

BIRMINGHAM CITY COUNCIL

JOINT CABINET MEMBER AND CHIEF OFFICER

FRIDAY, 17 MAY 2019 AT 00:00 HOURS
IN CABINET MEMBERS OFFICE, COUNCIL HOUSE, VICTORIA
SQUARE, BIRMINGHAM, B1 1BB

A G E N D A

3 - 102

1 PROPOSAL TO REMOVE BOARDING PROVISION AT SKILTS
SCHOOLS

Item Description

Public Report

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

17 May 2019



Subject: PROPOSAL TO REMOVE BOARDING PROVISION AT SKILTS SCHOOLS

Report of: Interim Assistant Director, Education

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

Relevant O &S Chair(s): Councillor Mariam Khan, Learning, Culture and Physical Activity

Report author: Jaswinder Didially
Head of Service, Education Infrastructure;
Telephone No: 0121 303 8847
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Are specific wards affected?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No – All wards affected
If yes, name(s) of ward(s):		
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:**

- Remove the boarding provision at Skilts School with effect from 31st July 2019.

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 remove the boarding provision at Skilts School.

3 Background

- 3.1 Skilts School is a Birmingham community special school situated outside the city boundary at Gorcott Hill, Redditch, Worcestershire. The school can offer up to 81 places for pupils with a statement of need or an Education and Health Care Plan (EHCP) for Social, Emotional and Mental Health needs, (SEMH). Of the 81 places available, 12 can accommodate boarding pupils who have a statement of need or an EHCP for a boarding school place.
- 3.2 The school has not admitted pupils with a statement of need or an EHCP for a boarding place for over three years. The unit has more recently been used by a small number of pupils for evening intervention and short break/respite care due to the fact there are no boarding pupils (pupils with boarding on their statement or EHCP) at the school.
- 3.3 There are currently six pupils who receive respite at the residential building. Of these six pupils, three will be leaving at the end of the current academic year. The school has made Children's Advice & Support Service (CASS) referrals for two of the remaining three families who have agreed to a full assessment. The two families who are engaging have been contacted via the respective area service teams and are undergoing assessment. The remaining family has declined the support and the offer to engage with CASS for a full assessment.
- 3.4 The Local Authority has an obligation to staff and to maintain the residential building although there have not been any boarding pupils for over three years. The removal of boarding provision will allow the Local Authority to decommission the residential buildings which are beyond economical repair and no longer fit for their original purpose.
- 3.5 Skilts School received an Ofsted rating of "inadequate" when they were inspected on 5th December 2017. The School has had two monitoring inspection visits in May and December 2018. The boarding provision was also inspected on 5th December 2017; this social care inspection was carried out under the Children's Act 1989 amended by Care Standards Act 2000, and judged the boarding provision as "requires improvement", however, the overall judgement for the school remains "inadequate".
- 3.6 Following the Ofsted rating of "inadequate", Skilts School became subject to a Directive Academy Order (DAO) in December 2017.
- 3.7 The Interim Executive Board (IEB) of the school and Birmingham City Council have been working collaboratively and agreed to move forward with proposals to remove the boarding provision.

- 3.8 In compliance with DFE guidance and best-practice, a statutory pre-publication consultation was completed for the proposal between 25th June 2018 and 20th July 2018. The proposed implementation date for the proposal was 1st January 2019. Three comments were received regarding the draft proposal, two in writing and one verbally expressing concerns regarding the loss of the respite care that a number of pupils/families were receiving at the residential building. Consideration was given to these concerns and it was agreed that the proposed implementation date for the closure of the boarding provision would be 31st July 2019 allowing children that were receiving respite care to leave at the end of the year and for referrals to be made to CASS for the remaining three pupils.
- 3.9 In compliance with DFE guidance, a statutory notice and proposal were published and the representation period was between 28th February 2019 to 27th March 2019 (four weeks). The representation period commenced with the publication of a statutory notice in the Birmingham Post. During the four week representation period, comments on the proposal can 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.
- 3.10 At the close of the representation period, 20 responses were received regarding the proposal. Of the 20 responses received 19 were opposed and one was in favour. The 19 responses opposing the proposal were from a mixture of staff, parents/carers, pupils, a local councillor and one other. These objections were largely focused on the impact of removing respite care that is currently being provided in the residential building. The one response in support was from a Member of Parliament who was in support of the removal of the boarding provision on the condition that alternative respite solutions were found for the remaining pupils who are affected.

A number of detailed responses were received from parents and staff whereby reference is made to pupils being “residential”. There are currently no pupils on roll at Skilts School who have the requirement for a boarding/residential place on their statement of need or EHCP. The pupils currently staying overnight at the residential building are receiving respite care. CASS referrals for an assessment for alternative respite care provision have been offered to three pupils/families who will still be on roll at the school should the proposal to remove the boarding provision at Skilts School from 31st July 2019 be approved. Two of the three pupils’ families have agreed to the assessment. (See 3.3).

The full quantitative and qualitative analysis and copies of the comments received can be found in Appendix 3 of this report.

- 3.11 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.
- 3.12 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.

- 3.13 If the proposals are approved, the boarding provision at the school will be decommissioned and the Local Authority will no longer be under an obligation to staff and to maintain the residential buildings.

4 Options considered and Recommended Proposal

- 4.1 Should the proposals be rejected, the boarding provision will remain open at Skilts School even though there are currently no pupils at the school who have a statement of need or an EHCP for a boarding school place. As at January 2019 Skilts School had a financial deficit of £245,000, this will continue to increase if the boarding provision remains open without boarding pupils.
- 4.2 The school is subject to a Directive Academy Order (DAO) and Forward Education Trust has been approved as the sponsor by the Department for Education (DfE). Should the boarding provision remain open Forward Education Trust have indicated that they will withdraw their sponsorship as the boarding provision is not financially viable. In this case an alternative sponsor would need to be identified.
- 4.3 A condition survey of Skilts School was carried out in November 2018 and identified major structural issues with the residential buildings which will require considerable investment to rectify. The closure of the boarding provision at Skilts School will enable the Local Authority to remove the obligation to maintain the residential buildings that are currently unfit for purpose and have become increasingly financially unviable.

5 Consultation

5.1 Internal

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

- All Ward Councillors and Members of Parliament in Birmingham
- Member of Parliament for Stratford on Avon where the school is situated.
- Officers from services across Birmingham City Council including School 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 both 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
- Member of Parliament for Stratford Upon Avon

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.

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 for the closure of the boarding provision not be approved there is a high risk of the following;

- The current identified approved Academy Trust may withdraw their sponsorship.
- An alternative solution would need to be sought to address the following serious issues at the school;
 - Ofsted’s judgement of “inadequate”;
 - The School’s deficit budget of £245,000;
 - The buildings are unfit for the original purpose and require a significant level of investment to meet current building standards.

7 Compliance Issues:

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

7.1.1 The proposal to remove the boarding provision at Skilts School is necessary in response to the following issues at Skilts School:

- Ofsted's judgement that Skilts School is inadequate
- The Skilts School estate, including the residential building, is unfit for purpose.
- There have not been any boarding pupils at the school for over three years and boarding schools with unfilled places are at risk of financial unviability which will impact on the future of the school.

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 remove the boarding 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 Skilts School's financial deficit was £245,000 as at January 2019. The ongoing unviability of maintaining the buildings along with the unfilled boarding places is likely to further increase this deficit unless action is taken.

7.3.2 At the point of conversion the deficit will become the responsibility of the Local Authority.

7.4 Procurement Implications (if required)

Not applicable.

7.5 Human Resources Implications (if required)

7.5.1 Any changes to existing terms and conditions or staff reductions resulting from the closure of the boarding provision will be with full consultation with the 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) 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.
- OFSTED Full Inspection Report 2017 Reference No10025414: Skilts School
- Skilts School – Non Building Condition Report November 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

Name of School: Skilts School

Proposal to Remove the Boarding Provision

Introduction

Birmingham City Council, as the Local Authority for Birmingham, is consulting on a proposal to make changes to Skilts School.

Skilts School is one of 27 Birmingham special schools and can offer up to 81 places for pupils with a statement of need or Education and Health Care Plan (EHCP) for Social, Emotional and Mental Health needs, (SEMH).

Of the 81 places the school can offer, 12 of these places can accommodate boarding pupils who have a statement of need or EHCP for a residential school place.

School Information

Type:	Special School (Local Authority Maintained)		
Name:	Skilts School	DFE:	3307037
Address:	Gorcott Hill, Redditch, Worcestershire B98 9ET		
Ward:	Sambourne	District:	Stratford-Upon-Avon
Age Range:	5 – 11 years	Capacity:	81
Last Ofsted:	5 th December 2017	Ofsted Rating	Overall Effectiveness: 4. (inadequate - special measures)

What changes are proposed?

We are proposing to carry out the following changes to Skilts School:

- Removal of boarding provision

Why do we want to do this?

Birmingham City Council, as the Local Authority, jointly with the Interim Executive Board of the school and its management team, have taken the joint decision to consult with stakeholders with a proposal to close the residential unit with effect from 31st July 2019.

- The School has not admitted any boarding pupils for at least 3 years; The provision has recently been used for evening intervention/short break/respite only;
- For schools with residential units operating with a large number of unfilled residential places there can be a risk that they become financially unviable. If a school has a financial deficit, this can impact on staffing, standards and attainment; and, ultimately, the future of the school.
- The closure of the residential unit will allow the Local Authority to stop using the buildings as they are beyond economical repair and no-longer fit for their original purpose.
- The school received an OFSTED rating of “inadequate” when they were inspected on 5th December 2017.

When will these changes happen?

If the proposal is approved by the decision makers (following full consultation) it is intended that the proposals to close the residential unit will be implemented on **31st July 2019**.

How will this affect pupils at the school?

There are no safeguarding concerns as a result of this proposal and there will be no effect on the current pupils as none of the children on role at the school are residential pupils (residential pupil: a pupil who has a statement of need or EHP that specifies they need a residential place.)

There are a small number of pupils who have had the opportunity for respite/short break care at the residential unit due to the fact there are no residential pupils at the school.

The Local Authority will be contacting all the parents of the pupils who currently receive respite/ short break care directly to provide them support throughout this period and to discuss and identify the alternative provision to meet their individual needs.

It is anticipated that all pupils currently receiving respite/short breaks at the school will either have left or will have been found alternative respite provision by the implementation of this proposal on 31st July 2019.

How will this affect staff?

Staff will be offered alternative roles wherever possible.

Any changes to existing terms and conditions or staff reductions resulting from the closure of the residential unit will be with full consultation with the trade unions and teaching associations.

Will there be changes to the school building?

There will be no changes to the school building other than the closure of the residential unit which will no longer be accessible to pupils and staff. The long term future of the residential building will be decided by the Local Authority.

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

There are no project costs relating to this proposal.

Will this definitely happen?

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

We consulted on the draft proposal document from 25th June 2018 to 20th July 2018. We received three comments regarding the draft proposal, two in writing and one verbally. All three concerns raised were regarding the respite care provision that some pupils receive at the school. These concerns have been given consideration and the interim Executive Board, the Management Team at the School and Local Authority Officers will work with all pupils and parents to identify and arrange alternative respite provision.

This document is the full proposal for statutory public consultation, referred to as the "representation period". All comments received during the representation period will be 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 & 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 close the residential unit.

What will happen if this proposal is rejected?

If this proposal is rejected, the residential unit will remain open.

Skilts School will still have to maintain and resource the residential unit even if it continues to operate with unfilled boarding places. This could cause the school to go into further financial deficit and could eventually impact on staffing, standards and attainment, and ultimately, the future of the school for all staff and pupils.

How can I make my views known?

We welcome comments within the four week consultation period between **28th February 2019 to 27th March 2019 (Midnight).**

Anyone wishing to make comments, support or objections to this proposal may do so through the BeHeard consultation website:

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

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 **Skilts** in the email subject

A consultation response form can be found at the end of this document and can be used if anyone would like to send their comments in writing or by email.

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	28th February 2019
Beginning of 4 week consultation period	28 th February 2019
End of 4 week consultation period	27th March 2019
Final decision to be made no later than	27th ^h May 2019
Changes implemented	31st July 2019

Skills School: Proposal to Remove the Boarding provision

Thank you for taking the time to send us your thoughts on these proposals.

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)	

Please provide your comments to the proposal.

[illegible]

BIRMINGHAM CITY COUNCIL

Proposal to Make Prescribed Alteration

Skilts 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 Skilts School as follows:

- Remove the boarding provision at The Skilts School, Gorcott Hill with effect from 31st July 2019

Skilts School is a community special school at Gorcott Hill, Redditch, Worcestershire, B98 9ET. The School currently caters for up to 81 children who have a statement of special educational need or an Education, Health and Care Plan for Social, Emotional and Mental Health needs (SEMH). The boarding provision can accommodate up to 12 pupils.

This notice is an extract from the complete proposal document. Copies of the complete proposal can be found at www.birminghambeheard.org.uk/people-1/skilts

If you require a hard copy, this can be obtained by writing to: School Organisation Team, Education and Skills Infrastructure, PO Box 15843, Birmingham B2 2RT.

Within four weeks from the date of the publication of this proposal, any person may object to or make comments on the proposal by sending their representations through the 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 27th March 2019.

Signed: Jaswinder Didiyally

Head of Service – Education Infrastructure

Date: 28th February 2019

School Org: Consultation Results: Skilts School Stat-Con summary

Summary Table

Total number of responses:	20
Number in favour or against the proposal:	
In favour	1
Against	19
Don't know	0
Not indicated	0
Method of response:	
BeHeard (website)	16
Email	4
Letter	0
Respondent by type:	
Pupil	5
Parent	5
School Governor	0
School Staff Member	7*
Local Resident	0
Local Councillor	1
Member of Parliament	1
Other, please specify	1
Comment themes: (counted per mention of total responses*);	Result
Respite benefits pupils and families	18/20
Concerns regarding removal of an important respite service (without replacement)	7/20
Much confidence in staff	7/20
Dispute that condition of buildings is a reason for closure (*a)	6/20
Highlight that OFSTED rating of Inadequate is for school. Boarding provision received an OFSTED rating of requires improvement in separate inspection. (*b)	6/20
Staff dispute that there are no boarding pupils and maintain that pupils receiving respite <u>are</u> boarding pupils.(*c)	5/20
Concerns regarding staff consultations and future roles	4/20
Concerns about consultation document and process	4/20
Concerns that closure is due to lack of funding	3/20
Claims that financial deficit is due to other factors	3/20
Makes sense to remove the boarding provision if there are no boarding pupils	1/20
Alternative respite provision required	1/20

School Org: Consultation Results: Skilts School Stat-Con summary

***Analyst Notes:**

Of the 7 staff member responses, one was a type of petition signed by 33 members of staff.

Comment themes method - example: Of a total of 10 responses, if 3 responses mention traffic concerns the result is: 3/10. If the same 3 people mention parking and 3 others mentions parking the result is: 6/10.

(*a): A recent condition survey of Skilts School has identified major structural concerns with the residential buildings which will require considerable investment to rectify.

(*b): Skilts School received an OFSTED judgement of "inadequate" following an inspection on 5th-7th December 2017. The school has had two monitoring inspections since this inspection. Ofsted also inspected the school's boarding provision on 5th December 2017; this social care inspection was carried out under the Children's Act 1989 amended by the Care standards Act 2000. The boarding provision was judged as requiring "improvement" and a further inspection of the boarding provision was carried out on 18th September 2018 and the judgement remained as "requiring improvement". The overall judgement of the school remains "inadequate".

(*c): A large number of the responses to this consultation refer to pupils being residential pupils. There are currently no pupils with a statement of need or an Education and Health Care Plan that states they require a residential or boarding place. The pupils at the Skilts School who have been staying in the residential unit have been receiving respite care. Three pupils will still be on roll at the school should the proposal to discontinue the boarding provision be approved. The school has made Children's Advice & Support Service (CASS) referrals for two of the families who have agreed to a full assessment. The remaining family declined the support and the offer to engage with CASS.

Response ID ANON-1CUJ-8S7A-P

Submitted to **School Organisation Skilts School**

Submitted on **2019-03-18 14:10:29**

Introduction

1 What is your name?

Name:

[REDACTED]

2 What is your e mail address?

e mail:

[REDACTED]

3 What is your interest in the proposal?

Member of Parliament

other, please specify:

4 Are you in favour of the proposal?

Yes

Please give details:

Given the lack of full time residential students, it makes sense to remove boarding provision at Skilts School. However, it is essential that all families who use this facility for respite have secured alternative provision and are happy that their respite needs can be adequately met, prior to the residential facilities being closed.

Response ID ANON-1CUJ-8S7E-T

Submitted to **School Organisation Skilts School**
Submitted on **2019-03-26 10:43:45**

Introduction

1 What is your name?

Name:

[REDACTED]

2 What is your e mail address?

e mail:

[REDACTED]

3 What is your interest in the proposal?

Parent

other, please specify:

4 Are you in favour of the proposal?

No

Please give details:

My son benefited Tremendously from being in residential if I did not have this I do not know how I wouldâ[REDACTED] coped because my son lacked any social skills he was on able to make or keep friends and from the moment he started doing residential this improved drastically even the way he behaved at home improved. If you got rid of this facility I believe you would be taking something away from the kids that are currently attending and future attendeesThis might seem as if itâ[REDACTED]s a small part of the school but it plays a massive part in helping our children to be able to navigate life on the outside my son now attends secondary school and I do believe that the residential facility at Skilts helped him to be able to cope with secondary school

Submitted to **School Organisation Skilts School**
Submitted on **2019-03-13 18:40:40**

Introduction

1 What is your name?

Name:

██████████

2 What is your e mail address?

e mail:

████████████████████

3 What is your interest in the proposal?

Parent

other, please specify:

4 Are you in favour of the proposal?

No

Please give details:

I think that the closer of the residential is not needed, as when it has gone it will be a great loss for our students and staff!

I for one have seen how much improvement it has made for my son ██████████ it gives him a place to play out side safely and a place to build his social and communication needs.

The residential has been of great need for not only my family, but several other families. To know that this is going to be withdrawn and taken away from skilts is very sad but also concerning.

It is very much needed, this a perfect opportunity for the parents to access residential or respite care, it's on school grounds which's means that the staff on both sides of the boys daily school life can work closely together to ensure the boys meet targets and reach goals.

What concerns me most is that the lack of money, the reasoning for closure is not because it's inadequate or there is a major issue with staffing, but the lack of funds. The residential section of Skilts is something needed for the students and their families! I think the lack of understanding about this is very sad.

I have tried to access many services in regards to ██████████ diagnoses of ADHD, only to be told their isn't anything really out there. I was also recently told that ADHD isn't classed as a disability which means ██████████ is not entitled to access certain services. So once ██████████ was able to go to the residential, something he does enjoy and something which has made a positive impact on our family you want to take it away for lack of funding?

My son is one of many who has found themselves in this situation, services and support is being stripped down and taken away with nothing adequate put back in its place. I really do urge you to reconsider this decision, because I know funding is not a valid reason when cutting a service - They may look like numbers and statistics to you on a piece of paper, the staff salaries maybe just the percentages in the red but they are our guardian angels! It may sound ridiculous but you need to realise that the residential is something our boys need!

Submitted to **School Organisation Skilts School**
Submitted on **2019-03-26 08:54:56**

Introduction

1 What is your name?

Name:

██████████

2 What is your e mail address?

e mail:

████████████████████

3 What is your interest in the proposal?

Pupil

other, please specify:

4 Are you in favour of the proposal?

No

Please give details:

I don't want the residence to close. It is a great way to friends and play with your friends after school. It's really fun to sleepover-it feels like a sleepover. The activities are fun and also the VIP trips. I would never have known that 'Rock Up' was so cool if residence didn't take me. The staff are kind as well. I like them. The staff are great at helping with difficulties and when I'm sad and feel down. The food is really nice. ██████████ is a great cook.

Submitted to **School Organisation Skills School**

Submitted on **2019-03-21 12:46:59**

Introduction

1 What is your name?

Name:

[REDACTED]

2 What is your e mail address?

e mail:

[REDACTED]

3 What is your interest in the proposal?

Staff Member

other, please specify:

4 Are you in favour of the proposal?

No

Please give details:

Response to the proposal to remove the boarding provision at Skilts School

21st March 2019.

1. Provision used for short breaks/respite, evening intervention.

The residential provision has never provided evening intervention as stated in the proposal document, and the term short breaks and respite is bending the truth to suit. All pupils in residence reside two nights per weeks plus, we have not taken on new pupils due to being prevented by the school leader on request [REDACTED]

[REDACTED]. This has been in place since June 2018.

At present time we have six residential pupils. Last year we had 17 residential pupils and provided a high level of support to both the children and their families. Some of this support was sought from children's services and has supported to keep children in the family home by offering extensive support to parents/carers, and to grandparents. No other support was being given to these families so how can anyone say this is not a needed provision, services are being cut everywhere and the decision to close the boarding provision is very much a financial one to support cutbacks in education and local authority. This makes the proposal very unfair to the staff working in this provision, the proposal insinuates we have been providing inadequate care in a building not fit for purpose.

To indicate the long term nature of placement, I have included a representation of current pupils, but this is unrealistically low due to the enforced hold on taking in new pupils.

Y.P. 1. Resides 3 nights per week. He has been a residential pupil [REDACTED] [REDACTED].

Y.P. 2. Resides 2 nights per week. He has been a residential pupil [REDACTED] [REDACTED].

Y.P. 3. Resides 2 nights per week. He has been a residential pupil [REDACTED] [REDACTED].

Y.P. 4. Resides 2 nights per week. He has been a residential pupil [REDACTED] [REDACTED].

Y.P. 5. Resides 2 nights per week. He has been a residential pupil [REDACTED] [REDACTED].

Y.P. 6. Resides 2 nights per week. He has been a residential pupil [REDACTED] [REDACTED].

2. Residential provision financially unviable.

The Deficit in School is due to poor leadership within the school and has nothing to do with the residential provision. The Budget set aside for residence has continually been dipped into for resources in school, including paying for the role of parental school advisor (P.S.A.) this role replaced an R.S.C.W. this was a leading factor in the choice to start cutting the provision. Up until June 2018, staffs hours were hijacked to use in school due to the untimely absence from our headmaster. Approximately 45% of residential hours were used in school day to provide pastoral support due to safeguarding issues within the school. This has been mentioned in last two of our ofsted reports.

3. The buildings being beyond economical repair no longer fit for purpose.

The whole school has had a recent survey to assess the structural state of the buildings, and although their where concerns over the school building the residential building passed with flying colours and we were informed the building was structurally sound. The internal décor is regularly updated by the staff despite this not being part of their job descriptions and all the rooms are of a high standard. This is mentioned in many of the residential ofsted inspections, parents often ask staff during a look round if they can come and stay as they cannot believe the quality of pupil's bedrooms. I have spoken to our headmaster about the inaccuracies in this statement, his response was the school is not in a good state of repair, the proposal is about the boarding provision not the school so this statement is bending the truth and very misleading, I was then informed the school and boarding provision are one, this makes no sense, My suggestion is you are trying to justify your position as you are not allowed to close a provision on financial grounds only so it's easier to bend the truth and sell such provision as inadequate. The authority has put lots of details in the letter about this provision, I don't remember in 16 years anyone from said authority visiting the provision in question. You can't adequately judge something you've never seen.

4. Ofsted rating of inadequate.

The factual inaccuracy in the proposal document about the Ofsted rating from the inspection of 5 th December 2017.

The proposal is about consulting on the removal of the boarding provision and yet the document only quotes the Ofsted outcome for the main school which was 'Inadequate'. This is a misleading statement which could be seen to suggest to the uninformed reader that the boarding provision was also judged inadequate at the same December 2017 inspection. This is however not the case, the boarding provision was separately inspected by Ofsted at the same time as the school in December 2017. The outcome for the boarding provision was 'Requires improvement' not 'Inadequate'. The proposal document does not make any mention of the outcome for the boarding provision, at the very least I would have thought that for correctness both inspection outcomes (for the school and for the boarding provision) should have been quoted given that the consultation is very specifically about the removal of boarding.

How will this effect pupils in school.

Staff were assured all pupils remaining in residence would be assessed to ensure alternative provision to meet individual need by the implemented date of closure 31/07.2019. At the time of writing my response no assessments via health and social care for the children that currently access residence have been undertaken.

How will this effect staff.

Proposal stated staff will be offered alternative roles wherever possible. I would like to state clearly that as early as September 2018, the residential team were informed [REDACTED] that there would be no re-deployment and redundancy would be the only option for all residential staff.

The overall way this consultation has been managed is disgraceful, the leaders and authority have shown very little thought or care to long serving staff with extemporary records, vulnerable pupils and families in crisis. The staff and families were informed in June 2018 the provision would be closed by Christmas 2018. The leaders in no way followed the legal process of consultation. [REDACTED] told staff the provision was closing before any consultation took place. 9 months of uncertainty coupled with high levels of misinformation for a group of long serving, loyal employees is terrible and shows a lack of regard and respect.

[REDACTED]
[REDACTED]

Response ID ANON-1CUJ-8S7R-7

Submitted to **School Organisation Skilts School**

Submitted on **2019-03-24 11:50:17**

Introduction

1 What is your name?

Name:

[REDACTED]

2 What is your e mail address?

e mail:

[REDACTED]

3 What is your interest in the proposal?

Pupil

other, please specify:

4 Are you in favour of the proposal?

No

Please give details:

I don't want the residence to close at my school because I love to play pool with the staff and I like to spend some time away from my sisters cause they annoy me and it makes me make bad choices and then I'm naughty.

I like to play with my friends in residence and go on the vip trips that we have to earn.

I like it when the staff help to make me calm when I'm having some problems and I get really angry.

I like my own bedroom in residence cause it is my own space and it is my safe area we're I can be on my own.

Residence is the best part of my week.

If residence got taken away from me I would be very sad and I would miss all my friends I spend time with there I would miss all the fun things we do and I would miss the lovely food and I would really miss my staff.

I would like residence to stay cause I like it very very much.

Response ID ANON-1CUJ-8S7U-A

Submitted to **School Organisation Skilts School**

Submitted on **2019-03-26 15:42:52**

Introduction

1 What is your name?

Name:

██████████

2 What is your e mail address?

e mail:

3 What is your interest in the proposal?

Pupil

other, please specify:

4 Are you in favour of the proposal?

No

Please give details:

It is fun, I get to play with my friends and ████████ happy face.

Submitted to **School Organisation Skilts School**
Submitted on **2019-03-26 09:32:03**

Introduction

1 What is your name?

Name:

██████████

2 What is your e mail address?

e mail:

████████████████████

3 What is your interest in the proposal?

Parent

other, please specify:

4 Are you in favour of the proposal?

No

Please give details:

I am saying NO to removal of the boarding provision NOT to the increase of the number of day places which is needed.

My son ████████ has made use of the residential provision at Skilts since ██████████. He had a difficult early life experience which has impacted on his life. He has needed to talk about these experiences but has been on the Forward Thinking Birmingham waiting list since 2014. A lot of this waiting has been due to the reduction of funding and resources for children's mental health services. However, since accessing the residential provision at Skilts, we, his parents, have noticed that his social skills have improved and he has been able to open up and speak with trusted adults. ████████ says he has enjoyed having the extra time at school and making friends. This has been nothing short of a miracle because this has been a challenge for him.

This provision has made such a difference to ████████ (psychological) life and we have seen and experienced this ourselves. Having those two nights has been valuable for ████████. Even though our son is leaving Skilts in the summer, we are deeply concerned that in future other boys who may benefit from this service will lose out, especially as Skilts looks forward to welcoming more pupils (and their problems.) Being able to offer 1 or 2 nights to pupils so that these dedicated and skilled staff can work with some challenging children to enhance their life in school and beyond is too valuable to lose. Also offering 1 or 2 nights means staff can work with a reasonable number and breadth of children too both in terms of boarding as well as in the context of the school. I would really commend you and the other stakeholders to reconsider this decision. This provision changes lives. Do not take away the possibility of such change for other pupils in the future.

Response ID ANON-1CUJ-8S7W-C

Submitted to **School Organisation Skills School**

Submitted on **2019-03-09 15:24:22**

Introduction

1 What is your name?

Name:

[REDACTED]

2 What is your e mail address?

e mail:

[REDACTED]

3 What is your interest in the proposal?

Local Councillor

other, please specify:

4 Are you in favour of the proposal?

No

Please give details:

Believe the decision to remove the residential element is purely on finance and not in best interests of the children of families. Understand many families are worried and against the proposals and hope council will genuinely listen and consider their thoughts. the service provided is essential for many families and high-dependent children. And the institution may struggle to meet the needs of a significant number of children once residency has been removed.

Response ID ANON-1CUJ-8S7X-D

Submitted to **School Organisation Skilts School**
Submitted on **2019-03-11 13:56:39**

Introduction

1 What is your name?

Name:

[REDACTED]

2 What is your e mail address?

e mail:

[REDACTED]

3 What is your interest in the proposal?

Parent

other, please specify:

I am a parent & my sons welfare is my interest in this proposal and the negatives that removing this is going to bring him.

4 Are you in favour of the proposal?

No

Please give details:

I don't agree with set backs and delays this is going to cause my son both academically and mentally and physically.

Submitted to **School Organisation Skills School**
Submitted on **2019-03-24 18:51:53**

Introduction

1 What is your name?

Name:

[REDACTED]

2 What is your e mail address?

e mail:

[REDACTED]

3 What is your interest in the proposal?

Staff Member

other, please specify:

4 Are you in favour of the proposal?

No

Please give details:

I have worked as part of the Skills residential team for more than 17 years and have supported many children and families during this period.

I am fully aware of the importance of offering the children residential provision and the positive impact this also has on the family dynamic. I am positive that without this provision, some families would have failed to remain together due to disruptive nature of the children involved and the environment they live in at home. The residential facility has offered stability to children and their families; the residential setting offers them a safe area to develop their life skills whilst working on their social and emotional development to help them with their mental wellbeing. Without the specialist setting offering the children consistent routines and positive interactions within a family-style environment, some of these children would fail to coexist with their family and their wider community. I am therefore very concerned that, by the withdrawal of the residential provision, many of our most vulnerable children will struggle being at home full time and may end up being taken into care.

After studying the Final Proposal Document I would like to report some inaccuracies contained within it:

i). Under 'School Information' - The Ofsted rating (5/12/17) was deemed 'Inadequate/Special Measures'. This was the school's judgement, not the residential judgement. There were 2 different inspections, the residential judgment was 'requires improvement'. As the document is giving details relating only to the removal of boarding provision, surely the school's judgement shouldn't be the one that's highlighted? How can anyone compiling a report get a fact like this so wrong?

ii). Under ' Why do we want to do this?' - It is the main school building which is beyond economical repair and deemed no longer fit for purpose NOT the residential facility. I think this is rather an important fact to get wrong - residency has continued since the report so I'm sure the building is safe to be in, otherwise we wouldn't be allowed to use the facility. Historically, the residency side of Skills has more than paid for itself, in fact the money generated has also benefitted the wider school community. Not only will the children and their families suffer because of the withdrawal of residency, the school will suffer too.

iii). Under ' Why do we want to do this?' - The school has not admitted more children to use the residential facility for at least 3 years. This is wrong, more/different children have used the boarding facility every year since I started working at Skills. It's only since September 2018 that this has changed due to the school's proposed association with a FET. A stop has been put on offering residential places to those who would hugely benefit from it. Residency has not only been offered to children who have it specified on their EHCP/statement (in fact this provision has not been specified as a specific requirement for a number of years). Therefore, I wonder why it is now deemed unnecessary when all evidence points towards the additional provision being so successful for those who have access to it? The vast majority of children and parents, past and present, would strongly disagree with the implication that residency isn't of crucial importance to the holistic wellbeing of the children and their family unit.

I am very disappointed that this final proposal was published in the Birmingham Post and copies sent to all stakeholders prior to anyone at Skills reading the draft version and amending the factual inaccuracies. I understand that this was due to the fact that the Headteacher failed to notice the communication in his emails. Clearly this is a completely unsatisfactory situation and yet another demonstration of where the real inadequacies lie. As I am one of the people who is directly affected by this proposal, I am very annoyed that such inaccuracies have already been circulated and will have been read by many people, I feel insulted and humiliated that my own personal practice has been reported upon unfairly. I am worried that if the inaccuracies are not corrected, retracted and republished, this may become an obstacle for any future employment.

The residential team at Skills were informed of the proposed closure of the boarding facility back in June 2018. We have all continued to operate as model professionals from that point to the present time and we will continue to do so until the day our employment ceases. I ask that we are all treated with the same professionalism until that time, this includes ensuring that all paperwork and reports are accurate - such fundamental mistakes are inexcusable. I'd also like to point out that all findings from our Ofsted report have been acted upon and subsequent monitoring visits have acknowledged this, indeed reports now paint a very different picture of residency at Skills.

Submitted to **School Organisation Skilts School**

Submitted on **2019-03-26 15:05:31**

Introduction

1 What is your name?

Name:

[REDACTED]

2 What is your e mail address?

e mail:

3 What is your interest in the proposal?

Staff Member

other, please specify:

4 Are you in favour of the proposal?

No

Please give details:

Response to moving the Boarding Provision from Skilts School

21-03-2019

I am one of the stakeholders who has worked in the Boarding provision at Skilts School.

I feel I need to highlight areas to which removing the Boarding Provision is going to impact on the Children who attend Skilts School and the impact to which Boarding has had on children who have left Skilts School.

Now and over the years the Boarding Provision has had a very important part in the children's lives in areas of education, development, Social and safeguarding.

A large percentage of our pupils have been born into poverty, they often live in cramped overcrowded property often in disrepair, or they live in high rise flat accommodation without any outdoor space.

The children find mixing in their communities difficult, and parents don't feel safe to allow their children out to play. Drug and knife crimes are increasing at a high rate, child slavery in on the increase with dealers using children as county line runners. Due to cut back of funding and lack of community resources for children have declined in the past few years.

The Boarding out Provision at Skilts gave our children a way of escaping what they were experiencing or hearing about in their home lives.

I can give several examples of how Children greatly benefitted from being able to access the Boarding out Provision.

One such child who struggled during class time to complete school work and the Boarding Provision was able to support the youngsters to complete and achieve school work. He had a lot of difficulties, who believed he didn't need to learn to read, because all his thought he needed to get on in life was to be able to fight.

The Boarding Provision changed this believe with him. Using our skills, knowledge and understanding of children with SEN and associated conditions this child learnt to read, this opened up a wonderful world to him, he would read books, text his friends, use social media, he would take an interest in the country of his parents look at maps etc. As years went on he would actively promote reading to younger children. Socially this child had no social skills, he was disliked by his peers, he wouldn't follow any rules. Again using the skills which the Boarding team has, we were able to work with this child and develop his social skills, to a point where he developed into quite an athlete and was admired by his peers. The Boarding Provision enabled him to attend the Birmingham Athletics club at weekends.

Another couple of pupils who accessed the Boarding provision at different times lived high rise flats without gardens, these boys learnt a love of playing football, whilst in the Boarding Provision. One of the youngsters with our support went for trials at all the midland clubs, they all wanted to sign him, and he chose the Villa. He was a part of their academy, and he had gone on to make a career out of Footbal. Without the Boarding Provision, this would never had happened. The other youngster continued his football passion and went on to be signed up by a football club.

Over the past few years we have had youngsters in residency who were in danger of being groomed into county lines activity. Parents of these children had little control at keeping there children safe in the home, the Boarding Provision gave these youngsters a safe environment to live and play in. Some of the youngsters after leaving us had gone into the care system, because they were not able to access Boarding Provision at there senior schools.

Some youngsters who have been in the Boarding Provision have felt safe enough to be able to disclose abuse in their homes. They have built up close trusting relationships where by they could disclose. These children are now thriving in good foster homes.

We currently have children Boarding with us who live close to Birmingham city centre whose parents say their children are scared to leave their homes due to the knife crimes and violence they not only see on the news but actually witness from their homes.

This is only a tiny amount of accounts where we have made a difference to out children who have been able to access the Boarding Provision. Unfortunately this Provision is likely not to continue.

The children at our School are all Birmingham SEN, and I feel as you are their Local Authority you have a duty and responsibility to support and keep our Children

safe from harm and danger. The School has 73% of the children on Free meals, 100% of these children are in residence at the present time. This means the families are all in low paid or no employment and all living in poverty. The Boarding out Provision has given the children a different insight to what life is like. The children do and have gained aspirations and go on to make good choices, they have lasting positive memories, which stay with them for ever. I do make a plea to Birmingham Local Authority not to close this Provision, and want the Local Authority to increase places and funding so we can give the children aspirations and positivities to make a change so they can have bright futures.

Due to big financial funding to the school a few years back, school had to make redundancy. The impact of these redundancy put a great deal of stress on the children and staff. Behaviour increased and Staff morale dropped, staff sickness increased. All these factors plus other put the school into failings when they were OFSTED in 2018. Due to this the failings the School is now going to become an academy who don't want to take on the Boarding facilities.

I personally feel the DfE and Local Authority should be made more accountable to ensure the SEN children of Birmingham, should be given the best opportunity to thrive, succeed and achieve. The DfE and Local authority have a duty of care to our Children, and this can partly be met by the Boarding Provision being kept.

██████████

Submitted to **School Organisation Skilts School**
Submitted on **2019-03-27 15:03:07**

Introduction

1 What is your name?

Name:

[REDACTED]

2 What is your e mail address?

e mail:

[REDACTED]

3 What is your interest in the proposal?

Staff Member

other, please specify:

4 Are you in favour of the proposal?

No

Please give details:

Firstly I would like to say that I disagree with the wording on the proposal document as the information is misleading and unfair. We as staff members deserved for the information to be accurate and correct before it being made public. I have worked at Skilts for 13 years as both a teaching assistant and a RSCW. Since working during the residential evenings I have worked with many different children. Most wanted to become residents and some would have rather have been at home but because of certain circumstances had to stay. You will find it very difficult to find a parent, carer, relative or child that would have anything other than positives to say about the residential provision. This is because they get so much out of being a resident and each one of them got something different. For some it was as simple as making friends that they couldn't make before and others it was about helping them be more independent with their routines so they could take it home with them. There were some children who needed help expressing their emotional needs in better ways than aggression and for others it was helping relationships that had broken down at home due to patterns of behaviour which parents or carers had struggled to change due to a number of different reasons. I have worked with some of these most difficult and challenging children that Birmingham has to offer which has been tough at times but during this time I have also seen these children show levels of kindness and compassion that many people that had worked with them before would probably have deemed impossible. I have had the privilege to work with all the children that walked through the doors at Skilts and the boys that have been residents have changed me for the better. So with all that being said all I ask is that the money saved from the removal of the residential provision at Skilts is used to ensure that children from all over Birmingham get the support/services that they require and need as if support is not offered then I worry about the future of some of these children from Birmingham.

Submitted to **School Organisation Skills School**

Submitted on **2019-03-21 13:33:18**

Introduction

1 What is your name?

Name:

[REDACTED]

2 What is your e mail address?

e mail:

[REDACTED]

3 What is your interest in the proposal?

Staff Member

other, please specify:

4 Are you in favour of the proposal?

No

Please give details:

21st March 2019

Response to the proposal to remove the boarding provision at Skilts School

I would like to present my views with regard to the proposed removal of the boarding provision at Skilts School. I am not in favour of the proposal. I am very concerned about this proposal being put forward and also about the practical management of this issue to date on a number of levels, the most significant of my concerns being as described below:

- Primarily, I am concerned that this proposal. If successful, is intending to remove a boarding provision that has delivered a previously unquestioned, valuable service to the people of Birmingham for many years, without, I believe, any true or in-depth consideration of the positive impact that the service has had previously on vulnerable children's lives and would continue to have into the future, should it be allowed to continue.

I believe that the boarding provision has been providing a positive and worthwhile service to some of the most disaffected and challenging primary age pupils in Birmingham. I believe that the vast majority of the previous and current boarding pupils of Skilts School and their parents/carers would hold the boarding element of the school in high regard, seeing it as a valued and supportive service. The decision being proposed is I feel clearly a financial decision, and possibly one of convenience given that the school is due to join an Academy in the very near future. The format and presentation of the proposal in no way recognises that the boarding provision has been highly successful over the years and that previous boarding pupils and their parents/carers, right up to the present day, have benefitted from it being available to them. This service has likely ensured that many families have been able to not only stay together but also to see improvement in their circumstances and allow their children to access formal education due to the supportive offer of residential places to children with significant social, emotional, behavioural and mental health difficulties. I believe that in the proposal, the boarding provision is being unfairly represented. Over the current academic year, the boarding provision has been formally prevented from replacing pupils who left during the previous academic year due to the proposal to close being on the table, despite the fact that it is only now, some months on that a consultation is even in place. Although admittedly not resident full time, as near ago as June 2018 there were actually 17 boarding pupils (almost a fifth of the school) accessing overnight stays at school as opposed to the artificially created number of six who are currently accessing boarding at the school due to the hold on new admissions. I would suggest from my experience that in addition to current service users, a high number of the parents of those pupils who were accessing the service during the summer term 2018 and before, would have a very positive view of the provision and the service it provided to their children and families, those being high needs Birmingham families. In addition, I would question what work has seriously been undertaken to assess the worth of the current provision or to understand the impending impact of closure for future children and families at a time when support services in Birmingham even for those with the greatest difficulties and the highest level of needs are being cut back drastically. I would suggest that the proposal being made is financially driven, but feel that once a service has been removed it will be considerably more expensive to reinstate or replace and therefore would urge that all aspects must be considered very carefully and wisely, taking a holistic view before taking action.

- My second major point of concern is the inertia at the point of writing, on the part of the LA and other proposers to have arranged and delivered an effective fair assessment for the current pupils who, despite the misleading suggestion of the proposal document, WILL be affected by the ending of the provision despite the need for an assessment being outlined previously as an intention and also being contained within the final proposal document.

As a staff group, our main concern since the start of this exceptionally long and drawn out journey has been to support the pupils and families who will be affected most by the proposal to close the boarding provision, that is those who are currently using it and will still be pupils of the school after July 2019. As a staff group we sought and received guarantees from leaders that alternative support would be sought for current pupils and we were assured that it would be. At the time of writing, it is my understanding that despite the relevant parents being asked for their formal consent and this consent being given some time ago, and despite written requests for assessment by Children's Services having been completed by the Head Teacher of the school, there has yet to be a response to the Head Teachers written requests or any approach made to any affected family by Childrens Services with regard to carrying out a needs assessment or offering alternative support. I was previously informed in September 2018, by the Local Authority that the initial attempt at carrying out a consultation/representation period

(during Autumn term 2018), was to be delayed in order that such arrangements could be put in place. As I previously stated, this has still not happened at the time of me writing. In my view, this leaves children and parents who are vulnerable to the outcome of this proposal, being asked to provide their views with regard to the closure of the boarding provision without them having any indication of whether or not they will be given any alternative support. This is I feel an unacceptable situation that appears to treat those children and parents affected with little respect or understanding about the very real needs they have.

- Another key area of concern for me is the misleading semantic approach used in the proposal document to outline the current service provision in order, I believe, to play down its significance and importance to the lives of the children who have accessed the provision over recent years.

As an example of this, I am very concerned that the proposal document states that

'The School has not admitted any boarding pupils for at least 3 years; the provision has recently been used for evening intervention/short break/respite only;'

It is my understanding that the definition of boarding according to the Oxford dictionary is 'the arrangement according to which pupils live in school during term time'. Our boarding pupils may only stay a few days per week in school and agreed it is not their home, but they do live there during a percentage of term time, they do have their own bedrooms and allocated spaces and they are certainly staying by organised arrangement with parents and carers to provide support for pupils and their families. Therefore I would conclude that the boarding provision has admitted a significant number of pupils over the past three years, and have only not done so this year because specific leaders have prevented boarding places being offered or allocated during the academic year 2018/19 to current pupils of the school beyond those that were already in boarding in September 2018, at the commencement of the Autumn term.

I accept that it could be argued that the provision has provided respite care as the proposal states, in that it is not permanent or necessarily for the duration of a child's time in school, but the placements are certainly not short in duration and they are well planned and regular, extending over a significant period of time in our pupils school lives as the current Placement and Care Planning documentation would show. The placements used are clearly not as suggested by the proposal, 'short breaks' as the arrangements can extend over months and even years while the support needs remain for the individual child. Finally we have never provided 'evening only interventions' as the proposal suggests, all of our arrangements involve staying in school overnight and sometimes for a number of days in a row during each week, during term time. This is contrary to what the proposal seems to suggest. I feel that our pupils do evidently board at the school, even if this arrangement does not quite fit into the Local Authorities acute definition of boarding. Therefore as new pupils have been admitted within the last three years, I would suggest that we actually have admitted boarders to the provision in this time period.

In the proposal document, both 'boarding' and 'residential pupil' are used as descriptions. I also realise that in the proposal, the local authority has outlined the term residential pupil as referring to a child who has a statement of need or an EHCP specifying that they require a residential place. However in terms of custom and practice, I have been employed at Skilts by the Local Authority for 16 years, and in that time the LA has never placed a single pupil with a Statement or EHCP requiring residence at the school. In fact I firmly believe that despite operating a number of their own school based provisions, there has always been a reluctance on the part of the Local Authority to state residence is required for pupils. The LA has however during all of this time, over many years, continued to provide and fund a residential resource at the school with the full knowledge of how it was being used to benefit the current pupils of the school. I would ask why this is now an issue, if not a financial consideration, and is this logic to be applied to all the maintained residential schools in Birmingham that are in the same position as Skilts, given that the same historical principle has been applied to a number of other schools within the authority. I would question, If the authority was previously happy with the way significant amounts of public money have been spent on providing a residential resource, over a large number of years, with the school and it's Governors being able to identify how best to apply the resource, what has changed now? Again this points to a largely financial decision being made.

- The clear factual inaccuracy or potential duplicity with which the proposal has been presented to stakeholders and the Birmingham population is yet another point of concern I would like to address.

With regard to this aspect of my response, I am gravely concerned that a highly inaccurate and misleading, possibly dishonest proposal has been published to Stakeholders and Birmingham residents in general through a variety of media including the local press. Given that I believe that some of the statements made are simply false, I would like clearly recognised, my opposition to the following statements that are contained within the proposal.

1. The suggestion that no boarding pupils have been admitted to the school in 3 years, this statement is at best misleading as previously described. Clearly pupils who have boarded, have been admitted to the boarding provision. I feel that the descriptions used are intended to imply that the provision is wasteful and a financial drain on the school budget. As I have previously stated, the Authority has been funding places and the school has until this year been identifying pupils to access the provision successfully. This year has seen a conscious decision by leaders to not allow any new places to be offered to pupils of the school due to this proposal being put forward.
2. The provision is currently operating with a large number of unfilled spaces as leaders involved in decision making around the proposal placed a formal block on identifying new pupils from the school cohort who could benefit from a boarding intervention during this current academic year. This situation has existed since September 2018 and followed a number of pupils in year six leaving the provision in July 2018.
3. The misleading insinuation that continuance of the boarding provision could risk the schools financial viability. I believe that the current significant financial deficit that the school finds itself in, is not a result of reduced places in the boarding provision, it is caused by other factors not aligned to the boarding provision. The viability of the boarding provision should surely be based on how effective and valuable it is in itself, not on how financially short of funds the wider school service is.
4. I, along with other staff members, am deeply upset that the proposal states openly that the buildings are beyond economical repair and are no longer fit for their original purpose. This fallacious and very misleading statement is an extremely unfair observation to make when consulting on the future of the boarding provision of the school. This statement may well be true of some of the main school buildings but it is definitely not true of the residential/boarding premises. The boarding house is NOT in a poor state of repair and is NOT by any stretch of the imagination beyond economical repair. The buildings comprising the boarding provision were purpose built as residential units and they were a later addition to the main school building which is of a much earlier construction than the boarding house buildings. The boarding house is a sound and delightfully presented building which is well within the bounds of being safe and fully fit for its intended purpose. I would challenge anyone to visit and state otherwise. Current health and safety regulations are met in the boarding house and it is in a good general state of repair. In fact compared to other residential boarding premises that the Local Authority maintains, I would suggest that it is of an equal or higher standard. Successive annual Ofsted inspections have not been critical of the boarding premises and have in fact often praised the quality and presentation of the provision. I believe the statement in the proposal in regard to the quality of the boarding premises to be at best wholly inaccurate and at worst a public insult to the staff group who work in the boarding unit. It is tantamount to suggesting that we have been potentially placing pupils at risk by using inadequate premises to operate a boarding provision from. This could not be further from the truth and the premises are of a good standard.

5. My final point relating to factual inaccuracy in the proposal document is with regard to the statement about the Ofsted rating from the inspection of 5th December 2017. The proposal is about consulting on the removal of the boarding provision and yet the document only quotes the Ofsted outcome for the main school which was 'Inadequate'. This is a misleading statement which could be seen to suggest to the uninformed reader that the boarding provision was also judged inadequate at the same December 2017 inspection. This is however not the case, the boarding provision was separately inspected by Ofsted at the same time as the school in December 2017. The outcome for the boarding provision was 'Requires improvement' not 'Inadequate'. The proposal document does not make any mention of the outcome for the boarding provision, at the very least I would have thought that for correctness both inspection outcomes (for the school and for the boarding provision) should have been quoted given that the consultation is very specifically about the removal of boarding.

- Finally I would like to comment on the overall management of this proposal to date which has led to pointedly raising undue concern and worry for parents, pupils and also for the team of loyal, substantial time served Birmingham employees, who work in the residential setting, all of whom have substantial, exemplary employment history's with Birmingham Local Authority and I believe have been treated poorly within this process. Parents, pupils and staff have all been subjected to a lengthy, seemingly poorly planned and executed awareness/informal consultation/formal representation period, coupled with both a lack of information and at times information that has been misleading. A truly unfair process for those concerned.

In further support of my comments, pupils, parents and staff were first made aware of this proposal in June 2018, with staff literally being given only a few minutes of notice of the proposal before it was made fully public. This is a huge and potentially emotionally damaging length of time for people to endure high levels of uncertainty about their futures. Especially as only now is a formal representation period open for comment. The proposal talks about staff being offered alternative roles wherever possible. I would like to state clearly that as early as September 2018, the residential team were informed that there would be no opportunities of re-deployment and it was made fairly clear at meetings that the boarding provision ending was already at that time pretty much a foregone conclusion. Hence my concern that this final proposal document six months later is still in conflict with what staff have previously been told sometime ago. I am also aware that in terms of misinformation, parents and staff have been given severely contradictory advice and information by the LA officers about what is happening at various stages leaving a fundamental level of suspicion and a lack of trust in the fairness of this consultation/representation. I am concerned that some parents and pupils during this process have had different levels of knowledge and information depending on who they are or when they asked for information from the authority. I myself asked the LA about the consultation period starting point back in September 2018 and was given information by the LA that differed from the information a parent was given at the same time. Other parents received no information at all. To give an example of how this issue impacted on people, this resulted in one pupil thinking that boarding would be in place until summer 2019 while another thought it was ending at Christmas 2018. Staff were unable to advise pupils as they had not been informed themselves. A very unfair, upsetting and confusing scenario for all.

Since June 2018, the residential staff team at Skilts School have known of the proposed closure of boarding. I am sure that you would agree that an imposed 9 months of uncertainty coupled with high levels of misinformation for a group of long serving, loyal employees is a disgrace. However in conclusion, I would like to point out that during this time that same group of residential staff have made significant changes and improvements to the provision despite the uncertainty and have continued to offer a high standard of support to pupils and parents. It is a shame in my view that the same consideration has not been afforded to the pupils, parents/carers and the residential staff team by the LA and other leaders.

Response ID ANON-1CUJ-8S75-A

Submitted to **School Organisation Skilts School**
Submitted on **2019-03-19 16:01:33**

Introduction

1 What is your name?

Name:

██████

2 What is your e mail address?

e mail:

3 What is your interest in the proposal?

Pupil

other, please specify:

4 Are you in favour of the proposal?

No

Please give details:

I love coming to residency as i get to see my friends. We get to do amazing things and we also learn new and exciting things. The staff are lovely, they really look after us and make us feel loved and safe. I leave Skilts in July to go to a High School and i'm really going to miss residency. My confidence has grown over my time here and i'm really sad that other children will not get the same opportunity as i have done.

Response ID ANON-1CUJ-8S77-C

Submitted to **School Organisation Skilts School**

Submitted on **2019-03-27 13:54:46**

Introduction

1 What is your name?

Name:

██████

2 What is your e mail address?

e mail:

3 What is your interest in the proposal?

Pupil

other, please specify:

4 Are you in favour of the proposal?

No

Please give details:

I think residence shud stay opun bcuse it's fun to do so
and . I think it's fun so then so other pepule
will enjoy it to.

David Board

From: [REDACTED]
Sent: 11 March 2019 13:53
To: Edsi Enquiries Parent; against
Subject: Skilts
Categories: Forwarded

Good afternoon

I am a parent of a child attending skilts school and who also has placement at Skilts residential.
I am reading through the proposal of the closure that he was sent home with on Friday.
It states on the letter that we can voice any opinions, objections etc and it's taken me to this email address.

From my experience of seeing how residence has helped my adhd/asd/anxiety/sleep disorder son, I personally think that the discussion of the closure is not going to benefit any of the boys that stay within residence.

The children's mental welfare and needs are not being considered at all.

Since my son has found out what's possibly going to happen with his residence he's been retaliating alot and his behaviour has become very much more challenging as he does not deal with change well at all.

He's very settled at the residence in which with his anxiety and separation disorder was a major thing for him, he's got an amazing bond and relationship with each staff member and they all know how to manage [REDACTED] when things are getting a little tough for him or if he's having an emotional meltdown.

[REDACTED] having his residence means he can have that freedom of being a normal child with other children playing outside in a safe environment which he cannot have at his home environment as is not safe to let [REDACTED] outside as he runs away and gets into lots of trouble from being mislead by some of the other children that also play out freely.

[REDACTED] struggles to maintain relationships with other children and this is one thing residence is working on him building up and if this residence gets closed all of [REDACTED] efforts in trying so hard & all of the staff that have helped and pushed so hard with him is all going to be for nothink as I know personally my son will just go right back to square one.

He will currently be going into year [REDACTED] in September so the change of not only having a new class teacher and new children and a new classroom he will also have to learn to deal with the fact that his residence is also being taken away from him and he won't have this safe place he enjoys so much to look forward.

Before [REDACTED] has residence offered to him he refused to maintain good hygiene, [REDACTED]

[REDACTED]
personal information redacted
[REDACTED]

My other [REDACTED] children [REDACTED] benefit also from him having residence as they get that one to one time with me that they need when [REDACTED] isn't home, which is mandatory as my [REDACTED] will be sitting [REDACTED] exams in a few weeks and revision without interruptions is vital for her.

With [REDACTED] having residence I have managed to bring myself off anti-depressants, my moods can be lifted as I can recharge my batteries when he's not here, I'm not constantly tired or run down, I'm happier as I'm not 100% stressed all the time and my children can all be happier then when I'm happier.

I really am stressing so much that this decision is re-looked at as it's going to cause alot of upset and distress to all of the boys that stay there cause it's there safe zone with people who love them and take time out to work with them and play with them just as much as we do as parents.

I just want what's best for my son and my sons future and I feel taking this provision away from him is going to set him backwards and really delay all of the hard work he's tried since starting residence.

Thank you for taking time to read this [REDACTED]

Education and Infrastructure
PO Box 15843
Birmingham B2 2RT

Or by emailing: eds.enquiries@birmingham.gov.uk Please include **Skilts** in the email subject

A consultation response form can be found at the end of this document and can be used if anyone would like to send their comments in writing or by email.

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	28th February 2019
Beginning of 4 week consultation period	28 th February 2019
End of 4 week consultation period	27th March 2019
Final decision to be made no later than	27th ^h May 2019
Changes implemented	31st July 2019

Skilts School:

Proposal to Remove the Boarding provision

Thank you for taking the time to send us your thoughts on these proposals.

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)

enquiry@Skilts.bham.sch.uk

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

Pupil	
Parent	
School Governor	
School Staff	✓ 33 signatories from staff
Local Resident	
Local Councillor	
Member of Parliament	
Other (please specify)	

Against the proposal

Please provide your comments to the proposal.

We are school staff who have worked at Skilts for many years, we are deeply upset to witness what is happening to our residential staff.

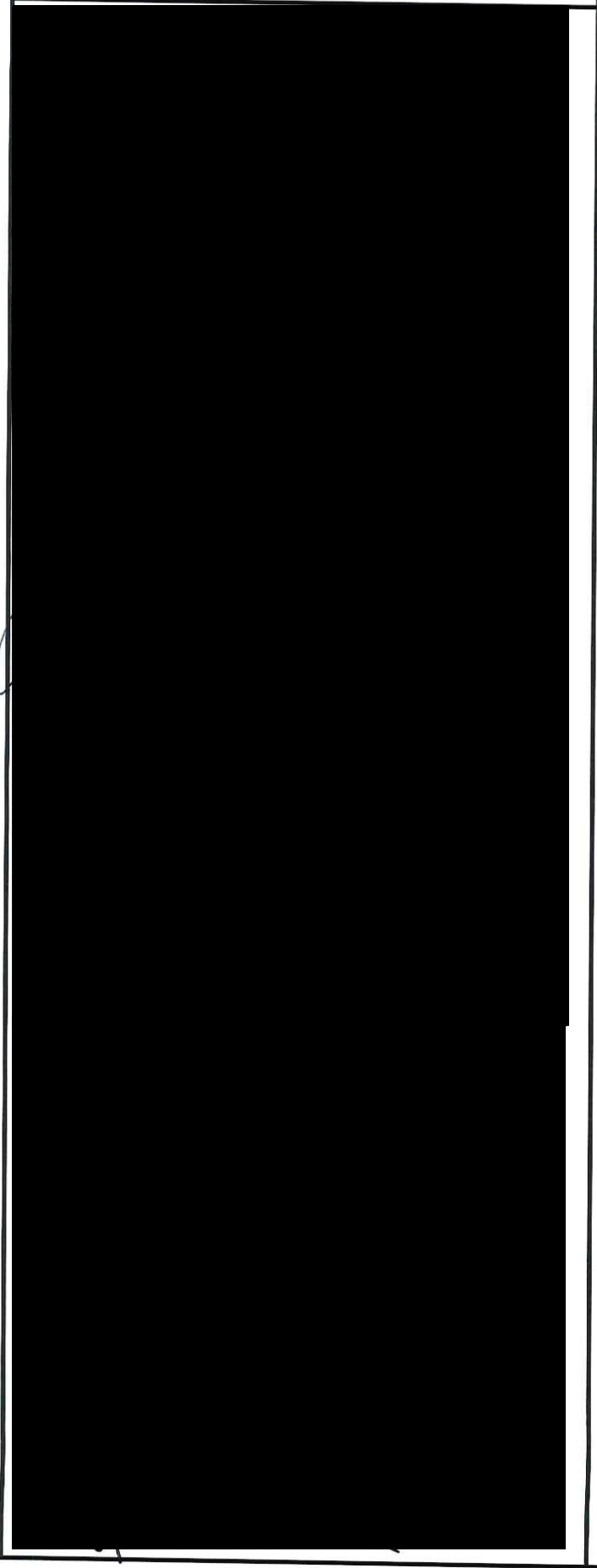
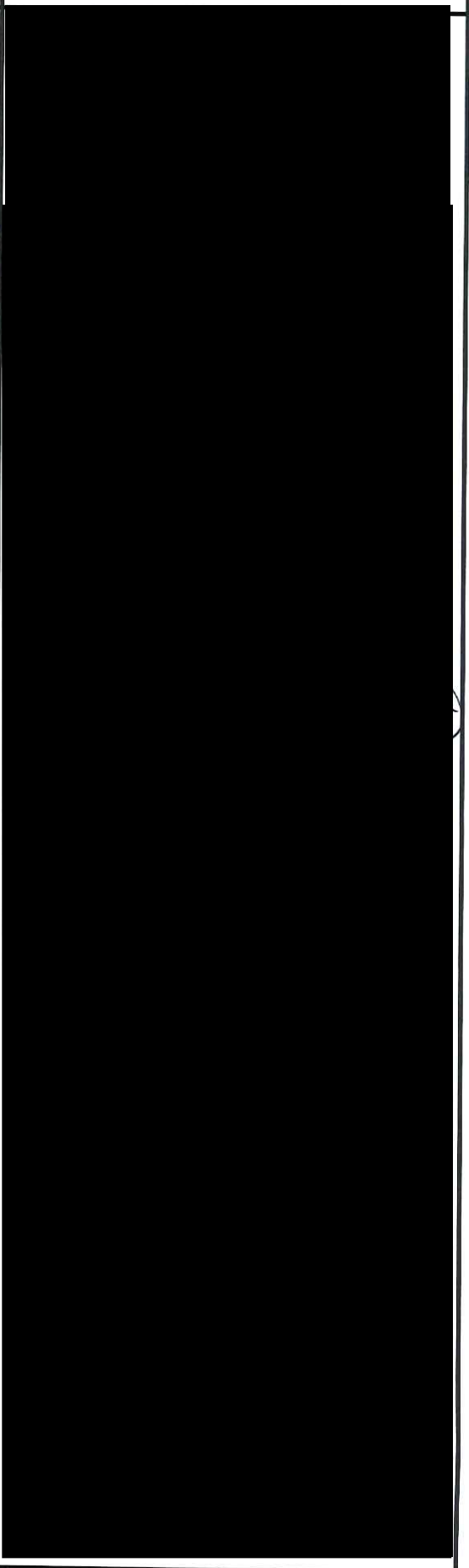
Firstly, we would like to point out that the school received an 'inadequate' Ofsted inspection and the residential team received 'requires improvement' – the report has recorded this incorrectly.

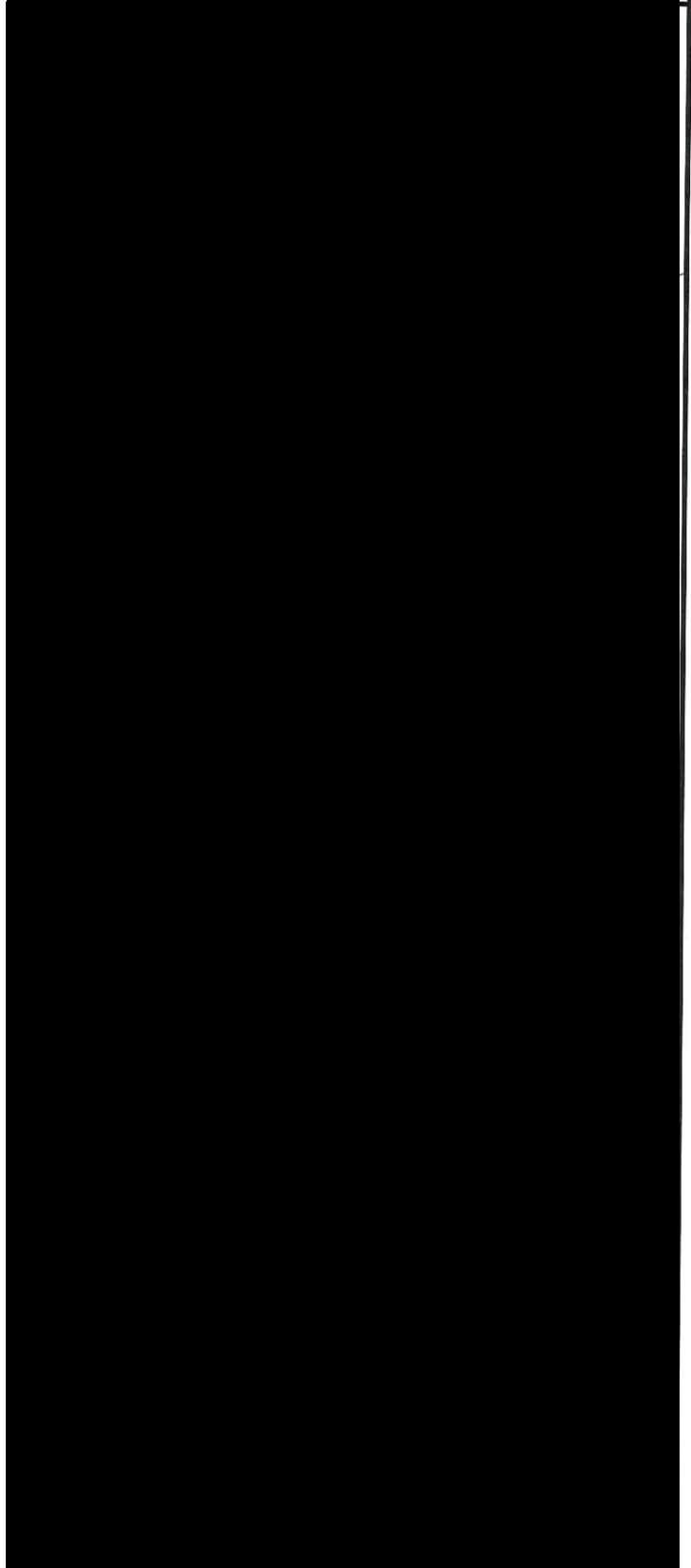
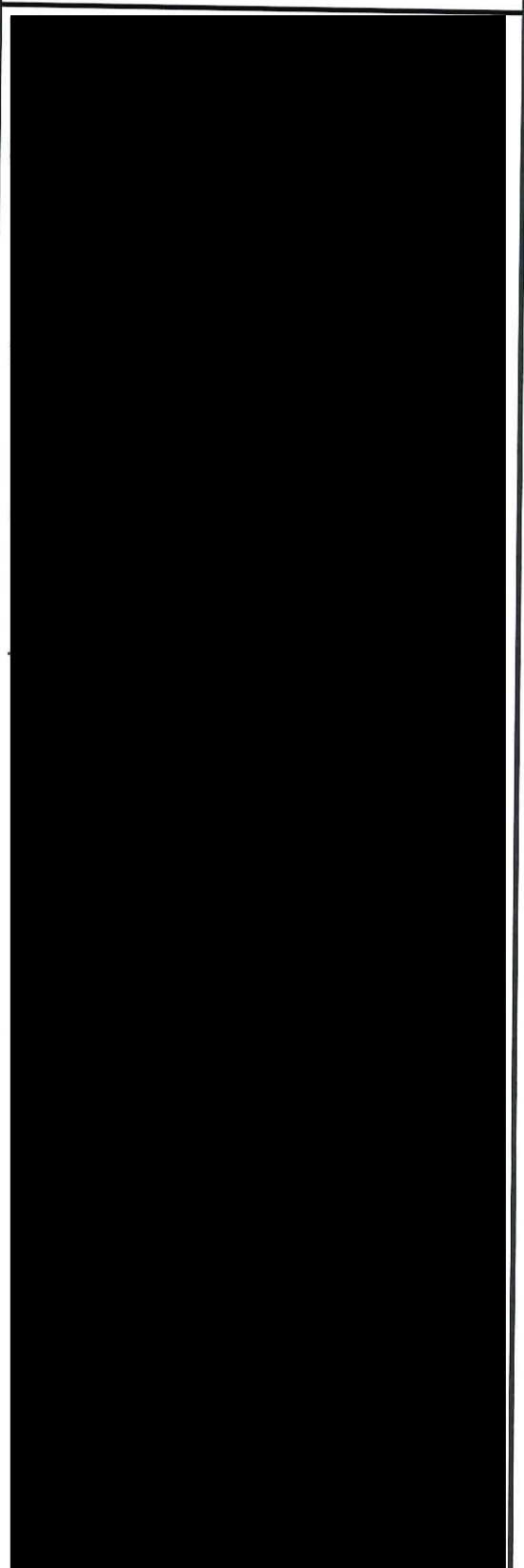
Secondly, the report stated that the residential buildings are no longer fit for purpose – this statement is another falsification; the most recent surveys inspection stated they were fit for purpose.

We have had the privilege and pleasure of working with this wonderful team for many years – their support has been invaluable in school. They have & continue to offer support with some of the most challenging pupils who attend Skilts, boosted staff morale and they have also given a lot of time on a voluntary basis.

The boys who access residency flourish not only through learning & developing life skills but also on developing coping strategies around the behavioural challenges they have – this in turn will allow them as adults of lead rich and fulfilled lives.

It is heart breaking to see what is happening to our colleagues and friends who have ALWAYS given above and beyond to improve, sometimes heart breaking lives of of our vulnerable boys.

Signature of school staff at Skilts School	Name of staff member
	

Signature of school staff at Skilts School	Name of staff member
	

David Board

From: [REDACTED]
Sent: 26 March 2019 10:43
To: Edsi Enquiries
Subject: Skills school residential provision consultation

Interest: Other.
Against the proposal

Categories: Forwarded

My heart sank as I was reading this a lot of children benefit from respite as they have another adult explaining right from wrong why things should not be done why things are on appropriate the staff at respite go above and beyond for these lads and they also support the family it would be devastating to a lot of families that rely on this support from skilts school the staff teachers reception kitchen respite staff support staff all give 100% to support these children they have skills that you do not learn with coping and dealing with the children please think carefully before you close down this service my grandson no longer attends skilts school but I know without the support they gave us through respite we are still together as a family in a family unit it breaks my heart to think children and parents could be separated because skilts have not got the funding for respite

The staff that provide respite work very hard and very close with the boys they teach them how to share how to get along with others it's a skill that you cannot learn

for them to be able to get through to these lads having autism is hard enough for the child to live with but if we can keep the staff that know how to cope and to provide support for not only the child but also the families

it would be a deep sorrow for others to not experience and have the help expert help at hand

I am extremely grateful for the support given to me and my family from the staff at skilts and I hope in the future this support network will not be taken away from other families that need help keeping their family together

[REDACTED]

From: [REDACTED]
Sent: 27 March 2019 22:13
To: Edsi Enquiries
Subject: Skilts - 10131

Staff member;
against proposal.

Categories: Forwarded

To whom it may concern,

I am writing with regard to the proposed removal of the boarding provision at Skilts School. I would like to comment on the points raised in the proposal:

1. The school has not admitted any boarding pupils for at least 3 year; the provision has recently been used for evening intervention/short break/respite only..

This is simply not the truth - the residential provision has never been used for evening intervention as mentioned. As for the statement respite/short breaks, this once again is not true - the school has always stated they do not offer respite when been approached by outside agencies including health and social care looking to place children who could not return home due to safeguarding issues.

Any children that have accessed residency have been considered for this provision via a criteria that was set by the Head of Care and Headteacher to ensure their request was to benefit the child and offer access to a 24 hour curriculum including development of their social skills which were limited prior to accessing residence at Skilts. In turn this development would be seen within the family home and help build more positive relationships at home between child and parent.

All children are either offered 2 night per week, term time and previously some have been offered 3 nights per week at the request of Social Workers due to the family being on Child Protections plans to help support the family and keep the children within the family home.

Children have been admitted to residency in the last three years - what is stated is a lie. No new pupils have accessed residence this academic year 2018/2019 as CEO of Forward Education Trust has instructed the senior leaders at Skilts not to take any new children in. Currently 6 children access residence at Skilts - for some families this is a life saver as their son/grandson could very easily have ended up in care.

At present 3 of the families are due to have assessments carried out by Health and Social Care to assess their sons and families' needs - the assessments should have started now but to date none of the families have been contacted. [REDACTED] I offer support to all families whose children attend Skilts [REDACTED] for respite for these families and I know better than anyone that services are being cut left, right and centre so know these families will be left with nothing once Skilts closes its residential provision. I reiterate that this, in my professional opinion, may have disastrous implications for the families concerned.

Due to the above, the impact will be that Health & Social Care will receive referrals from these families when they hit crisis point - in turn this will cost the council more money as I can say without doubt some children will end up in care - how much more costly will this be, but it's ok because it won't be from the education budget it will a Health and Social Care problem which is already struggling with the demands being made on it...

2. For schools with residential units operating with a large number of unfilled residential places there can be a risk that they become financially unviable.

From what I can see and from what I have witnessed the current deficit is due to mismanagement of schools funds over the past 2 years - we had a headteacher absent from post for 2 years - initially the deputy was made to Acting Head but as he left an Interim was appointed via an agency. The cost of paying an agency Interim Head and an absent Head will have been a factor in the deficit.

Residential staff offered support within the school when it initially went into special measures due to safeguarding issues - they continued to do so until July 2018.

Skilts currently pays a number of agency staff - 1 of whom is a senior leader, this undoubtedly is affecting the school budget and blame should not be laid at the door of the residential provision as this is not a fair reflection.

3. The building is beyond economical repair no longer fit for purpose.

A recent survey has been carried out on the school site including the residential house Phoenix - it was passed as being structurally sound.

The school building was the issue not the residential block.

The decision to close the residential provision is purely a financial one and by using the comments it will achieve moving the school within the Birmingham boundaries as quoted by the CEO of Forward Education Trust on numerous occasions. It has also been announced to staff this week that the school is relocating.

4. The school received an Ofsted rating of 'inadequate' when they were inspected on 5th December 2017.

The school received 'inadequate' NOT the residential provision- this was 'requires improvement'.

Prior to the school being without a headteacher, the school was a 'good' school with an 'outstanding' rating for residential provision for a number of Ofsted inspections. As a consequence of the support that the residential staff had to give school because of safeguarding concerns, this cost them dearly with their inspection on 5th December 2017 - which was not a true reflection on what the children and families accessed. This fact was included in the Ofsted report and was one of the factors listed.

I have had the pleasure of working at Skilts for [REDACTED] years so have seen changes over this time and understand 100% why things have to change in order to meet the needs of the children who attend Skilts and whose needs have changed significantly over time.

One of the biggest challenges our pupils and families face at present is their difficulties and needs around mental health - this is well published day in, day out at present - if the right level of support isn't given by a variety of agencies including schools, the outcome can be catastrophic for those involved. What cost is put on a child/adults life due to not getting the level of support they need and deserve.

I stand in front of parents and carers at the end of each academic year in July during a leavers assembly, who openly state whilst fighting back tears that "this school and residence has saved my family, if he hadn't come here I don't know where my family would be - well I do my grandson would have been in care". These sentiments are clear for all to witness, such a shame that no one from your organisation takes the time to come and listen with your own ears regarding the impact this very special provision has on children and families.

At this time Birmingham Local Authority feels that closing a much needed provision which brings so much support to children (and families) who have identified additional special educational needs is the right thing to do - the closure is for money saving purposes and to appease a Trust who do not want to take on a school with a residential provision to ensure their profits are as great as they can be; you should be ashamed of yourselves as this is not in the best interest of children and families of Birmingham who access this provision.

Please could you ensure I receive an email to say my views have been received.

[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 $45 \times 7 = 315$), **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:

Skilts School

- **Proposal to Remove Boarding Provision at Skilts School.**

Councillor Name	Date	Method of Consultation	Comments
All Ward Councilors for Birmingham	1 st March 2019	E Mail	One comment received from Councillor Alex Yip which is included in Appendix 3 of the report.
All Members of Parliament for Birmingham	7 th March 2019	E Mail	No comments received
Nadhim Zahawi Member of Parliament for Stratford Upon Avon	28 th February 2019	E Mail	No comments received

