to show good reason (for example an authority-wide reorganisation) if they propose a timescale longer than three years.

Representation (formal consultation)

The representation period must last for four weeks from the date of the publication. During this period, any person or organisation can submit comments on the proposal to the LA to be taken into account by the decision-maker. It is also good practice for representations to be forwarded to the proposer to ensure that they are aware of local opinion.

Decision

The LA will be the decision-maker in all cases except where a proposal is 'related' to another proposal that must be decided by the [Schools Adjudicator](#)⁹.

Decision-makers will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. Decision-makers should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s).

Decisions must be made within a period of two months of the end of the representation period or they must be referred to the Schools Adjudicator.

When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the LA and/or GB (as appropriate); or
- approve the proposal, with or without modification – subject to certain conditions¹⁰ (such as the granting of planning permission) being met.

A proposal can be withdrawn by the proposer at any point before a decision is taken. When doing so, the proposer must send written notice to the LA or the GB (as appropriate); or the Schools Adjudicator (if the proposal has been sent to them). A notice must also be placed on the website where the original proposal was published.

Within one week of making a decision the LA must publish their decision and the reasons for it, on the website where the original proposal was published and send copies to:

- the LA (where the Schools Adjudicator is the decision-maker);
- the Schools Adjudicator (where the LA is the decision-maker);

⁹ For example where a change is conditional on the establishment of a new school under section 10 or 11 of EIA 2006 (where the Schools Adjudicator may be the default decision maker).

¹⁰ The prescribed events are those listed in paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations

- the GB/proposers (as appropriate);
- the trustees of the school (if any);
- the local Church of England diocese;
- the local Roman Catholic diocese;
- the parents of every registered pupil at the school – where the school is a special school; and
- any other body that they think is appropriate (e.g. other relevant diocese or diocesan board, faith organisation and any affected educational institutions in the area).

If the [Schools Adjudicator](#) is the decision-maker they must notify the persons above of their decision, together with the reasons, within one week of making the decision. Within one week of receiving this notification the LA must publish the decision, with reasons, on the website where the original proposal was published.

Related proposals

Where proposals appear to be related to other proposals, the decision-maker must consider the related proposals together. A proposal should be regarded as related if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal.

Conditional approval

For many types of proposal, decision-makers may make their approval conditional on certain prescribed kinds of events¹¹. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

The proposer should inform the decision-maker when a condition is met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

¹¹ Under paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations

Education standards and diversity of provision

Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents, raise local standards and narrow attainment gaps.

Equal opportunities issues

The decision-maker must comply with the Public Sector Equality Duty (PSED), which requires them to have 'due regard' to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

Further information on the considerations can be found on the [Equality and Human Rights Commission](#) website.

Community cohesion

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from, and about each other; by encouraging through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker should consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different groups within the community.

Travel and accessibility

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

Further information is available in the statutory [Home to school travel and transport guidance](#) for LAs.

Funding

The decision-maker should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees of the school, diocese or relevant diocesan board) have given their agreement. A proposal **cannot** be approved conditionally upon funding being made available.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

Rights of appeal against a decision

The following bodies may appeal to the Schools Adjudicator against a decision made by a LA decision-maker, within four weeks of the decision being made:

- the local Church of England diocese;
- the local Roman Catholic diocese; and
- the governors and trustees of a foundation, foundation special or voluntary school that is subject to the proposal.

On receipt of an appeal, a LA decision-maker must then send the proposal, representations received and the reasons for their decision to the Schools Adjudicator within one week of receipt. There is no right of appeal on determinations made by the Schools Adjudicator.

Implementation

The proposer must implement a proposal in the form that it was approved, taking into account any modifications made by the decision-maker.

Modification post determination

Proposers can seek modifications from the decision-maker before the approved implementation date. However, proposals cannot be modified to the extent that new proposals are substituted for those that have been published.

Details of the modification must be published on the website where the original proposals were published.

Revocation of proposals

If the proposer no longer wants to implement an approved proposal, they must publish a revocation proposal to be relieved of the duty to implement, as set out in the Prescribed Alterations Regulations.

Land and buildings

Foundation, foundation special or voluntary controlled schools

Where a LA is required to provide a site for a foundation, foundation special or voluntary controlled school, the LA must¹²:

- transfer their interest in the site and in any buildings on the site which are to form part of the school's premises to the trustees of the school, to be held by them on trust for the purposes of the school; or
- if the school has no trustees, to the GB, to be held by that body for the purposes of the school.

In the case of a dispute as to the persons to whom the LA is required to make the transfer, the adjudicator will make a decision.

Voluntary aided schools

Where a LA is required to provide a site for a voluntary aided school, they must transfer their interest in the land to the trustees of the school, and must pay the reasonable costs to the GB in connection with the transfer.

¹² Under paragraph 17 of schedule 3 of the Prescribed Alterations Regulations

School premises and playing fields

Under the School Premises (England) Regulations 2012, all schools maintained by local authorities are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

[Guidelines](#) setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.

6: Statutory process: foundation proposals

Changing category to foundation, acquiring a foundation trust and/or acquiring a foundation majority

A 'foundation trust school' is a foundation school with a charitable foundation complying with the requirements set out in SSFA 1998¹³. These include that the foundation trust must have a charitable purpose of advancing education and must promote community cohesion.

The term 'acquire a foundation majority' means acquiring an instrument of government whereby the school's foundation trust has the power to appoint a majority of governors on the GB.

Where a school's GB considers changing category to foundation or acquiring a foundation trust and/or acquiring a foundation majority on the school's GB, the following five-stage statutory process must be followed:

Stage	Description	Timescale	Comments
Stage 1	Initiation		The GB considers a change of category to foundation/acquisition of a foundation trust/acquisition of a foundation majority
Stage 2	Publication		Having gained consent where appropriate
Stage 3	Representation (formal consultation)	Must be 4 weeks	As set out in the prescribed alteration regulations. The LA may refer a foundation trust proposal to the Schools Adjudicator during this period if it considers the proposal to have a negative effect on standards at the school
Stage 4	Decision	The GB must decide within 12 months of the date of publication	Unless the LA has referred the proposal to Schools Adjudicator at Stage 3
Stage 5	Implementation	No prescribed timescale	Must be as specified in the statutory notice, subject to any modifications agreed by the decision-maker

¹³ Section 23A

Initiation

For a proposal to change the category of a school to a foundation school, the GB should inform the LA in writing, at least seven days in advance of a meeting, if a motion to consult on a change of category proposal is to be discussed.

Before the GB can publish a proposal to change category from a voluntary school to a foundation school, the existing trustees and whoever appoints the foundation governors must give their consent.

Publication

A statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. Part 1 of [Schedule 1 to the Prescribed Alterations Regulations](#) specifies the information that the statutory proposal must contain. Further details on the publication stage can be found in [Part 5](#).

Representation (formal consultation)

The representation period starts on the date of the publication of the proposal and must last four weeks. During this period, any person or organisation can submit comments on the proposal to the GB, to be taken into account when the decision is made.

During the representation period, the LA has the power to require the referral of a proposal to acquire a foundation trust/foundation majority to the [Schools Adjudicator](#) for decision, if they consider it will have a negative impact on standards at the school.

The LA does not have this power in respect of a proposal solely to change the category to foundation¹⁴.

Where a proposal is referred to the [Schools Adjudicator](#), the GB must forward any objections or comments it has received to the Schools Adjudicator within one week of the end of the representation period.

¹⁴ However, where such a proposal is related to a proposal to acquire a trust, then the whole set of proposals will be referred to the Schools Adjudicator.

Decision

Unless a proposal has been referred to the Schools Adjudicator (as set out above), the GB will be the decision-maker and must make a decision on the proposal within 12 months of the date of publication of the proposal.

Where a proposal to acquire a foundation trust or a foundation majority is linked to a proposal to change category to a foundation school, they will be decided together.

When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the LA;
- approve the proposal with or without modifications but conditional upon:
 - the making of any scheme relating to any charity connected with the school; and
 - the establishment of a foundation¹⁵.

Where the LA has referred a proposal to acquire a foundation trust/foundation majority to the Schools Adjudicator for decision, any related proposal(s) (including a change of category to foundation) will also fall to be decided by the Schools Adjudicator.

Decision-makers should consider the impact of changing category to foundation school, and acquiring or removing a foundation trust on educational standards at the school. In assessing standards at the school, the decision-maker should take account of recent reports from Ofsted and a range of performance data. Recent trends in applications for places at the school (as a measure of popularity) and the local reputation of the school may also be relevant context for a decision.

If a proposal is not considered strong enough to significantly improve standards at a school that requires it, the decision maker should consider rejecting the proposal. Foundation trusts have a duty¹⁶ to promote community cohesion, and decision-makers should carefully consider the foundation trust's plans for partnership working with other schools, agencies or voluntary bodies.

¹⁵ As defined in section 23A of the SSFA 1998

¹⁶ Under section 23A(6) of the SSFA 1998

Foundation schools acquiring a foundation trust

For foundation trust schools the decision-maker should be satisfied that the following criteria are met for the proposal to be approved:

- the proposal is not seeking for a school to alter, acquire, or lose a designated religious character. These alterations cannot be made simply by acquiring a foundation trust;
- the necessary work is underway to establish the foundation trust as a charity and as a corporate body; and
- that none of the foundation trustees are disqualified from exercising the function of foundation trustee, either by virtue of:
 - o disqualifications from working with children or young people;
 - o not having obtained a criminal record check certificate¹⁷;
 - o [Charities Act 2011](#)¹⁸ which disqualify certain persons from acting as charity trustees.

Suitability of partners

Decision-makers will need to be satisfied of the suitability of foundation trust partners and members. They should use their own discretion and judgement in determining on a case-by-case basis whether the reputation of a foundation trust partner is in keeping with the charitable objectives of a foundation trust, or could bring the school into disrepute. However, the decision-maker should make a balanced judgement, considering the suitability and reputation of the current/potential foundation trust.

The following sources may provide information on the history of potential foundation trust partners:

- [The Health and Safety Executive Public Register of Convictions](#)¹⁹
- [The Charity Commission's Register of Charities](#); and
- [The Companies House web check service](#).

¹⁷ Under section 113A of the Police Act 1997

¹⁸ section 178 onwards

¹⁹ Appearance on this database should not automatically disqualify a potential trust member; decision-makers will wish to consider each case on its merits

Within one week of making a decision the GB must publish a copy of the decision (together with reasons) on the website where the original proposal was published and send copies to:

- the LA;
- the local Church of England diocese; and
- the local Roman Catholic diocese.

Where a proposal has been decided by the GB and is to change the category of a VA school to foundation (with or without the acquisition of a foundation trust/foundation majority), the following bodies have the right of appeal to the [Schools Adjudicator](#)²⁰:

- the LA;
- the local Church of England diocese(s); and
- the local Roman Catholic diocese(s).

Conditional approval

For many types of proposal, decision-makers may make their approval conditional on certain prescribed kinds of events²¹. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

The proposer should inform the decision-maker when a condition is met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

Implementation

The GB must implement any approved proposal by the approved implementation date, taking into account any modifications made by the decision-maker.

Within one week of implementation, the GB must provide information to the Secretary of State²² about foundation proposals that have been implemented. Copies of the statutory proposals and decision record should be submitted to

²⁰ The specific circumstances in which a referral can be made are prescribed under paragraph 15 of Schedule 1 to the Prescribed Alterations Regulations

²¹ under paragraph 16 of Schedule 1 to the Prescribed Alterations Regulations

²² Paragraph 18 of Schedule 1 of the Prescribed Alterations Regulations

schoolorganisation.notifications@education.gov.uk in order for the school record to be updated on GIAS.

Modification post determination

Modifications can be made to a proposal by the governing body after determination but before implementation.

Revocation

If the proposer no longer wants to implement an approved proposal they must publish a revocation proposal to be relieved of the duty to implement, as set out in Paragraph 19 of Schedule 1 of the Prescribed Alterations Regulations.

Governance and staffing issues

Schedule 4 of the Prescribed Alterations Regulations provides further information on the requirements about:

- the revision or replacement of the school's instrument of government;
- reconstitution or replacement of the GB;
- current governors continuing in office;
- surplus governors;
- transfer of staff; and
- transitional admission arrangements.

Land transfer issues

Requirements as to land transfers, when a school changes category or acquires a foundation trust, are prescribed in Schedule 5 of the Prescribed Alterations Regulations.

Removing a foundation trust and/or removing a foundation majority

There are five or six statutory stages (depending on the proposal and circumstances) to remove a foundation trust and/or to reduce a foundation majority. It may be triggered in two different ways – either by a majority or a minority of the GB:

Stage	Description	Timescale	Comments
Stage 1	Initiation		<p>Majority A majority of governors considers publishing a proposal to remove a foundation trust/reduce the number of governors appointed by the foundation.</p> <p>or</p> <p>Minority A minority (of not less than a third of the governors) notify the clerk of the GB of their wish to publish a proposal to remove a foundation trust/reduce the number of governors appointed by the foundation</p>
Stage 2	Land Issues (applicable only to removal of trusts)	If not resolved within 3 months, disputes must be referred to the Schools Adjudicator	In cases of removing foundation trusts, the GB, trustees and the LA must resolve issues related to land and assets before a proposal is published
Stage 3	Consultation	<p>Majority A minimum of 4 weeks is recommended.</p> <p>or</p> <p>Minority No consultation required</p>	<p>Majority It is for the GB to determine the length of consultation</p>
Stage 4	Publication and representation	<p>Majority 6 week representation period.</p> <p>or</p> <p>Minority</p>	

Stage	Description	Timescale	Comments
		Where there are no land or asset issues – publish within 3 months of receipt of notice by GB clerk – followed by a 6-week representation period. Where there are land issues, publish within 1 month of receipt of School Adjudicator's determination – followed by a 6-week representation period	
Stage 5	Decision	Within 3 months	A proposal initiated by a minority of governors may not be rejected unless at least two-thirds of the GB are in favour of the rejection
Stage 6	Implementation	No prescribed timescale	But must be as specified in the statutory notice, subject to any modifications agreed by the decision-maker

Initiation

A proposal for removing a foundation trust and/or removing a foundation majority can be triggered by:

- a) a majority²³ of the GB or a committee deciding to publish a proposal. The decision to publish must be confirmed by the whole GB at a meeting held at least 28 days after the meeting at which the initial decision was made; or
- b) at least one-third²⁴ of the governors requesting in writing to the clerk of the GB, that a proposal be published. No vote of the GB is required as they are obliged to publish a proposal. To prevent on-going challenges

²³ Regulation 4 of the Removal Regulations

²⁴ Regulation 5 of the Removal Regulations

there are a number of prescribed circumstances²⁵ in which there is no obligation to follow the wishes of the minority of governors.

Land and assets (when removing a foundation trust)

Before publishing proposals to remove a foundation trust, the GB must reach agreement with the trustees and LA on issues relating to the school's land and assets. Where such issues remain unresolved within three months of the initial decision (majority) or receipt of notice by the clerk (minority), they must be referred to the [Schools Adjudicator](#) for determination.

On the removal of the foundation trust, all publicly provided land held by the foundation trust for the purposes of the school will transfer to the GB²⁶. Where the land originated from private sources (for example, where land was gifted on trust), the land will transfer to the GB in accordance with a transfer agreement, providing for consideration to be paid by the GB to the foundation trust where appropriate. However, there may be land which has benefited from investment from public funds which remains with the trustees under the transfer agreement.

Alternatively, there may have been investment by trustees in the publicly provided land or from public funding in the land provided by the trustees. In either of these cases, it may be appropriate for either the trustees or the public purse to be compensated. The possibility of stamp duty land tax may also need to be taken into account.

The Schools Adjudicator will announce its determination in writing to both parties.

Consultation

Where a minority of governors initiated the process, this stage does not apply.

Where a majority of governors initiated the process, before publishing a proposal the GB must consult:

- families of pupils at the school;
- teachers and other staff at the school;
- the trustees and, if different, whoever appoints foundation governors;
- the LA;

²⁵ See regulation 5(4) of the Removal Regulations

²⁶ By virtue of regulation 17(1) of the Removal Regulations

- the GBs of any other foundation or foundation special schools maintained by the same LA for which the foundation acts as a foundation;
- any trade unions who represent school staff;
- if the school has been designated as having a religious character, the appropriate diocesan authority or other relevant faith group in relation to the school;
- any other person the GB consider appropriate.

Publication

Where the decision to publish a proposal was made by a majority of governors, the GB at this stage must decide whether to go ahead with publishing the proposal.

Where the decision to publish a proposal was made by a minority of governors and there are no land issues to be determined, the GB must publish the proposal within 3 months of the receipt of the notice by the clerk. If land issues were referred to the [Schools Adjudicator](#), the proposal must be published within 1 month of receipt of its determination.

Proposals to remove a foundation trust or to alter the instrument of government so that foundation governors cease to be the majority of governors must contain the information set out in [The School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#). Further details on the publication stage can be found in [Part 5](#).

At the same time as publishing the proposals, the GB must send copies of the proposals to the LA, trustees, and the Secretary of State via schoolorganisation.notifications@education.gov.uk.

Representation

The representation period starts on the date of the publication of the proposal and must last six weeks. During this period, any person or organisation can submit comments on the proposal to the GB to be taken into account when the decision is made.

Unlike the foundation trust acquisition process, there is no power for the LA to refer a proposal to the Schools Adjudicator to remove a school's foundation trust or to reduce the number of governors appointed by the foundation trust. However, GBs

must bear in mind that failure to follow the requirements of the statutory process could lead to a complaint to the Secretary of State under Section 496/497 of the Education Act 1996, and/or ultimately be challenged through judicial review.

Decision

The GB is the decision-maker for a removal proposal and must determine the proposal within 3 months of the date of its publication.

If a proposal was brought forward by a majority of governors, then it may be determined by a majority vote of those governors present²⁷.

If a proposal was brought forward by a minority of governors, then the GB may not reject the proposal unless two thirds or more of the governors indicate that they are in favour of its rejection²⁸.

When deciding a proposal for the removal of a foundation trust, the GB should consider the proposal in the context of the original proposal to acquire the foundation trust, and consider whether the foundation trust has fulfilled its expectations. Where new information has come to light regarding the suitability of foundation trust partners, this should be considered.

All decisions must be taken in accordance with the processes prescribed in [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#).²⁹

The GB must notify the relevant LA, trustees and the Secretary of State via schoolorganisation.notifications@education.gov.uk of their decision.

Implementation

The GB is under a statutory duty to implement any approved proposal, as published, by the approved implementation date, taking into account any modifications made. In changing category, an implementation period begins when the proposal is decided and ends on the date the proposal is implemented. During this period the LA and GB are required to make a new instrument of government for the school, so enough time must be built into the timeframe for this to happen. The GB must then be reconstituted in a form appropriate to the school's new category and also in accordance with the appropriate instrument of government taking into account the [School Governance \(Constitution\) \(England\) Regulations 2012](#).

²⁷ As per the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013.

²⁸ As per regulation 11(2) of the Removal Regulations.

²⁹ Except as otherwise provided by the Removal Regulations.

When removing a foundation trust or a foundation majority, a governor may continue as a governor in the corresponding category (e.g. staff governor, parent governor) if that category remains under the new instrument of government. A member of a current GB who continues as a governor on these grounds holds office for the remainder of the term for which he or she was originally appointed or elected. Where a school with a religious character has no foundation trust, the GB must appoint partnership governors with a view to ensuring that the religious character of the school is preserved and developed in accordance with the School Governance (Constitution) (England) Regulations 2012. There is nothing to prevent the appointment of a former foundation governor being reappointed by the GB as a partnership governor.

The terms of the trust on which land is held for a voluntary or foundation school often include very specific provisions regarding the conduct of the school and the use of any fund held by the foundation trust for the use of the school and premises. When making a proposal to change category, proposers will need to consider whether the current terms on which the school's land is held on trust allows for the change in category proposed. If in doubt, or if a variation in the foundation trust is clearly necessary, promoters and the relevant site trustees are advised to make early contact with the Charity Commission to apply for the terms of the trust to be varied under the relevant trust law.

Modification of proposals

Modifications can only be made to the implementation date and the proposed constitution of the governing body.

Annex A: Information to be included in a prescribed alteration statutory proposal

A statutory proposal for making a prescribed alteration to a school must contain sufficient information for interested parties to make a decision on whether to support the proposed change. A proposal should be accessible to all interested parties and therefore use 'plain English'.

Proposers will need to be mindful of the factors that will inform the decision-makers assessment when determining the proposal.

As a minimum, the department would expect a proposal to include:

- school and LA details;
- description of alteration and evidence of demand;
- objectives (including how the proposal would increase educational standards and parental choice);
- the effect on other educational institutions within the area;
- project costs and indication of how these will be met, including how long-term value for money will be achieved;
- implementation plan; and
- a statement explaining the procedure for responses: support, objections and comments.

Annex B: Further Information

This guidance primarily relates to:

- [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#)
www.legislation.gov.uk/ukxi/2013/3110/contents/made
- [The School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#) www.legislation.gov.uk/ukxi/2007/3475/contents/made
- [The School Organisation \(Requirements as to Foundations\) \(England\) Regulations 2007](#) www.legislation.gov.uk/ukxi/2007/1287/contents/made
- [The Education and Inspections Act 2006](#)
www.legislation.gov.uk/ukpga/2006/40
- [The School Standards and Framework Act 1998](#)
www.legislation.gov.uk/ukpga/1998/31/contents

It also relates to:

- [The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013](#) www.legislation.gov.uk/ukxi/2013/3109/contents/made
- [The School Governance \(Constitution\) \(England\) Regulations 2012](#)
www.legislation.gov.uk/ukxi/2012/1034/contents/made
- [The School Governance \(Constitution and Federations\) \(England\) \(Amendment\) Regulations 2014](#)
www.legislation.gov.uk/ukxi/2014/1257/pdfs/ukxi_20141257_en.pdf
- [The School Governance \(Miscellaneous Amendments\) \(England\) Regulations 2015](#) www.legislation.gov.uk/ukxi/2015/883/pdfs/ukxi_20150883_en.pdf
- [The School Governance \(New Schools\) \(England\) Regulations 2007](#)
www.legislation.gov.uk/ukxi/2007/958/pdfs/ukxi_20070958_en.pdf
- [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#) www.legislation.gov.uk/ukxi/2013/1624/contents/made
- [The Childcare Act 2006](#) www.legislation.gov.uk/ukpga/2006/21/contents
- [The School Premises \(England\) Regulations 2012](#)
www.legislation.gov.uk/ukxi/2012/1943/contents/made

- [Making Significant Changes to an Existing Academy](http://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy)
www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy
- [Academy/Free School Presumption – departmental advice](http://www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption)
www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption
- [Establishing New Maintained Schools – departmental advice for local authorities and new school proposers](http://www.gov.uk/government/publications/establishing-new-maintained-schools)
www.gov.uk/government/publications/establishing-new-maintained-schools
- [The School Admissions Code](http://www.gov.uk/government/publications/school-admissions-code--2) www.gov.uk/government/publications/school-admissions-code--2
- [Education Act 1996](http://www.legislation.gov.uk/ukpga/1996/56/contents) www.legislation.gov.uk/ukpga/1996/56/contents
- [Equality Act 2010](http://www.legislation.gov.uk/ukpga/2010/15/contents) www.legislation.gov.uk/ukpga/2010/15/contents
- [Police Act 1997](http://www.legislation.gov.uk/ukpga/1997/50/contents) www.legislation.gov.uk/ukpga/1997/50/contents
- [Charities Act 2011](http://www.legislation.gov.uk/ukpga/2011/25/contents) www.legislation.gov.uk/ukpga/2011/25/contents
- [Public Sector Equality Duty](http://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty) www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty
- [Home-to-school travel and transport - GOV.UK](http://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance)
www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance
- [Get information about schools - GOV.UK](http://www.get-information-schools.service.gov.uk/) www.get-information-schools.service.gov.uk/
- [Consultation principles: guidance - GOV.UK](http://www.gov.uk/government/publications/consultation-principles-guidance)
www.gov.uk/government/publications/consultation-principles-guidance
- [School land and property: protection, transfer and disposal - GOV.UK](http://www.gov.uk/guidance/school-land-and-property-protection-transfer-and-disposal)
www.gov.uk/guidance/school-land-and-property-protection-transfer-and-disposal

Annex C: Contact details for RSC offices

- East and North East London - RSC.EASTNELONDON@education.gov.uk
- North - RSC.NORTH@education.gov.uk
- East Midlands and Humber - EMH.RSC@education.gov.uk
- Lancashire and West Yorkshire - LWY.RSC@education.gov.uk
- South Central England and North West London - RSC.SCNWLON@education.gov.uk
- South East and South London - RSC.SESL@education.gov.uk
- South West - RSC.SW@education.gov.uk
- West Midlands - RSC.WM@education.gov.uk



Department
for Education

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Appendix 5 – Public Report

SCHOOL ORGANISATION PROPOSAL:

Gunter Primary School

- **Proposal to Alter the Age range to 3 – 11 Years to Provide Nursery Provision**

Councillor Name	Date	Method of Consultation	Comments
Councillor Mike Sharpe (Pype Hayes)	25 th April 2019	E Mail	No comments received
Councillor Kate Booth	25 th April 2019	E Mail	No comments received
Councillor Brigid Jones	25 th April 2019	E Mail	No comments received
Councillor Ian Ward	25 th April 2019	E Mail	No comments received
Councillor Mariam Khan	25 th April 2019	E Mail	No comments received
Jack Dromey MP Erdington	25 th April 2019	E Mail	No comments received

Birmingham City Council



Report to Leader of the Council and Cabinet Member for Transport and the Environment jointly with Director, Inclusive Growth

12 June 2019

Subject: PUBLIC CONSULTATION ON THE DRAFT WALKING AND CYCLING STRATEGY AND LOCAL CYCLING AND WALKING INFRASTRUCTURE PLAN

Report of: Assistant Director, Planning

Relevant Cabinet Member: Councillor Ian Ward - Leader
Councillor Waseem Zaffar – Transport and Environment

Relevant O &S Chair(s): Councillor Liz Clements – Sustainability and Transport

Report author: Alison Kennedy, Principal Transport Policy Officer,
0121 464 9608 alison.kennedy@birmingham.gov.uk

Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
Is this a key decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for call-in?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

1 Executive Summary

- 1.1 To seek authority to undertake public consultation on the Draft Walking and Cycling Strategy and Local Cycling and Walking Infrastructure Plan for a period of six weeks during June and July 2019.

2 Recommendations

- 2.1 Approves the Draft Walking and Cycling Strategy and Local Cycling and Walking Infrastructure Plan for public consultation for a period of six weeks commencing in June 2019.
- 2.2 Notes that following the consultation, a further report will be produced for Cabinet to adopt the Walking and Cycling Strategy and Local Cycling and Walking Infrastructure Plan.

3 Background

- 3.1 The Birmingham Walking and Cycling Strategy sets out a long-term plan to ensure that active travel becomes the popular choice for short journeys and to increase the opportunities for recreational cycling and walking. It addresses the challenges of poor air quality, congestion, rising levels of obesity and overdependence on cars for short journeys. It builds on the success of Birmingham Cycle Revolution and major investment in city centre public spaces, to create a city wide network of walking and cycling routes, high quality public spaces and 'liveable', low traffic neighbourhoods that support walking and cycling for short journeys.
- 3.2 The Local Cycling and Walking Infrastructure Plan (LCWIP) identifies opportunities to improve the existing network by making it easier, safer and better-connected so that more people will choose to walk and cycle, regardless of age, gender, fitness level or income.
- 3.3 The main aim of the Strategy is to increase walking and cycling in Birmingham, for transport, leisure and health, with a particular focus on short journeys and linked trips to public transport. The Strategy contains policies and actions – to be delivered by Birmingham City Council and various partners, and monitored annually. It is closely aligned with other regional and local strategies. Consultation feedback will help to identify partner support and ensure that the policies and actions are appropriate.

4 Options considered and Recommended Proposal

- 4.1 Option 1 - Do nothing. Should the Council decide not to consult on the Strategy, it would result in a lack of strategic direction and vision for walking and cycling. It could lead to missed opportunities, for partnership working and potential investment, and delays in meeting cycling targets for the West Midlands Cycle Charter and Birmingham Council Plan (2018-2022).
- 4.2 Option 2 – Republish the existing strategy documents: Walking Strategy (2002) and Bike Strategy (2012). However, these are in need of significant updates, particularly in light of progress made with the Birmingham Cycle Revolution, major changes in the city such as Clean Air Zone and HS2, and plans for the 2022 Commonwealth Games. The existing strategy documents lack plans for walking and cycling infrastructure and are inconsistent with the government's Walking and Cycling Investment Strategy and LCWIP Technical Guidance (2017).
- 4.3 Recommended Proposal – Consult on the Draft Walking and Cycling Strategy and Local Cycling and Walking Infrastructure Plan. Consultation feedback will be used to refine the policies and proposals, identify further opportunities and set priorities for future investment.

5 Consultation

- 5.1 Consultation to date has involved various internal discussions with officers at Birmingham City Council. Informal meetings regarding specific schemes, development of masterplans, Supplementary Planning Documents (SPDs) and the

Clean Air Zone have taken place with partners at Transport for West Midlands, HS2, Highways England and Sustrans.

5.2 Stakeholders from walking and cycling organisations have been engaged since 2016, through workshops, stakeholder forums and other discussions:

Walking and Cycling Strategy		Cycling and Walking Infrastructure Plan	
February 2016	Cycling and Walking Strategy stakeholder workshop	April 2018	Stakeholder Mapping Workshop (Walkable Birmingham, Local Access Forum, Cycle Stakeholder Scheme Advisory Group)
January 2019	Local Access Forum	May 2018	BCC and TfWM Mapping Workshop
March 2019	Birmingham Transport Summit	October 2018 onwards	City Centre cycle route discussions with HS2, Midland Metro, PushBikes, Sustrans, Colmore BID
April 2019	Cycle Stakeholder Scheme Advisory Group	Feb 2019	Business Engagement and Community Open Day, Tyseley and Hay Mills
May 2019	Discussions with Sustrans, British Cycling		

5.3 Formal views will be sought from key partners and stakeholders as part of the public consultation. A consultation and engagement plan is attached (Appendix 2).

6 Risk Management

6.1 The programme for completion and adoption of the Strategy and Infrastructure Plan allows flexibility to account for any potential issues. Other risks include:

- That the draft Strategy will not have a clear vision or measurable actions. In order to mitigate this, the draft Strategy has been drafted in collaboration with internal and external partners. The consultation allows for further refinement of the document before the Council adopts the Strategy.
- That the consultation process will not be effective in reaching a wide range of groups. In order to mitigate this, the engagement plan includes a variety of communication methods and contact opportunities for groups and individuals in different areas of the city and at different times of day.
- That there are insufficient staff and budgets to resource the consultation. In order to mitigate this, the consultation will use existing events and venues and limit the printing and design costs.

7 Compliance Issues:

7.1 **How are the recommended decisions consistent with the City Council's priorities, plans and strategies?**

7.1.1 The Walking and Cycling Strategy and Infrastructure Plan are consistent with the City's Council Plan and Budget 2019 to 2023. They will support

delivery of the primary goals of An Entrepreneurial City, An Aspirational City, A Fulfilling City to age well in and A Great City to live in and support Birmingham residents in gaining the maximum benefit from hosting the Commonwealth Games

- 7.1.2 In particular, they will support Outcome 1, Priority 4: We will develop our transport infrastructure, keep the city moving through walking, cycling and improved public transport; and Outcome 4, Priority 4: We will improve the environment and tackle air pollution.

7.2 Legal Implications

- 7.2.1 As both documents will be informal planning documents and will not have statutory status, there are no formal legal requirements in relation to consultation, but the preparation of the documents and the proposed consultation is in accordance with the adopted Birmingham Statement of Community Involvement 2008 and the draft Statement of Community Involvement 2019.

7.3 Financial Implications

- 7.3.1 The Walking and Cycling Strategy and Infrastructure Plan have been prepared using existing Inclusive Growth Directorate (Planning and Development, and Transport and Connectivity) staff resources.
- 7.3.2 Costs from undertaking the public consultation on the draft Strategy will be met from approved revenue budgets within Inclusive Growth Directorate (Planning and Development, and Transport and Connectivity).
- 7.3.3 There are no other financial implications directly relating to this report. All future programmes/project/schemes resulting from the adoption of the Walking and Cycling Strategy and Local Cycling and Walking Infrastructure Plan will be progressed in accordance with the Council's Gateway and Related Financial Approval Framework, which will include the identification of financial implications and associated resources.

7.4 Procurement Implications (if required)

- 7.4.1 No implications.

7.5 Human Resources Implications (if required)

- 7.5.1 No implications

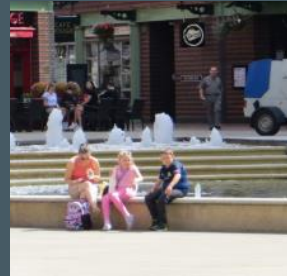
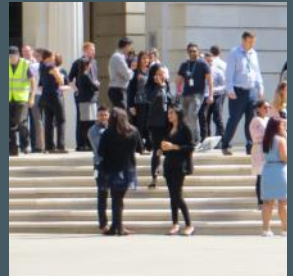
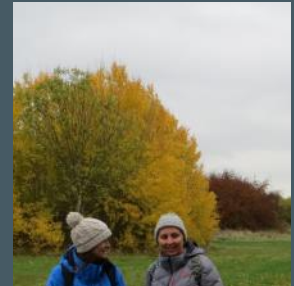
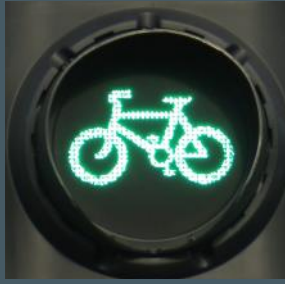
7.6 Public Sector Equality Duty

- 7.6.1 An Equality Analysis has been undertaken for the Walking and Cycling Strategy and Infrastructure Plan and is attached in Appendix 3. The initial assessment found that there will be positive impacts on the protected characteristics of age and disability. The Strategy will help to improve training and education, access to bikes and infrastructure for these groups. Relevant organisations with an interest in equalities issues will be included

in the consultation. The Equality Analysis will be updated following consultation, and will inform the preparation of the final Strategy.

8 List of Appendices accompanying this Report (if any):

- Appendix 1 - Draft Walking and Cycling Strategy and Local Cycling and Walking Infrastructure Plan
- Appendix 2 – Consultation and Engagement Plan
- Appendix 3 – Equality Analysis



Birmingham Walking and Cycling Strategy

Consultation Draft

June 2019

Contact

Transport Policy
 Planning and Development
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Foreword

I am delighted to present the draft Walking and Cycling Strategy.

Birmingham is an amazing city, with a dynamic and growing population, who need to be able to move around safely and conveniently. For too long our dependence on the motor car (particularly for short urban journeys) has restricted opportunities for walking and cycling.

I want to rebalance this – and ensure that walking, cycling and public transport become the most convenient means of travel in our city - and reduce the negative impacts of car dependence on air quality, road safety and social interactions in our local neighbourhoods.

The Walking and Cycling Strategy is part of our long term transport plan and sets the context for future investment in measures to enable, develop and inspire walking and cycling. The Local Cycling and Walking Infrastructure Plan includes city-wide plans for cycle routes and walking improvements, and builds on the success of the Birmingham Cycle Revolution and city centre pedestrian schemes.

The benefits of increasing our levels of walking and cycling and investing in infrastructure are considerable, not only to the individual in terms of physical and mental health, but also to the wider community, in reducing social isolation, improving air quality and expanding travel choices. Walking and cycling, whether as transport or recreation, can also help to tackle problems of inactivity and obesity. And Birmingham is already rich in resources and community networks that provide opportunities for exercise and social contact (we have more canals than Venice and more green space than any other equivalent sized European city).

Birmingham has always been a forward looking city. This Strategy will help to plan a future city that is safer and better connected for walking and cycling, ready for the next generation.

I look forward to hearing your thoughts and to continue working with you to encourage more people to walk and cycle for everyday journeys in Birmingham.

Councillor Waseem Zaffar
Cabinet Member for Transport and the Environment
Birmingham City Council
June 2019





Birmingham Walking and Cycling Strategy

1 ENABLE

- Training and Education
- Access to bikes
- Funding

2 DEVELOP

- Infrastructure (LCWIP)
- Traffic Management
- Maintenance
- Cycle Parking
- Planning, development
- Public transport

3 INSPIRE

- Campaigns, communication
- Schools, businesses, community
- Events
- Evaluation

Introduction

Introduction

Birmingham is a growing city with a young and diverse population. It has aspirations to be renowned as an enterprising, innovative and green city. However, air quality is poor, congestion is a key concern, levels of obesity are rising and there is overdependence on cars for short journeys.

The solution is not simple but increasing the levels of walking and cycling is an essential part of making Birmingham 'well-connected'.

The city already has a surprisingly varied and extensive network of paths, pavements, towpaths and tracks connecting people with places to live, work and enjoy. There is considerable scope to improve this network by making it easier, safer and better-connected so that more people will choose to walk and cycle, regardless of age, gender, fitness level or income.

The Birmingham Walking and Cycling Strategy sets out a ten year plan to ensure that active travel becomes the popular choice for short journeys and to increase the opportunities for recreational cycling and walking. The Strategy includes three key objectives with linked policies and actions. It is closely aligned with other regional and local strategies. Outline proposals and priorities for network investment are set out in the Local Cycling and Walking Infrastructure Plan (LCWIP).



Key Aim:

To increase walking and cycling in Birmingham, for transport, leisure and health, particularly for short journeys and in combination with public transport.

Objectives:

These three objectives are all essential requirements to success:

1 Enable walking and cycling in Birmingham

Providing training, improving access to bikes and securing funding

2 Develop a great city for walking and cycling

Improving infrastructure: paths, parking and public transport, managing traffic, maintaining streets

3 Inspire walking and cycling

Organising events and campaigns, distributing information and evaluating outcomes



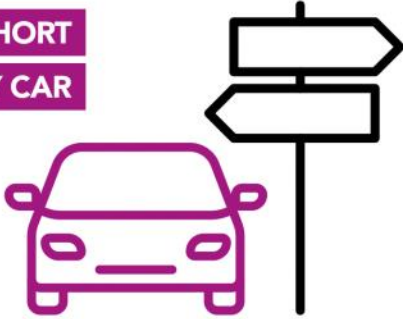
Challenges and opportunities

Challenges

TOO MANY SHORT JOURNEYS BY CAR

25%

of daily car trips in Birmingham are less than a mile.



SAFETY



LOW WALKING LEVELS

6%

of people in Birmingham walk to work.



LOW CYCLE USE

1%

of people in Birmingham cycle to work.



LIMITED TRAVEL CHOICES

36%

of households in Birmingham do not have access to a car.



Opportunities

WALKING

one mile can take approximately

20 MINS



CYCLING

one mile can take approximately

06 MINS



MORE LIFE-YEARS

are gained from regular cycling than lost through injuries.



DAILY WALKS

could increase productivity by up to

30%



OVER

50%

of Birmingham residents would like to cycle more.



BIG BIRMINGHAM BIKES

initiative provided over

7,000

bicycles to residents in the last five years.



Challenges

SOCIAL ISOLATION

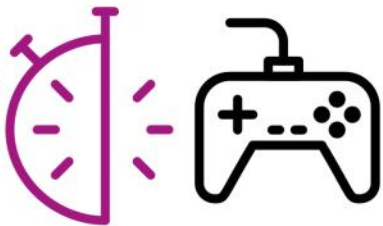
By 2020, over one third of people over 65 will be living alone in the city.

2020



INACTIVITY

One third of adults in the West Midlands spend less than 30 minutes per week on physical activity.



OBESITY

Over 25% of Birmingham residents are obese – the third highest rate in the UK.



POOR AIR QUALITY

Every year,

900

early adult deaths are linked with Birmingham's polluted air.



LACK OF ROUTES

Only

30%

of residents think that the amount of cycle routes is good.



COST OF CONGESTION

Loss of work time due to traffic in Birmingham and Wolverhampton costs over £100m per year.

£100m



Opportunities

SEVENTY-TWO PERCENT

of Big Birmingham Bike users have reduced their social isolation.

72%



PHYSICAL ACTIVITY

levels have increased in users of Big Birmingham Bikes.



WALKING

two miles a day, three times a week can help reduce weight by one pound every three weeks.



CO₂ EMISSIONS

per passenger km:

Car = 160g

Bus = 120g

Rail = 68g

Walking and cycling =

0g



BIRMINGHAM CYCLE REVOLUTION

improved walking and cycling routes: 30 miles of canal towpaths and 20 miles of green routes.



BICYCLES

Bicycles take

14,000

cars off Birmingham's roads every day, equal to a 43-mile tailback.



Policy framework

National framework

The Government’s first statutory Cycling and Walking Investment Strategy was published in April 2017. The Strategy details the Government’s high-level aspirations for cycling and walking up to 2040 and the ambition to make cycling and walking the natural choices for shorter journeys, or as part of a longer journey. Objectives include; increasing cycling activity; increasing walking activity; reducing the rate of cyclists killed or seriously injured on England’s roads; and increasing the percentage of children aged 5 to 10 that usually walk to school. Alongside the Strategy, new guidance was published on Local Cycling and Walking Infrastructure Plans (LCWIPs). In January 2018, the Department for Environment, Food and Rural Affairs produced a 25 year

Environment Plan which supports better connections with green and blue spaces to improve health and wellbeing.

Regional approach

The West Midlands Combined Authority (WMCA) through Transport for the West Midlands has outlined their vision for transport in Movement for Growth: the West Midlands Strategic Transport Plan. The West Midlands Strategic Cycle Network plan was revised as part of the, ‘Common Approach to Cycling and Walking in the West Midlands’ (2019), setting out regional priority routes.

The Movement for Growth Health and Transport Strategy (2018) sets out the health benefits from active travel, links good health to more inclusive growth and highlights

groups who might benefit more from walking and cycling (such as the elderly and people with long term conditions).

The West Midlands Cycle Charter (2015) provides the strategic context for cycling in the West Midlands and is fully endorsed by Birmingham City Council. The Charter identifies targets to raise levels of cycling across the West Midlands Metropolitan Area to 5% of all trips by 2023 from the 1% baseline and to raise cycling levels to 10% of all trips by 2033 (targets also adopted for the Birmingham Cycle Revolution programme). Supporting the Cycle Charter and based on lessons learnt from the Birmingham Cycle Revolution, is the West Midlands Cycle Design Guidance (2017).

The West Midlands on the Move: Physical Activity Strategic Framework (2017) sets out four ambitions; making it easier and more desirable to move around the West Midlands; making it easier and more enjoyable to be outdoors in our green and blue spaces and urban environments; improving how it feels to live in our streets and communities; and improving people’s life chances, wellbeing, employability and access to work.



Cycling and Walking Strategy / Policy framework

Local Policy

Birmingham Connected (2014) sets out clear objectives for efficient, equitable, sustainable, healthy and attractive transport. This 20 year transport strategy has a strong emphasis on multi-modal approaches including 'Green Travel Districts' in priority areas and corridor assessments through 'Transport Space Allocation'. The Birmingham Walking and Cycling Strategy is part of an emerging Birmingham Transport Plan which sets out a refreshed approach to travel in the city.

With Birmingham's population expected to grow by a further 156,000 people by 2031, the Birmingham Development Plan (2017) sets out the city's spatial strategy for jobs and growth, meeting housing needs and sustainable development. The Plan will deliver 51,100 new homes and significant levels of industrial, retail and office floor space. It sets out the vision for 2031: that Birmingham will be renowned as an enterprising, innovative and green City that has delivered sustainable growth, meeting the needs of its population and strengthening its global competitiveness.

Supporting the Birmingham Development Plan will be a Design Guide, Development Management Development Planning Document (DPD) and Parking Supplementary

Planning Document (SPD). The Design Guide will become a key reference for street and parking layouts alongside the West Midlands Cycling Design Guidance. Revised cycle parking standards will be included in the Parking SPD.

The 2018-2022 Council Plan states that, 'we will develop our transport infrastructure, keep the city moving through walking, cycling and improved public transport'. Success will be measured by an increase in percentage of trips taken by bicycles (baseline April 2018).

BDP Policy TP39 Walking

The provision of safe and pleasant walking environments throughout Birmingham will be promoted.

BDP Policy TP40 Cycling

Cycling will be encouraged through a comprehensive city-wide programme of cycling infrastructure improvements (both routes and trip end facilities) supported by a programme of cycling promotion, accessible cycling opportunities, training and travel behavioural change initiatives.



Policy framework / Cycling and Walking Strategy

Enable walking and cycling in Birmingham

Policy 1 Training and Education

We will develop the confidence of people to walk and cycle.

- Provide resources to schools on pedestrian training and road confidence for young people.
- Support crossing patrols at high priority sites.
- Develop a training programme for community Walk Leaders.
- Support schools to promote safer, greener, healthier travel through Modeshift STARS.
- Offer national standard cycle training to all children and young people and create a pathway from Bikeability to Go Ride, Ride Active and community cycling groups.
- Support and develop communities and businesses to lead bike rides and organise training, maintenance and social activities, in partnership with Cycling UK, British Cycling and The Active Wellbeing Society (TAWS).
- Work with West Midlands Police to educate road users, including 'Operation Close Pass' for car drivers and 'Exchanging Places' for commercial drivers and cyclists.

Policy 2 Access to Bikes

We will improve access to good quality bikes.

- Continue the distribution of free bikes through the successful Big Birmingham Bikes initiative.
- Support TAWS, British Cycling, Midland Mencap and Wheels for All, to improve access to adapted cycles.
- Promote free bike hire for residents at Wellbeing Centres and community cycling hubs and support visitor bike hire through the West Midlands bike share project and Brompton Bikes.
- Provide bike loans for children and young people through community Bike Banks.
- Encourage pool bike provision and bike loans at work places.
- Signpost bike recycling projects such as Cycle Chain, Trikes & Bikes and the Jericho Foundation.
- Provide information on electric bikes and public charging points and review 'micro mobility' options (small, electrically powered machines).

Policy 3 Funding

We will identify resources to deliver the Strategy and Cycling and Walking Infrastructure Plan.

- Obtain national and regional funding in partnership with West Midlands Combined Authority, Greater Birmingham and Solihull Local Enterprise Partnership, Highways England and HS2.
- Request developer contributions and seek business sponsorship.
- Identify local, long-term sources of both revenue and capital funding to reduce uncertainty.
- Optimise costs through innovative approaches including temporary measures and phased delivery of projects.
- Ensure integration of cycling and walking with other transport, housing, regeneration, health, physical activity and community projects.



Policy 4
Walking and Cycling Infrastructure

We will design and develop a city-wide network of walking and cycling routes, crossings and low traffic neighbourhoods that are safe, convenient, comfortable, direct and coherent.

- Audit existing infrastructure to identify improvements including; removal of barriers; widening; lighting; wayfinding; new crossings; and changes to waiting and 'clearance' times at crossings.
- Extend 20mph limits across the city and reduce other speed limits where appropriate.
- Support development of low traffic neighbourhoods and school streets, through filtered permeability, parking management and streetscape improvements.
- Prioritise new infrastructure at locations with;
 - high levels of cycling and/or walking demand (existing and potential);
 - clusters of pedestrian and or cyclist collisions/ casualties;
 - poor air quality;
 - inadequate facilities and poor connections to key destinations (growth area, local centre, education site, large employer or public transport hub) and open spaces; and
 - complimentary community programmes and partnerships.

- Focus on high quality design including protected infrastructure (two-way segregated cycle tracks) on main corridors. On-road advisory cycle routes will form part of the local cycling network, but will require clear and consistent direction signing, slow speeds, low traffic levels and junction improvements. Training on the West Midlands Cycle Design Guidance will be provided for engineers, planners, Councillors and stakeholders in partnership with Transport for West Midlands. Pedestrian priority will be integral to the design of new residential areas, low traffic neighbourhoods and School Streets.
- Provide clear and consistent way marking and direction signs between key destinations.
- Ensure that highway improvements and local safety schemes apply the principles of Transport Space Allocation and Healthy Streets and that all Road Safety Audits and Equality Audits consider measures to encourage walking and cycling for people of all ages and abilities.
- Provide forward plans for infrastructure (Local Cycling and Walking Infrastructure Plan (see later) and Rights of Way Improvement Plan) and review these regularly, to reflect changes in policy and respond to the growth of the city and new funding opportunities.

Policy 5
Traffic management and enforcement

We will address the over dominance of motor traffic to make Birmingham's streets safer and more attractive for everyone.

- Reduce air pollution from motor traffic through introduction of a Clean Air Zone and associated measures (bus priority, signalling upgrades, parking management, active travel promotions).
- Support the Police to enforce traffic speeds and roll out 20mph limits across the city
- Target pavement parking through wider enforcement and verge protection measures.
- Prioritise walking and cycling during periods of disruption and through road works.
- Reduce parking pressures and conflicts around schools, hospitals, public transport hubs and local centres with greater parking controls, introduction of low traffic neighbourhoods and implementation of School Streets and 'park and stride' sites.

Policy 6 Maintenance

We will minimise obstructions and unevenness on routes.

- Work with City Council Highways and Parks teams, Canal and River Trust and other organisations to inspect and undertake regular maintenance of routes and provide prompt repair of potholes and lighting defects.
- Provide clear information on how to report faults.
- Review winter maintenance programmes on key walking and cycling routes.

Policy 7 Cycle Parking

We will provide a range of cycle parking opportunities around the city.

- Continue to provide new stands and shelters within the public realm and highway space, and advise on funding for cycle parking on private land.
- Set minimum standards and design guidelines and provide case studies for high quality cycle parking in new developments, including homes, schools and workplaces.

Policy 8 Land use planning and development

We will ensure that new developments enhance walking and cycling.

- Request provision within developments (including trip-end facilities such as showers and changing rooms), developer contributions towards wider infrastructure and effective Travel Plans to promote and monitor active travel.
- Set minimum standards and design guidelines for high quality cycle parking.
- Protect green (parks and open spaces) and blue (canals and rivers) corridors as active travel and ecological corridors.

Policy 9 Public transport

We will facilitate multi-modal travel and linked trips to public transport interchanges.

- Support secure, long-stay cycle parking and bike hire at public transport interchanges.
- Support access improvements such as lifts and ramps at public transport interchanges.
- Improve walking and cycling routes to key bus and Metro stops and railway stations as part of the Stations Alliance programme, Station Travel Plans and new service provision.
- Encourage public transport operators to expand the space available for carriage of wheelchairs, pushchairs and bicycles on their services.



Policy 10
Schools, business and local community

We will promote walking and cycling at places where people study, work and live.

- Develop and deliver travel plans using the national Modeshift STARS online system.
- Monitor travel trends and actions through Modeshift STARS.
- Share information and opportunities through Birmingham Connected Business Travel Network and Business Improvement Districts and develop a culture of walking and cycling at workplaces with Birmingham City Council leading by example.
- Support Green Travel Districts and the Green Travel Task Force.
- Incentivise walking and cycling through targeted challenges, rewards and awards.

Policy 11
Campaigns and communication

We will engage with local people about walking and cycling.

- Listen and respond to views and ideas on walking and cycling, and consult on infrastructure proposals. This includes meetings and site visits with stakeholders (such as the Birmingham Local Access Forum, Push Bikes and disability groups), informal discussions and wider public engagement.
- Publicise national, regional and local campaigns on road safety, air quality, sustainable travel, and provide up-to-date information on walking and cycling - online and through social media, Birmingham Connected emails, printed media and press releases.
- Develop and update a digital version of the Birmingham walking and cycling map and signpost to online journey planning tools.
- Work with public transport operators to provide integrated sustainable travel information.

Policy 12
Events

We will support events that inspire more people to walk and cycle.

- Promote a city-wide walking programme with partners including Living Streets, The Active Wellbeing Service, NHS Trusts and Ramblers.
- Promote a city-wide programme of community cycling activities with The Active Wellbeing Society, Cycling UK, British Cycling and Push Bikes – including training, rides and maintenance.
- Work with partners to develop mass-participation events – including charity walks, ‘Let’s Ride’, sportives, pop-up events and community festivals – with temporary secure cycle parking.
- Provide opportunities for local people to watch or compete in cycle sports in Birmingham – including closed road races, triathlon, cyclocross and BMX.
- Enable businesses and residents to plan street events, using temporary road closures.





Policy 13 Evaluation

We will use quantitative and qualitative data on walking and cycling to help focus resources.

- Assess existing infrastructure to identify gaps and locations with inadequate facilities.
- Investigate sites with clusters of pedestrian and cyclist casualties.
- Explore new ways to measure people rather than cars, particularly pedestrians.
- Undertake travel surveys at schools and workplaces using Modeshift STARS.
- Continue to count cyclists and gather data using the network of automatic cycle counters, intercept surveys, biannual cordon counts and cycle parking surveys, and work with TfWM's Data Insight Service and with TfWM and Sustrans on the 'Bike Life' biannual bicycle report.
- Request new automatic cycle counters in developments and along new routes.
- Work with TAWS to analyse data from the Big Birmingham Bikes project and apps.
- Publish annual monitoring reports and case studies.

Delivery Plan

In order to increase levels of walking and cycling in Birmingham, for transport, leisure and health, a wide range of people and organisations will need to work together to ensure that opportunities are maximised and the benefits are shared.

The objectives, policies and actions in this Strategy will therefore be delivered jointly by Birmingham City Council and its partners.

Key delivery partners include Transport for the West Midlands, The Active Wellbeing Society, Sustrans, Living Streets, Cycling UK, British Cycling and Canal and River Trust. (All partners will also have a role in identification of funding and grant applications as well as delivery).

The emerging Birmingham Transport Plan will provide a refreshed approach to sustainable travel in the city. The annual Transportation and Highways Funding Strategy sets out the current and future capital programme and the City Council's Infrastructure Delivery Plan identifies key transport projects.

The next section describes the Birmingham Cycling and Walking Infrastructure Plan which will be used to identify and prioritise specific infrastructure schemes to take forward for funding and delivery.



Birmingham Cycling and Walking Infrastructure Plan

Birmingham is a growing city. Patterns of movement are changing; the city centre is expanding as a residential, educational and cultural centre; new growth areas are becoming established; and digital advances are enabling more flexible use of personal time and public space. Within this growing city, we need to be smarter and more efficient in our use of transport space, to reduce dominance of motor traffic, to improve access for all and to connect people with green and blue infrastructure.

Improvements to walking and cycling, in combination with public transport, offer a real opportunity to move Birmingham forward and deliver transport that is efficient, equitable, sustainable, healthy and attractive. This Infrastructure Plan sets out Birmingham's aspirations for development of local cycling and walking infrastructure up to 2031, and supports the objectives of the Birmingham Walking and Cycling Strategy, particularly the objective to, 'develop a great city for walking and cycling'. The Plan has been developed in a series of six stages, based on the Department for Transport Local Cycling and Walking Infrastructure Plan (LCWIP) technical guidance.

LCWIP Process

Stage 1	Determining Scope
Stage 2	Gathering Information
Stage 3	Network Planning for Cycling
Stage 4	Network Planning for Walking
Stage 5	Prioritising Improvements
Stage 6	Integration and Application



Scope

This LCWIP covers the city of Birmingham and incorporates the Regional Priority Cycle Routes and Core Walking Zones identified in the West Midlands LCWIP.

Background information

A wide range of data and information has been gathered for the Birmingham and West Midlands LCWIPs. This has influenced the shape of the future cycling network and helped to identify focus areas for walking

interventions, as well as the design of infrastructure.

Assessment of demand

Although Birmingham has an extensive network of automatic cycle counters, current walking data is very limited. Census data (2011) for journeys to work provides city-wide statistics on journeys by foot and cycle (although not journeys combined with public transport). Census cycle to work data is also used as a basis for the Department for Transport’s Propensity to Cycle Tool and Birmingham City Council’s Cycle Model.

However, not all cycle journeys are people commuting to work – 36% of cycle trips are for work and education, 39% for leisure purposes and 25% for shopping and other ‘purposeful trips’ (Bike Life Report, 2017). Walking trips are likely to show a similar pattern.

The Propensity to Cycle Tool helps to outline future demand for walking and cycling alongside housing and employment growth areas identified in the Birmingham Development Plan.

Collision and casualty data

Reducing causes of harm, managing risks and understanding perceptions of safety are essential in order to increase levels of cycling and walking. Collision data was assessed to identify particular locations, trends and common factors.

Review of existing infrastructure

Birmingham has approximately 1,500 miles of highways (with footways alongside most roads). There are 174 miles of cycle routes (133 miles physically separated from vehicles) and 162 miles of public footpaths. Existing cycle routes were reviewed and digitally mapped, including the latest Birmingham Cycle Revolution routes.

The type and quality of cycle routes is wide-ranging; from mixing with traffic along local roads, cycle lanes and bus lanes; to separation from traffic on shared use footways,



Birmingham Development Plan Growth Areas

green routes and canal towpaths. National Cycle Network routes combine all types.

Information was gathered at site visits, audits and stakeholder discussions and from planning proposals and area masterplans.

Living Streets' community and street audits were used as well as a Sustrans audit of all National Cycle Network routes. Physical barriers such as motorways, canals and railways were identified. These can sever natural desire lines and funnel pedestrians and cyclists onto heavily-trafficked bridges and tunnels, or remote footbridges and underpasses.

The review of infrastructure helped to inform network planning but also highlighted the need to undertake further audits in future, particularly of crossing facilities and walking routes.

Public cycle parking spaces in Birmingham have risen to 3,650, thanks to recent investment as part of the Birmingham Cycle Revolution. Demand is greatest in the city centre, at busy local centres and near public transport hubs.

Motivations and deterrents

The benefits of walking and cycling – improving air quality, reducing congestion and increasing physical activity – are widely recognised.

Analysis of individual motivations from Birmingham Cycle Revolution user surveys in 2018 showed the

importance of exercise and environmental factors. Responses also highlighted directness, convenience and transport, indicating that new routes should be well-connected with key destinations.

Deterrents for people who already walk and cycle include safety, personal security, poor surfacing (unevenness, potholes and broken glass), lack of continuity and lack of lighting.

For people considering taking up walking and cycling, these factors are also important, alongside issues such as lack of a bike, limited knowledge of local routes and concerns over personal fitness, weather and carrying capacity.

Personal profiles

Bike Life Surveys provide useful profiles of age, gender and ethnicity of people already cycling in Birmingham.

The design and location of new walking and cycling infrastructure could have a key role in attracting people to walk and cycle from under-represented groups and areas of the city, and in facilitating more activity for people with disabilities.



The information gathering stage helped to identify the key factors for the design and location of improved infrastructure:

Design	Location
Reduce conflict with other road users, particularly motorists	Focus on areas with high current and potential demand
Consider personal security and minimise opportunities for anti-social behaviour	Focus on key destinations including Commonwealth Games venues
Provide for leisure use and exercise	Address collision locations
Create attractive places	Overcome physical barriers and connect up missing links
Offer comfortable facilities (particularly surfaces)	Improve level of service of existing routes
Support access for users of all ages and abilities	Follow up National Cycle Network audit recommendations

These factors have been used in shaping the network plans for cycling and walking and will be used to prioritise future schemes, together with feedback from the local community.

The spatial growth of Birmingham is clearly set out in the Birmingham Development Plan and this helps to identify future demand. Network planning is therefore focussed on ensuring that all identified growth areas are easily accessible by foot and on bike. In addition, the Commonwealth Games venues and legacy projects will add to existing destinations within the city centre, Perry Barr and Selly Oak growth areas, as well as provide opportunities to connect with neighbouring local authorities: Solihull and Sandwell.

The Walking and Cycling Strategy aims to increase walking and cycling as part of longer public transport journeys. Proposed route improvements for cycling and walking are therefore designed to connect with new and upgraded public transport facilities and services. This includes new stops on the extended Midland Metro line, stations on the Camp Hill Rail Line and access to Curzon Station (HS2).

Existing cycle routes in Birmingham include canal towpaths (fully resurfaced as part of the Birmingham Cycle revolution programme), Green Routes, main corridors (including routes alongside the A47, A38 and A34) and a range of local linking routes on roads and cycle tracks. Various sections of the National Cycle Network pass through the city, using these routes.

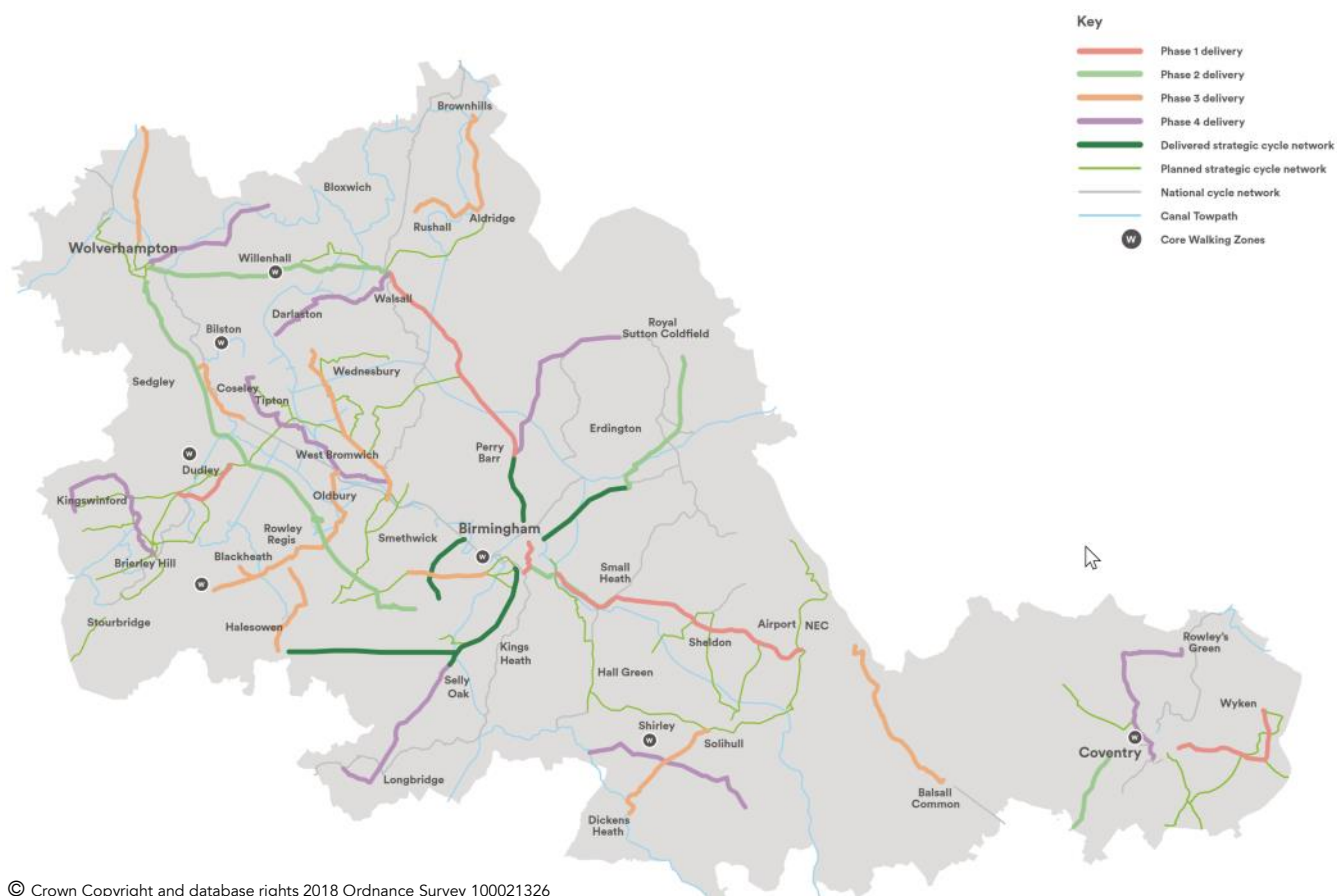
The proposed city-wide cycling network consists of existing

routes plus regional priority cycle routes, local cycling networks in growth areas and local links, to complete gaps in the existing network and provide improved connections to community facilities, education sites, hospitals and public transport hubs, both in Birmingham and neighbouring local authorities.

Further feasibility work is required to identify detailed alignments, type of infrastructure, junction improvements and costs.

The proposals provide an indication of potential types of route:

- on-road cycle routes (cyclists mix with traffic): cycle lanes and signed advisory routes
- off-road routes (traffic-free): green routes and canal towpaths (suitable for walking as well as cycling) and cycle tracks alongside main roads.



West Midlands LCWIP and Regional Priority Cycle Routes

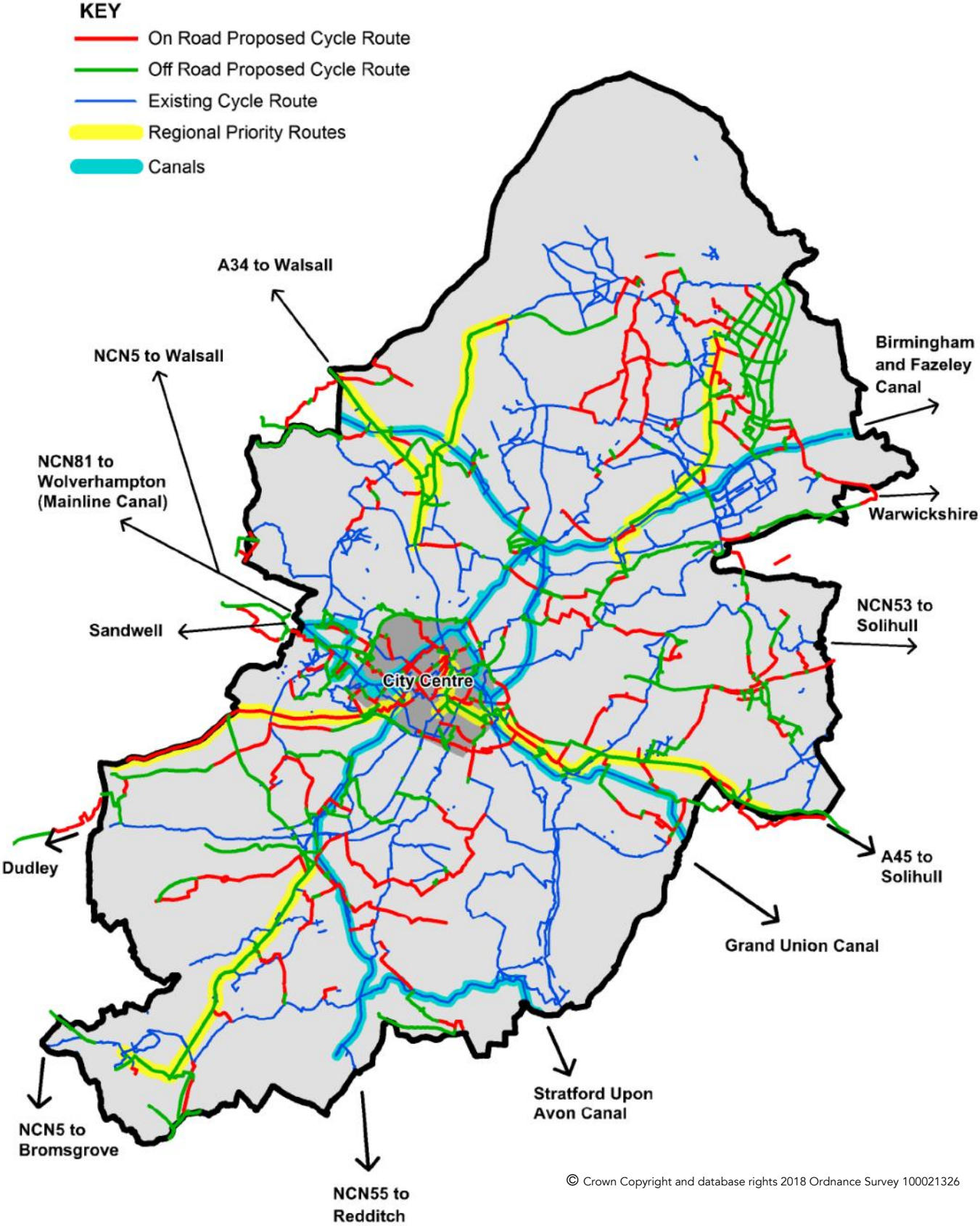
Regional Cycle Routes

The regional priority routes were set out in the West Midlands LCWIP (2019). They provide key links to the Birmingham Development Plan growth areas and neighbouring local authority areas as well as extending and connecting existing routes such as the A34 and A38. Eight routes are proposed in Birmingham over four phases of delivery.

Detailed alignments for each route corridor will be determined following feasibility studies. Design of regional routes will focus on provision of fully segregated two-way cycle tracks and priority crossings.

Regional Priority Cycle Routes

Phase 1	A34 Perry Barr Extension through to Walsall
	A45 Birmingham to Solihull
	City Centre A38 to A34 Connection
Phase 2	A47, A38, B4148 Fort Parkway to Langley/Walmley
	Birmingham East Side
Phase 3	Hagley Road Corridor
Phase 4	A38 Extension from Selly Oak to Longbridge
	A453, B4138, Perry Barr to Sutton Coldfield



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Birmingham Cycling Infrastructure Plan: City-wide

Local cycling networks

The Walking and Cycling Strategy aims to increase active travel for short journeys, therefore safe and convenient access by foot and bicycle to local high streets and community facilities is essential. In order to reduce the dominance of motor traffic in these areas and residential neighbourhoods, slower speeds, parking controls and 'filtered permeability' measures will be introduced.

More detailed local cycling network infrastructure plans will therefore be developed for specific growth areas (which are also 'core walking zones').

Local network areas

- City Centre
- Perry Barr
- Sutton Coldfield
- Langley and Piddimore
- Stechford
- Meadway (Lea Hall)
- Longbridge and Rubery
- Selly Oak and South Edgbaston
- Icknield Port

KEY

- On Road Proposed Cycle Route
- Off Road Proposed Cycle Route
- Existing Cycle Route
- Regional Priority Routes
- Canals

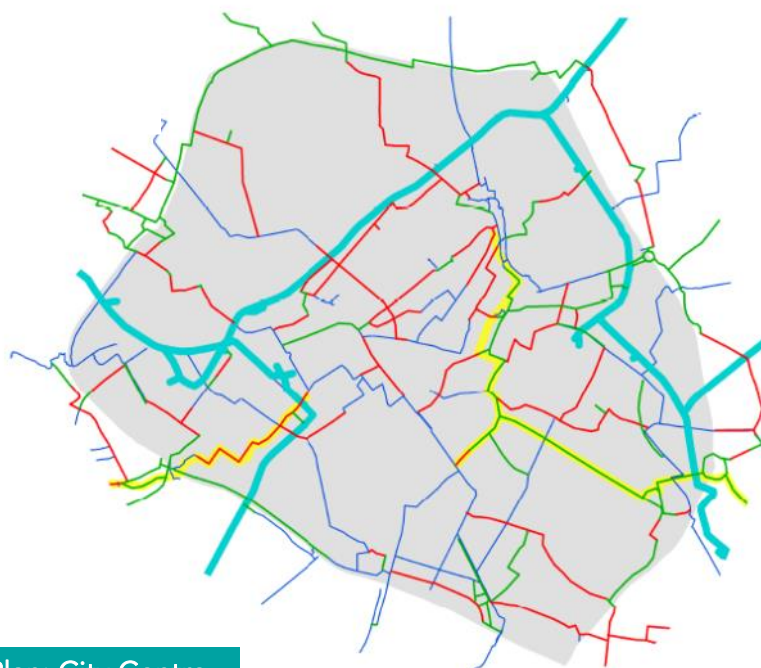
City Centre Cycle Routes

Middleway – the A4540 has a key role in keeping traffic moving. From 2020 it will provide the boundary for the Clean Air Zone. It also presents opportunities for cycle movements – a Middleway Cycle Route, consisting mostly of cycle tracks but including short sections of quiet roads, will improve connections between key radial cycle routes and canals. Crossing improvements will improve access for people on foot as well as those on bikes.

Last Mile – from the Middleway, access to the city centre can be confusing and difficult to navigate. The Last Mile links will provide a mix of signed back streets, cycle tracks and bus gates, improving permeability and enabling cyclists to safely access the city centre in both directions. This includes making existing one-way streets into two-way for cyclists. Wherever possible, the Last Mile links will provide alternatives to on-street sections of the Midland Metro.

Cross City – in the heart of the city centre, pedestrian movements will take priority but a small number of signed advisory routes, contraflow cycle lanes and shared streets will enable people to cycle to, and through, the central area. Cross City routes will include the Regional Priority Route connecting the A34 and A38 cycle routes. Cycle parking will continue to be provided at key destinations in order to meet growing demand and to encourage people to dismount at the edge of busiest pedestrian areas and continue on foot.

Canal towpaths – will continue to provide traffic-free, direct walking, running and cycling routes into the heart of the city. Access and lighting improvements will be considered, particularly around Curzon Station (HS2) and Brindley Place.

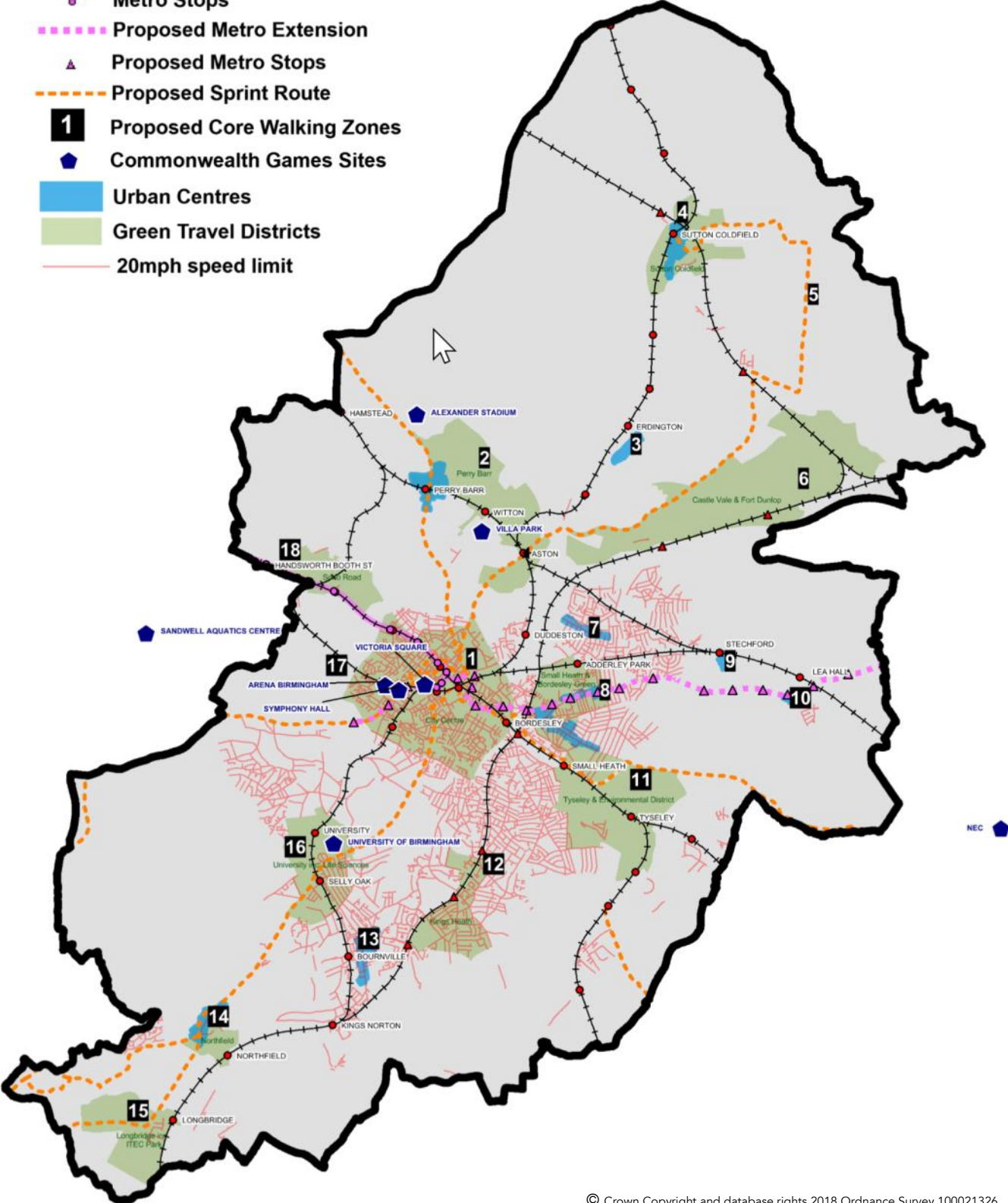


Birmingham Cycling Infrastructure Plan: City Centre

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Key

- +++++ Railways
- Rail Stations
- ▲ Proposed Rail Stations
- Metro Route
- Metro Stops
- Proposed Metro Extension
- ▲ Proposed Metro Stops
- - - Proposed Sprint Route
- 1** Proposed Core Walking Zones
- ◆ Commonwealth Games Sites
- Urban Centres
- Green Travel Districts
- 20mph speed limit



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Priority areas for walking improvements

Core Walking Zones

Walking improvements are difficult to comprehend on a city-wide scale. However, priority areas for walking improvements (or 'core walking zones') have been identified in order to link with higher demand in the growth areas as well as regeneration of specific local centres and High Streets, development of Green Travel Districts and improvements at public transport hubs.

In core walking zones, more detailed local area schemes will be developed with a focus on continuity, including improved crossing points, way marking and lighting. Fully inclusive infrastructure will be required (ramps, dropped kerbs, tactile paving and seating). Green infrastructure and public art should also be considered. In order to reduce the dominance of motor traffic, slower speeds, parking controls and 'filtered permeability' measures will also be introduced.

In some of these areas, the bus interchanges and/or railway stations are located on the periphery of the local centre. A key focus in core walking zones will be the provision of high quality routes and crossings between public transport facilities and local shops and services. This meets the wider aim of the Walking and Cycling Strategy: to combine short walking journeys with longer public transport journeys.

City Centre

Major investment in pedestrian improvements and public spaces is already taking place within the city centre and will continue with the introduction of the Clean Air Zone in 2020 and further reallocation of transport space to walking, cycling and public transport. Key schemes in development and being brought forward over the LCWIP timescale include Centenary Square, New Street, Snow Hill, Ladywell Walk, Curzon Promenade, Digbeth High Street and Smithfield. There is also potential for new Green Routes through the Rea Valley Urban Quarter and along the Duddeston Viaduct.

Pedestrian crossings

A comprehensive city-wide package for pedestrian crossings is required; new crossings; upgraded pedestrian facilities at signal controlled junctions; and changes in timings at existing crossings (crossing times as well as waiting times).

Core Walking Zones

1. City Centre
2. Perry Barr
3. Erdington
4. Sutton Coldfield
5. Langleigh and Peddimore
6. Castle Vale and Fort Dunlop
7. Alum Rock
8. Small Heath and Bordesley Green
9. Stechford
10. Meadway (Lea Hall)
11. Tyseley
12. Kings Heath and Moseley
13. Stirchley
14. Northfield
15. Longbridge and Rubery
16. Selly Oak and South Edgbaston
17. Icknield Port
18. Soho Road



Green Routes and Public Rights of Way

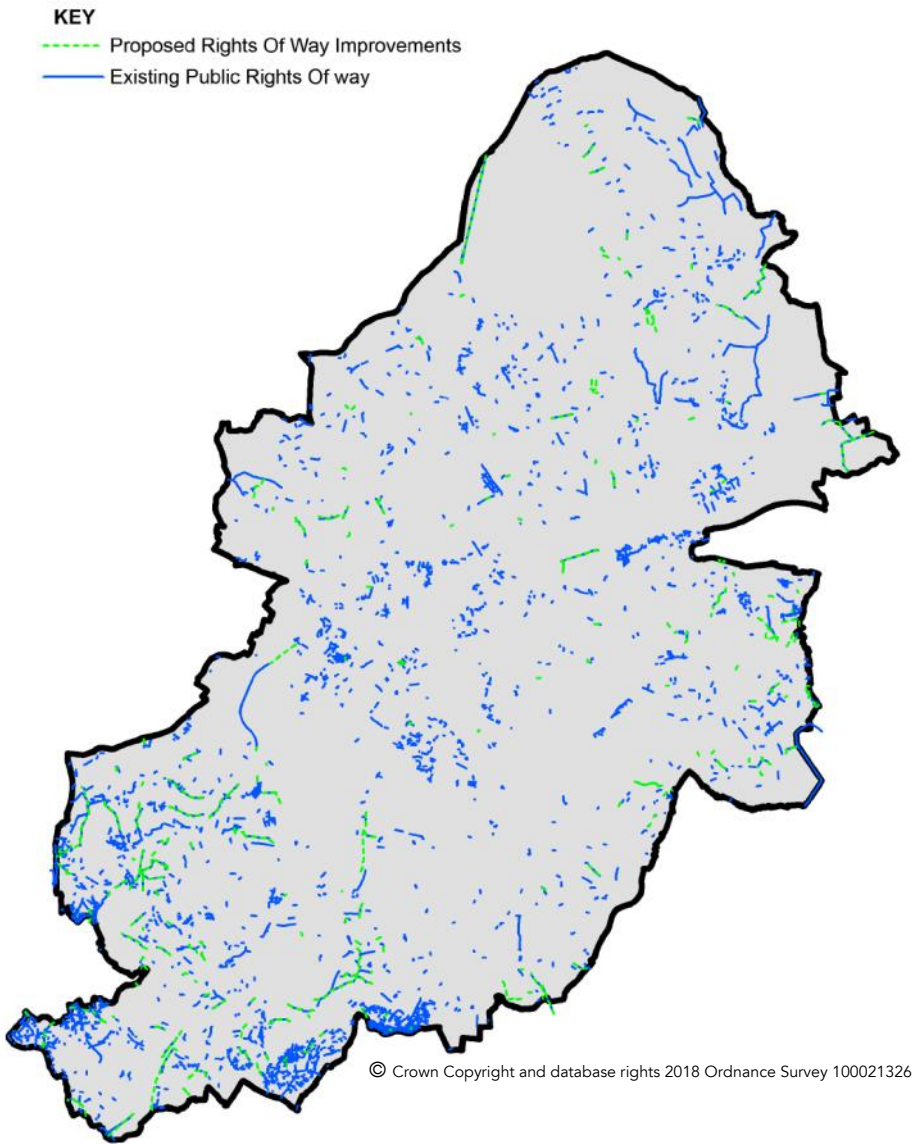
Birmingham has an extensive network of parks and green spaces, providing continuous walking and cycling routes across the city. These resources are integral to the Walking and Cycling Strategy, in providing spaces for recreational activities and local journeys away from the noise, air pollution and hazards of traffic.

Significant improvements (surfacing, signing and access) have taken place on Green Routes in recent years through the Connect2, Bike North Birmingham and Birmingham Cycle Revolution projects. However, there is potential to provide new Green Routes, particularly in Langley,

Longbridge and along the Tame Valley corridor, and to upgrade existing routes, including lighting.

Some of the Green Routes are also Rights of Way. Birmingham has 170 miles of Public Rights of Way, 96% of which are footpaths, and these

provide essential connections throughout the city. A new Rights of Way Improvement Plan is in development, identifying proposals to maintain existing paths, create new paths, improve signs and remove obstructions.



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Public Rights of Way

Other walking and cycling infrastructure

Walking and cycling audits and analysis of road traffic collisions and casualties will be used to identify other targeted interventions and local safety schemes across the city.

In addition there will be a focus on journeys to school and greater restrictions on access by car and traffic speeds. A trial of car-free 'school streets' (closed to traffic at the start and end of the school day) is already underway, and the successful

'Safer Routes to School' programme will be continued.

A 20mph default speed limit for all residential streets and local centres in Birmingham will be considered.



The Birmingham Cycling Infrastructure Plan, Walking Improvements and Rights of Way maps identify over 100 potential walking and cycling schemes. Due to limited funding and a need to co-ordinate and complement other projects, these schemes will be subject to a prioritisation process.

Discussions with stakeholders have helped to identify potential criteria for assessment of schemes:

- high levels of cycling and/or walking demand (existing and potential)
- clusters of pedestrian and or cyclist collisions/ casualties
- poor air quality
- inadequate facilities and poor connections to key destinations (growth area, local centre, education site, large employer or public transport hub) and open spaces
- complimentary community programmes and partnerships

More detailed scheme prioritisation will be undertaken following local consultation.



Integration

Some of the LCWIP schemes are already included within planning proposals and area masterplans. The Regional Priority Routes are also being progressed as part of the West Midlands Combined Authority Transforming Cities Fund, alongside regional public transport projects.

Walking and cycling improvements will have a pivotal role in the emerging Birmingham Transport Plan.

Following local consultation, the LCWIP schemes will be reviewed, prioritised and costed. This will enable funding to be sought to undertake further audits and feasibility studies, followed by detailed design, based on the latest national and West Midlands guidance.

Future schemes will be delivered in partnership with a wide variety of organisations. Revenue funding will be essential in order to deliver supporting measures to enable and inspire walking and cycling. Capital funding to develop the infrastructure projects will be set out in the annual Transportation and Highways Funding and Infrastructure Delivery Plan.

The adoption of the Birmingham Walking and Cycling Strategy, alongside the emerging Birmingham Transport Plan and new policies on air quality, public health and design, will enable much better integration and improve forward planning for walking and cycling initiatives and facilities both within the city, and the wider West Midlands region.

LCWIP Delivery Programme - Themes

Walking and cycling

- Local safety schemes and targeted interventions
- School Streets and Safer Routes to School
- Local Cycling Networks and Core Walking Zones
- Green Routes and Rights of Way
- 20mph limits
- Supporting measures

Walking

- Pedestrian crossings
- City Centre pedestrianisation and public spaces

Cycling

- Regional Priority Cycle Routes
- City Centre cycle routes
- Local cycling links
- Cycle parking



Birmingham Walking and Cycling Strategy - Consultation and Engagement Plan

1. Background and objectives

Birmingham City Council is looking to engage local communities, businesses and stakeholders in the production of a Walking and Cycling Strategy and Local Cycling and Walking Infrastructure Plan (LCWIP).

The Strategy and LCWIP are needed to:

- ensure that active travel becomes the popular choice for short journeys in the city
- identify future projects for inclusion in Birmingham City Council's Infrastructure Delivery Plan and Transportation and Highways Capital Programme; and the WMCA cycling and walking programme
- support future bids for funding
- respond to emerging programmes e.g. Clean Air Zone, Commonwealth Games, HS2
- meet requests from local stakeholders and developers, particularly on route proposals
- update previous documents: Walking Strategy (2002) and Bike Strategy (2012)
- support the West Midlands Cycle Charter and West Midlands LCWIP
- develop lessons learnt from Birmingham Cycle Revolution

The main aim of the Strategy is to increase walking and cycling in Birmingham, for transport, leisure and health, with a particular focus on short journeys and linked trips to public transport. The Strategy contains policies and actions – to be delivered by Birmingham City Council and various partners, and monitored annually. Consultation feedback will help to identify partner support and ensure that the policies and actions are appropriate.

Proposals for network investment are included in the LCWIP which will form the basis of a future programme for walking and cycling. Consultation feedback will be used to refine the proposals, identify further opportunities and set priorities.

This document sets out the consultation and engagement strategy and provides information on the consultation events that have occurred to date.

2. Planning Policy requirements

Policies relevant to the Strategy include:

- BCC Birmingham Development Plan (2017) Policies TP39 (Walking) and TP40 (Cycling)
- BCC Statement of Community Involvement (2008)
- BCC Birmingham Connected (2014) and emerging Birmingham Transport Plan (2019)
- TfWM Movement for Growth (2015), Cycle Charter
- MHCLG National Planning Policy Framework (2019) Para 104d (Sustainable Transport)
- DfT Cycling and Walking Investment Strategy and LCWIP Technical Guidance (2017)

The adopted Statement of Community Involvement (2008) sets out how the Council will engage with people on a range of documents including informal planning documents such as this Strategy and Infrastructure Plan. Key principles are identified as well as a four stage process; evidence gathering; consultation on Draft Plan; adoption; monitoring and review.

3. Evidence gathering - Engagement to date

Walking and Cycling Strategy		Local Cycling and Walking Infrastructure Plan	
February 2016	Cycling and Walking Strategy stakeholder workshop	April 2018	Stakeholder Mapping Workshop (Walkable Birmingham, Local Access Forum, Cycle Stakeholder Scheme Advisory Group
January 2019	Local Access Forum	May 2018	BCC and TfWM Mapping Workshop
March 2019	Birmingham Transport Summit	October 2018 onwards	City Centre cycle route discussions with HS2, Midland Metro, PushBikes, Sustrans, Colmore BID
April 2019	Cycle Stakeholder Scheme Advisory Group	Feb 2019	Business Engagement and Community Open Day, Tyseley and Hay Mills
May 2019	Discussions with Sustrans, British Cycling		
Various discussions at BCC, TfWM, HS2, Highways England and Sustrans regarding specific schemes, development of masterplans, SPDs and Clean Air Zone			
Various site visits and audits including walking audit of Sutton Coldfield, Icknield Port, review of signing along green routes (Hatchford Brook, Cole Valley, Bourn Brook and Harborne Walkway)			

4. Consultation on draft plan - Methodology

The following individuals and groups will be consulted:

Stakeholders		Name / Organisation	Method (Letter, e-mail etc.)
1	MP	All	e-mail
2	Councillors	All	e-mail Birmingham Connected e-bulletin
3	Town/ Parish Council	Sutton Coldfield	e-mail Meeting
4	Neighbouring local authorities	WM Metropolitan Authorities, Worcs, Warwicks, Staffs	e-mail
5	Emergency Services	All	e-mail
6	BCC officers	Planning and Regeneration, Transportation & Connectivity (including local engineers), Landscape Practice Group, Parks, Public Health, Environmental Health, CWG	e-mail Birmingham Connected e-bulletin
7	Residents	Various	Press release Be Heard Birmingham Connected e-bulletin BCR Facebook Library of Birmingham (paper copy) Face-to-face events (drop-in events): <ul style="list-style-type: none"> • City Centre - Let's Ride 9 June • Perry Barr – 18 June and 27 June • City Centre - Clean Air Day 20 June • Community cafés – July dates tbc And other community events as opportunities arise

8	Disabled Groups	Latest BCC list	e-mail
9	Other community, business and road user groups	Various	Press release Be Heard Birmingham Connected e-bulletin e-mail Library of Birmingham (paper copy) Invited events: <ul style="list-style-type: none"> Meetings of Local Access Forum, Cycle Stakeholder Group, community cycling groups Face-to-face events (see above)

The Equality Analysis has identified that the Strategy and LCWIP have a potential impact on the protected characteristics of age and disability, therefore the consultation and engagement will include engagement in community cafes used by older people as well as direct contact with schools, youth organisations and disability groups.

5. Timescale

Engagement will take place during June and July 2019. This will be followed by review and amendments of the Strategy in August and September, in order to progress to Cabinet and adoption by the end of 2019.

6. Content of consultation

Title of consultation will be 'Birmingham's future plans for walking and cycling'. Outcomes focus will be:

- Strategy - to identify partner support and ensure that the policies and actions are appropriate.
- LCWIP - to refine the proposals, identify further opportunities and set priorities.

E-mails, Birmingham Connected and BCR Facebook will direct people to BeHeard for further details or paper copies at the Library of Birmingham. Be Heard will include an overview of Strategy and LCWIP, survey and following attachments:

- Draft Walking and Cycling Strategy and LCWIP
- City wide cycling and walking proposals map with index of schemes
- City centre cycling map with index of schemes
- Examples of types of walking and cycling infrastructure

Appendix 1: Survey questions

General Questions

- Are you responding as an individual/ organisation?
- Personal information – including postcode
- Travel information – how often do you travel by different modes?
- Journey purpose (ask separately for walking and cycling) – to/from work, as part of your job, to/from school/ college/ university (includes accompanying a child or someone else), shopping/personal business/social trips, just for enjoyment or fitness

Strategy Questions

- Do you agree with the aim and objectives? Yes, no (why not?), don't know
- Objective 1 – Enabling. How important are each of the following for enabling more walking and cycling in Birmingham? Training and Education, Access to bikes, Funding, Other. 1-5 scale from Very important to not at all important. Have you got any other comments on actions in this section?

- Objective 2 – Developing. How important are each of the following for developing great city for walking and cycling? Walking and cycling infrastructure, Traffic management and Enforcement, Maintenance, Cycle parking, land use planning and development, public transport integration, other. 1-5 scale from Very important to not at all important. Have you got any other comments on actions in this section?
- Objective 3 – Inspiring. How important are each of the following for inspiring more walking and cycling in Birmingham? Working with specific schools, businesses and community groups, ongoing campaigns and communication, events or evaluation (and providing case studies)? 1-5 scale from Very important to not at all important. Have you got any other comments on actions in this section?
- What partners/ organisations should be promoting, developing and inspiring walking and cycling? If you are part of an organisation, how could your organisation support this Strategy?

LCWIP Questions

- What infrastructure improvements would help you to walk more in Birmingham? Tick all that are relevant. Wider pavements, green routes through parks, canal towpaths, lighting, seating, trees and planting, less steps, more pedestrian crossings, more time to cross at crossings, less delay at crossings, less parked cars, less motor traffic, slower speeds, less polluting motor vehicles, better public transport services, other
- What infrastructure improvements would help you to cycle more in Birmingham? Tick all that are relevant. Two-way segregated cycle tracks alongside main roads, green routes through parks, signed cycle routes on back streets, cycle lanes, canal towpaths, lighting, seating, trees and planting, less steps, cycle parking, more cycle crossings, more time to cross at crossings, less delay at crossings, less parked cars, less motor traffic, slower speeds, less polluting motor vehicles, better public transport services, other
- Regional priority routes – do you have any comments on particular routes or suggestions for others? Which is the most important to you?
- City wide walking and cycling network - do you have any comments on particular routes or suggestions for others? Which routes/ local areas are most important to you?
- City centre cycle routes - do you have any comments on particular routes or suggestions for others? Which routes are the most important to you?
- Core walking zones - do you have any comments on particular zones or suggestions for others?
- What criteria should we use to prioritise future investment? Tick all that are relevant. High levels of cycling demand (existing and potential), high levels of walking demand (existing and potential), road safety, air quality, health, deprivation, lack of facilities, links to facilities, community programmes and partnerships, availability of funding, availability of land, other. Which is the most important?
- Which areas of the city should we prioritise?

Appendix 2 Drop-in event format

- What everyday journeys do you make in this area? How do you travel? What can be improved?
- Provide paper copies of the Strategy. What do you think of the Strategy? Provide surveys (as above)
- Provide local area maps for discussion of area issues, local mapping of routes – what's good, what could be improved, what's the future?
- Provide information on types of infrastructure – to discuss what might be appropriate and what would encourage more walking and cycling

Title of proposed EIA	Assessment of equalities issues relating to Draft Birmingham Walking and Cycling Strategy
Reference No	EQUA305
EA is in support of	New Strategy
Review Frequency	No preference
Date of first review	01/08/2019
Directorate	Inclusive Growth
Division	Planning Policy
Service Area	Transport Policy
Responsible Officer(s)	<input type="checkbox"/> Naomi R Coleman
Quality Control Officer(s)	<input type="checkbox"/> Janet L Hinks
Accountable Officer(s)	<input type="checkbox"/> Philip Edwards
Purpose of proposal	To seek approval for public consultation on the Draft Birmingham Walking and Cycling Strategy
Data sources	relevant reports/strategies
Please include any other sources of data	
ASSESS THE POTENTIAL IMPACT AGAINST THE PROTECTED CHARACTERISTICS	
Protected characteristic: Age	Wider Community
Age details:	<p>The needs of different age groups vary significantly with regards to walking and cycling accessibility.</p> <p>The strategy includes a variety of actions to widen accessibility specifically for children and young people and those with age related mobility constraints.</p>
Protected characteristic: Disability	Wider Community
Disability details:	<p>Those with disabilities can require particular types of infrastructure to enable walking and cycling.</p> <p>The strategy includes a variety of actions to upgrade and improve infrastructure and ensure that people with disabilities are included in the design process and their needs are fully considered.</p>
Protected characteristic: Gender	Not Applicable

Gender details:

Protected characteristics: Gender Reassignment

Not Applicable

Gender reassignment details:

Protected characteristics: Marriage and Civil Partnership

Not Applicable

Marriage and civil partnership details:

Protected characteristics: Pregnancy and Maternity

Not Applicable

Pregnancy and maternity details:

Protected characteristics: Race

Not Applicable

Race details:

Protected characteristics: Religion or Beliefs

Not Applicable

Religion or beliefs details:

Protected characteristics: Sexual Orientation

Not Applicable

Sexual orientation details:

Please indicate any actions arising from completing this screening exercise.

A comprehensive public consultation process will take place to ensure that stakeholders representing the needs of different age groups and different types of disability are engaged and their views taken into account for the final version of the strategy.

Please indicate whether a full impact assessment is recommended

NO

What data has been collected to facilitate the assessment of this policy/proposal?

Consultation analysis

Adverse impact on any people with protected characteristics.

Could the policy/proposal be modified to reduce or eliminate any adverse impact?

How will the effect(s) of this policy/proposal on equality be monitored?

What data is required in the future?

Are there any adverse impacts on any particular group(s)

No

If yes, please explain your reasons for going ahead.

Initial equality impact assessment of your proposal

It is broadly felt that the impact of the draft Walking and Cycling strategy on those with protected characteristics, in particular Age and Disability, will be positive. Increasing levels of walking and cycling in Birmingham, including improvements to infrastructure will improve accessibility for all.

However the decision of the Cabinet Member at this stage is to approve the public consultation on the Draft

Birmingham Walking and Cycling Strategy. This will allow for further feedback from stakeholders regarding equality impacts which will be taken into account in the final version of the strategy.

Consultation will be carried out in accordance with the Statement of Community Involvement, an adopted City Council policy. The approach to public consultation will ensure that protected characteristics are fully considered and the views of groups representing age and disability characteristics are included. Relevant organisations with an interest in equalities will be consulted.

An engagement strategy has been developed to set out how the public consultation will be carried out on the Draft Strategy. This will meet the requirements of the relevant regulations and guidance. The broad range of specific and general stakeholders will be informed about the draft strategy and invited to comment. Consultation methods will include letters, emails, a press release, social media publicity and a Be Heard consultation site for feedback. Workshops and Meetings will be offered/ carried out with key stakeholders and the general public will be able to discuss the strategy face-to-face at a variety of public events.

Consulted People or Groups

Informed People or Groups

Summary and evidence of findings from your EIA

A full assessment is not required at this stage, however the results of the public

consultation on the draft documents will be used to update the Equalities Analysis and inform the final strategy when it is adopted by the City Council (programmed for Autumn 2019).

QUALITY CONTROL SECTION

Submit to the Quality Control Officer for reviewing?

No

Quality Control Officer comments

To go to Accountable Officer
12.06.2019

Decision by Quality Control Officer

Proceed for final approval

Submit draft to Accountable Officer?

No

Decision by Accountable Officer

Approve

Date approved / rejected by the Accountable Officer

14/06/2019



Reasons for approval or rejection

Please print and save a PDF copy for your records

Yes

Content Type: Item

Version: 65.0

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