

**EMIE at NFER**

# A practical guide to managing school reorganisation in Welsh local authorities

EMIE report 97

*Shirley Goodwin*



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## About this guide

This guidance has been commissioned by the 21st Century Schools programme team based at the Welsh Local Government Association (WLGA) for local authorities in Wales to use in developing strategic programmes.

This is not a legal guide, nor does it attempt to provide guidance on interpreting statute and complying with the law in respect of school organisation proposals. With effect from 1 January 2010, the key statutory guidance for authorities on developing statutory proposals for changes to school organisation is:

*School Organisation Proposals Guidance: Welsh Assembly Government Circular No. 021/2009* (Welsh Assembly Government, 2009)

It is available at:

<http://wales.gov.uk/topics/educationandskills/publications/circulars/?lang=en>

This circular replaces the guidance contained in, *School Organisation Proposals: National Assembly for Wales Circular No. 23/02* (Welsh Assembly Government, 2002).

Please see Appendix 1 for other references to key legislation and policy guidance relating to school reorganisation.



# 1 Approaches to managing school reorganisation

The Statement of National Purpose for Schools, featured in the above Guidance (Welsh Assembly Government, 2009), was developed by the Welsh Assembly Government and its partners and provides a useful starting point for developing school reorganisation proposals, especially given that the key driver for any such plans will be to improve school effectiveness:

- driving up standards of teaching and attainment in all schools
- improving educational outcomes for children and young people in all phases
- ensuring the interests of learners are paramount
- helping to narrow the inequalities in achievement between advantaged and disadvantaged areas, groups and individuals – please see *A Fair Future for our Children: the Strategy of the Welsh Assembly Government for Tackling Child Poverty* (Welsh Assembly Government, 2005).

(The Welsh Assembly Government's publication *School Effectiveness Framework: Building Effective Learning Communities Together* (Welsh Assembly Government, 2006) is available on the Welsh Assembly Government's website <http://wales.gov.uk/docs/dcells/publications/091020frameworken.pdf>).

Other themes relevant when considering school organisation proposals are covered within:

- equality legislation
- *The Learning Country* (National Assembly for Wales, 2001)
- *The Learning Country: Vision into Action* (Welsh Assembly Government, n.d.) and *One Wales* (Welsh Assembly Government, 2007)
- the Learning Pathways programme – through the *Learning and Skills (Wales) Measure 2009* (England and Wales. Statutes, 2009).

In addition, future decisions on the allocation of funding to local authorities for capital investment will require strategic plans that are informed by the authority's asset management plans and its assessment of the demand for school places. This is in line with the shared commitment by authorities and the Welsh Assembly Government to deliver 21st century schools.

This practical guide has been produced for those authorities developing plans for school reorganisation, so as to help make managing the process as smooth and efficient as possible. The processes and steps described are intended to be relevant and adaptable to whatever approach the authority is taking, whether this is an authority-wide approach or a sustained, local area-based approach.

For example, a number of authorities have tackled school reorganisation over a period of years so as to avoid the massive calls on capacity and inevitable disruption that a major authority-wide reorganisation in a single exercise can cause. However, others have taken an authority-wide approach because it avoided a long and protracted series of reviews (momentum and morale within schools and communities can be difficult to maintain in such situations). This also enabled the authority to deal coherently with the knock-on effects of changes to other schools.



Whichever approach an authority takes, it will need to determine whether the existing structures within the Council are sufficient to steer the school reorganisation, or whether it needs to set up additional governance and management arrangements, such as a Project Board and a Project Team. The following section, therefore, sets out some practical suggestions about steering and managing school reorganisations. The remaining sections of the guide then provide more specific detail about the processes involved in gathering and analysing data and information, developing the options, undertaking consultation, making and implementing decisions, and supporting schools through the changes.



## 2 Governance and management arrangements

In many cases, existing authority structures, staffing and frameworks can be used to manage a school reorganisation. However, it is important to have a designated Lead Officer who is responsible for the day-to-day operational management of the reorganisation and, if setting up a specific Project Board, to consider the following key points:

- membership and the chair for the Project Board, including the balance of officers and elected members (officer membership could include the Lead Officer for the school reorganisation, senior officers for school effectiveness, finance, legal, HR, communications and corporate planning)
- the Board's remit/terms of reference, including its delegated decision-making powers and reporting mechanisms, and who the decision makers will be for statutory stages, such as the commencement of formal pre-notice consultation and the decisions to publish proposals (Appendix 2 sets out guidance for such a remit)
- clear arrangements for making recommendations to Cabinet and ratifying key decisions, including signing off contractual documentation
- whether the Board includes representatives of headteachers, governors, the diocese and trade unions, or if not, how the Board will engage with these stakeholders.

Whatever governance arrangements are put in place, it will be important to determine how to keep elected members up to date, and how to make best use of ward members' knowledge of their communities, including gaining their help in delivering key messages about the school reorganisation.

In addition, and particularly where a large-scale school reorganisation is involved some authorities have employed additional staff, appointed external consultants/advisors and/or back-filled existing staff (on a part- or full-time basis), for example, to help with tasks such as:

- gathering together data and information, and ensuring it is accurate, reliable and convincing
- developing the underpinning criteria/principles/objectives for the authority's proposals for consultation
- identifying and resolving issues, such as those related to capital funding, land and sites
- developing and undertaking the consultation, including publishing notices, submitting information to the Welsh Ministers and dealing with objections where these arise
- implementing decisions.

However, most school reorganisations also do require some level of cross-directorate support, and some authorities set up a Project Team to include workstream leads for education/children's services, capital programme, design, finance, legal/planning issues and communications. Where a Project Team is set up, the following should apply.

- Its levels of delegated authority should enable effective and timely delivery.





- The key roles for workstream leads should be clearly set out (examples are given in Table 2.1).
- The Project Team membership should be reviewed at appropriate times to ensure it continues to meet the authority's needs.

**Table 2.1 Key roles and responsibilities**

| <b>Workstream leads</b>                            | <b>Possible roles</b>  |
|--|--|
| Education Services                                 | Education strategy and policies<br>Pupil place planning<br>Consultation and media relations.<br>Support for schools and change management<br>Links with diocesan authorities and Further Education (FE)<br>Provision for sport and PE, Arts and Libraries, and links with health/other agencies, etc.<br>Education design briefs |
| Technical (Estates) Planning/<br>Capital Programme | Planning and surveying<br>Asset management planning (in some LAs this could be part of Education Services)<br>Capital project management and procurement   |
| Financial Planning                                 | Cost modelling, revenue projections and affordability<br>Joined-up funding/links with other funding streams  |
| Legal  | Advice on statutory processes for school proposals<br>Property issues including establishing land title<br>General procurement issues  |
| Human Resources                                    | Recruitment and retention<br>Support for staff affected by the proposals, for example, developing a staffing protocol and dealing with issues related to the Transfer of Undertakings (Protection of Employment) Regulations (TUPE)  |
| Design   | Ensuring the design supports education transformation<br>Sustainability  |
| Corporate Developments                             | Links to corporate developments, housing and regeneration schemes, etc.  |
| Sports and Leisure                                 | Sports bodies/organisations  |

Authorities might also find it helpful to develop a Project Plan (possibly using MS Project to create and manage the plan). This plan could set out key milestones with timescales (for example, using a Gantt chart) and include workstream plans, linked to the overall project plans.

The Lead Officer (or Project Director, if the authority decides it wants to appoint one) needs to be responsible for managing and monitoring progress of the various workstreams, as set out above, against identified key milestones, and for providing regular reports on progress (to the Project Board where one exists).



In addition, potential risks for each workstream need to be identified, and the actions to be taken to mitigate these need to be set out, such as:

- funding availability and resources for managing the project
- legal and planning issues (for example, site ownership)
- potential negative impact on school effectiveness during the transition/building works
- the effect of the uncertainty/proposed changes on schools' popularity and staff morale/recruitment and retention
- other initiatives that could impact on the plans, but that are not yet fully developed
- opposition (and its source and rationale) to some of the proposals
- political issues and constraints
- cross-border issues.

See Appendix 3 for more detail on key potential risks and mitigation.



### 3 Data/information gathering and analysis

An authority's school organisation plans need to set out how these will ensure:

- a match between the supply of school places and the projected number of pupils in the locality, taking account of parental preference and pupil needs (including preference for Welsh-medium education)
- provision for additional learning needs, based on an assessment of need.

This will require data on:

- existing and projected numbers on roll and school sizes/age ranges
- parental preferences for admissions
- educational standards across schools
- any need to reduce surplus places/number of schools, provide additional places/new schools, or change school age ranges
- balance of provision, for example, the number and proportion of community schools, Welsh-medium schools and schools with a designated religious character
- need to rationalise/improve special educational needs (SEN) provision.

Some of this information may be included in the authority's Children and Young People's Plan (Children and Young Peoples Plan (Wales) Regulations 2007) (England and Wales. Statutes, 2007). Other strategic planning information may be held by other bodies, such as local colleges, dioceses, and neighbouring authorities.

#### Range of data/information that an authority may need to consider when developing proposals

- Schools' educational and financial viability, including for schools judged by Estyn to require special measures or significant improvement (Section 19 of the 1998 Act gives the Welsh Ministers the power to direct a LA to close a school which is subject to special measures).
- Any LA policy on school sizes and mixed-age teaching – proposals must comply with the class size legislation that infant classes must contain 30 or fewer pupils (except in special circumstances set out in the Regulations). The Welsh Assembly Government has also provided funding to achieve junior classes of 30 or fewer.
- Asset Management Plan data (condition, suitability and sufficiency of buildings).
- Size of school sites and space for expansion.
- Sites available for new schools/re-locating/co-locating schools/removing split sites.
- Planning/site issues re. existing and new sites.
- Travel times/distance to nearest schools and recurring costs.



- Existing and potential opportunities for collaborative arrangements – for example, establishing a multi-site school or promoting the federation of school governing bodies in a locality rather than school closure.
- Level of social deprivation and impact of any closures/amalgamations/relocations on social/community cohesion, regeneration, community use and rural villages.
- Impact on the Welsh language.
- Impact on admissions arrangements (including catchment areas).
- Current or potential community use of surplus accommodation, including making accommodation available for formal or informal services if a school closes.



## 4 Developing the options

People need to be convinced of the underlying rationale for the proposed changes to the school organisation, and that the underpinning criteria, principles and objectives for these changes will lead to improved school effectiveness, for example:

*To provide sufficient places in schools that are educationally and financially viable, reflect community needs, and provide a good standard of education, so that parents can turn with confidence to their local school - 'local schools for local children'.*

### Examples

Other examples of the reasons put forward for change are:

- improved standards
- creating a coherent system of school organisation, providing a better match between supply and demand of pupil places
- ensuring schools are of a size that makes them educationally and financially viable (this could be through collaborative arrangements, expansions and amalgamations)
- better value for money – more effective and efficient use of resources, so all children will benefit from better-resourced schools (both revenue and capital funding)
- addressing parental preferences for types of schools, for example, Welsh medium or schools with a designated religious character
- enabling a preferred age range
- rationalising SEN provision
- rationalising post-16 provision and expanding 14–19 options
- addressing the condition and suitability needs of school buildings.

Consultees will also want reassurance that the solutions proposed are cost-effective and affordable (in relation to both the capital and recurring costs) and represent value for money overall in the long term, as well as that there are adequate financial resources to implement the proposals. Indeed, where a school reorganisation is predicated on the availability of capital funding to deliver the changes (for example, where capital funding is required to provide sufficient places for displaced pupils or to accommodate future demand where a school is proposed for closure), such funding is a prerequisite for a decision to approve the proposed change. As a result, insufficient or lack of capital funding to create a proposed new school could block the decision on closure of schools intended to make way for the new school.

Authorities, therefore, need to work through the building requirements and design implications of their options for change to a sufficient degree, so as to be able to show that the capital funding will be sufficient to provide the



reorganised/new schools with facilities appropriate for improving the education offered to pupils affected by the changes.

Indeed, an important source of capital funding could be capital receipts, where they arise from the sale of school sites released as part of the proposed school reorganisation, through land-swap arrangements as part of a wider development scheme, or the release of non-school buildings no longer needed for their previous use as a result of their needs being met on extended school sites. (In general, authorities are expected to recycle assets from any surplus school buildings and sites into the overall improvement of their school buildings, rather than allocate those proceeds to projects outside the education portfolio, although these decisions ultimately rest with local authorities.)

In addition, where school sixth-form provision is being transferred to another educational establishment, together with learners from other sectors, capital investment is likely to be drawn from a number of sources. In such cases, it will be important to obtain written confirmation from each of the sources of funding.

Of course, for Voluntary Aided (VA) schools, governors' expenditure may be supported by up to 85 per cent grant aid from the VA Capital Building Programme administered by the Welsh Assembly Government, but confirmation of such grant aid will need to be sought.

Therefore, before developing options and then subsequently when publishing statutory proposals, authorities need to:

- make an assessment of the financial implications, in particular to ensure that any capital costs associated with implementing the proposals can be met
- confirm that any capital funding will be available at the level required and at the right time.

In addition, authorities will need to provide estimates of other financial costs and savings of the school reorganisation, including, for example:

- costs of managing the consultation and reorganisation
- any impact of proposed changes on costs of transport
- potential redundancy/redeployment costs
- costs of decant arrangements
- any financial support for transition and change management
- potential savings for redistribution to schools' budgets
- potential savings on repairs and maintenance.

In general, authorities are expected to look to reallocate revenue savings made through the removal of surplus capacity within the education portfolio. However, some spare places are necessary to enable schools to cope with fluctuations in numbers of pupils. But too many unused places or schools mean that resources are tied up unproductively, and it is important that funding for education is used cost-effectively and resources targeted towards raising standards are optimised. In addition, retaining too many schools/places as pupil numbers decline can cause educational and financial problems for schools.



The recommendation is, therefore, that authorities should aim to ensure:

- no more than ten per cent surplus places overall
- a reasonable distribution of surplus places between schools, although individual schools may have higher levels of surplus, particularly in rural areas.

In addition, where the balance of demand shifts between schools of the same type, authorities need to consider whether admission arrangements are being applied consistently and whether it would be more appropriate to change admission arrangements, including catchment areas, rather than add provision. Indeed, given that the numbers of pupils on roll continue to fall in most areas, it should not normally be necessary to provide additional places at a school when there are others of the same type within reasonable distance – a case would need to be made that a significant increase to the number of places at a particular school was demonstrably in the best interests of all local children.

In the case of new Welsh-medium, religious schools or expanded provision at such schools, the demand for such additional provision must be assessed and evidenced – oversubscription and significant numbers of appeals might indicate unmet parental demand but could also indicate lack of rigour in administering admission arrangements

Likewise, any case for closure must be robust and in the best interests of educational provision in the area. This could include the equity argument that it will lead to the overall educational resources being shared more equitably across all schools and children, and so benefit the many against the few (there is no presumption in favour of or against the closure of any type of school, including rural schools).

Authorities do, however, need to consider means of reducing adverse impacts prior to bringing forward proposals for closure, and carry out an assessment to establish whether the case for closure outweighs other considerations. In addition, where it is not practicable for a single authority to sustain a secondary school, it may be worth considering if cooperation with another authority could ensure continuity for pupils between the primary and secondary phases – this is particularly important where there is a need to expand Welsh-medium provision in the primary phase

The authority will also need to consider the effect of options on:

- the Welsh language, where a school affected is Welsh-medium or bilingual – this will involve the preparation of a language impact assessment, and where the options will require pupils to access alternative Welsh-medium places, the school should be within a reasonable travel distance and offer at least equivalent standards and opportunities for progression in the Welsh language
- local families and the local community – this will involve the preparation of a community impact assessment, including how any community facilities and engagement offered by schools (such as pre-school and post-school activities) could be maintained
- corporate policies (for example, social regeneration, community cohesion, the integration of children's services and sustainability)



- the effect on the standard of nursery provision, and the number of under-fives with sufficient exposure to the Welsh language to enable them to make confident choices to continue to learn through the medium of Welsh
- the delivery of the Foundation Phase, and the desirability of further integrating early years education and childcare services.

### **Criteria, principles and objectives for determining a school organisation**

These could include the following.

#### **Matching the number and location of school places with demand**

- Is there a need to remove surplus places, and/or close/amalgamate schools? This will be especially important where individual schools have significant levels of surplus places requiring significant investment, or have a catchment area that is unlikely to provide sufficient numbers of pupils to make it sustainable for the future.
- Is there a need to add places or open new schools?

#### **Schools having appropriate age ranges, including sufficient 16–19 places, either on school sites or tertiary/FE/sixth-form colleges**

#### **Schools providing education of a good standard, as evidenced by Estyn reports and other measures of performance**

#### **An appropriate balance of Welsh-medium education and schools with a designated religious character**

- This is particularly important when deciding on proposals to close such schools.

#### **Location of schools in relation to the communities and the catchment areas they serve**

- This will support regeneration programmes and maximise potential links and engagement with the community.
- This is particularly important for rural schools, which are often a vital focus for the local community.

#### **Schools being within reasonable travelling distance/journey times of pupils' homes, particularly in rural areas**

- Careful consideration should be given to possible transport difficulties and the effect on pupils' engagement with and attendance at school, for example, assess likely walking or cycling routes for safety and accessibility, the welfare of children if journeys one-way would exceed 45 minutes for primary pupils or one hour for secondary pupils, the recurrent cost of transporting pupils to schools further away, and the Welsh Assembly Government objectives to reduce traffic congestion and carbon emissions and promote alternatives to the car.

#### **Improving appropriateness/accessibility of school sites and removing split sites**





### **Using surplus accommodation to improve community use**

**Where schools are needed to serve a specific community, securing that admission arrangements in the wider area do not encourage drift of pupils**

#### **Ensuring the most effective SEN provision**

- Whether this be in mainstream schools, specialist resource bases attached to mainstream schools, or special schools, this must take into account access to the curriculum, physical access to school premises and the likely impact on other services provided for pupils with disabilities and/or SEN.

#### **Ensuring value for money**

- This includes taking into account whether any capital investment would be required to bring the premises up to a suitable standard for the delivery of the curriculum. For example, it might be feasible and economical to co-locate local services within a school or to provide services to the community by using parts of school premises so as to offset the costs of maintaining a school.

#### **Supporting sustainability principles and good practice**

Using a matrix to score each option against agreed criteria/principles/objectives can often help show the interacting factors, and so help clarify the reasons for selecting particular proposals.



## 5 Consultation

### 5.1 Who should be consulted?

Key consultees are:

- headteachers, school staff and governors
- pupils, parents and the local community
- other schools that could be affected
- trade unions and professional associations
- neighbouring local authorities.

Some of the other consultees could include, where appropriate:

- FE and HE
- dioceses
- Welsh Language Board for proposals involving relevant schools
- health services
- Disability Discrimination Act (DDA) representatives.

### 5.2 Early consultation at the formative stage

Consultation needs to take place with all interested parties while proposals are still at a formative stage, so as to find out views and aspirations for future educational provision in the area well in advance of publication of the statutory proposals. The Welsh Assembly Government would normally expect such consultation to take place during the 12 months before statutory proposals are published. (Where a new school is proposed and the prospective proposers are not a LA, they are expected to discuss their intentions at an early stage with the LA that would maintain the proposed new school, that is, before consultation takes place. If the LA does not support the proposal, it does not prevent the promoters from publishing their proposals, but it will be a factor considered by the Welsh Ministers, if the proposal attracts objections, or if the proposal is 'called in' for determination by the Welsh Ministers.)

In addition, if headteachers and governing bodies are involved from the beginning and can be convinced of the need for change, they will be more willing to take a lead and work together for the common good of schools and their pupils. Therefore, if possible, it is advisable to have confidential and frank discussions with headteachers and governors early on. It is also advisable for the level of agreement achieved at this stage to be well documented, as support for an idea in principle may not be maintained when the implications for individual schools become clear.

The consultation should take into account:

- the range of stakeholders with different specialist knowledge and priorities, variable understanding of the totality of the task in hand, and differing, and often incompatible, beliefs, expectations and objectives



- that different stakeholders are involved and affected at different times throughout the process
- the complex and unequal relationship between the different stakeholders
- that people's reaction to the proposed changes is influenced by previous events and experiences (previous successful school reorganisations can provide a persuasive argument for change).

A difficult but necessary objective at this early stage is to focus on the problem to be solved and avoid jumping too quickly to discussion of preferred solutions. The aim should be to restrict discussion to identifying a range of possible ways forward. The authority may, however, wish to give an idea of the type of changes to schools that are being considered, as schools and the public justifiably want to know the possible implications for their school. For example, consultees will often have a number of practical concerns, such as travelling distances to proposed schools, transport and parking arrangements, sizes of schools, how classes will be organised, the quality of alternative schools proposed, potential disruption to children's education, future employment of staff, the school's facilities (for instance, will the school hall be big enough?) and loss of community facilities.

They may also be concerned about the implications of the proposed reorganisation for admission arrangements and any school catchment areas. This can be almost as contentious as closing/amalgamating schools. It would, therefore, be wise to consult parents, as well as schools, on possible changes to catchment areas before the statutory consultation on changes to schools. This is because it is not possible to change one catchment area without affecting other schools, which may otherwise be perfectly happy with the school reorganisation proposals. The net result is that it becomes extremely difficult to change what is proposed for the catchment areas, no matter what the outcome of the statutory proposal is.

### 5.3 Consultation on proposals with a view to publishing statutory notices

Once a decision has been taken to consult on proposals with a view to publishing statutory notices, relevant parties should be informed and, where applicable, invited to consultation meetings. At least one month, and preferably more, should normally be allowed, following the circulation of the consultation document, for written responses to the option or options to be made. Where no prior consultation has taken place, a period of two months might be more appropriate in order to give relevant parties adequate time to respond. It is important, during consultation, to inform relevant parties as to the appropriate time to make their views known. The question of whether time allowed for consultation is adequate can be a matter for the courts to decide, and there are circumstances of particular urgency which might lead to consultation times being curtailed.

The production of a timeline or a flow chart, describing the process of statutory proposals can be drawn up and used to inform the public. A sample flow chart has been provided in Appendix 4, which can be adapted for individual proposals.



It is also important to emphasise the following points.

- Where statutory proposals to reorganise schools result from strategic reviews into school provision, the consultation undertaken as part of such strategic reviews is not a substitute for the formal consultation necessary on individual proposals prior to decisions being taken to publish notices.
- There is no requirement to consult on a single preferred option and if a range of options are genuinely under consideration, it is important to seek views on all of them.
- Where a number of options have been discussed and the authority has not already identified a preferred option, it might be appropriate to carry out a further consultation on the preferred option.
- If there is a preferred option, this should be clearly identified so as to enable consultees to focus on it, taking care to avoid an impression that the Council has decided the outcome in advance – if a fully worked-up proposal is presented, critics may complain that they were not consulted at an earlier stage when proposals were still being formulated, and those who disagree with the proposals may protest that the consultation is a sham and the outcome is already a ‘done deal’. This can be grounds for judicial review, and there are examples of authorities having to re-run an entire consultation process simply because a consultation paper looked like the announcement of a decision.
- If a clear preferred option seems to be the only sensible way forward, it is unwise to float unfeasible possibilities, simply to avoid the appearance of prejudging the outcome.
- If possible, and bearing in mind the need not to prejudge outcomes, parents should be given a general idea of how a proposal would be likely to be implemented and any necessary transitional arrangements that would be employed if the proposal were to proceed.
- If, in the course of consultation, a different option should emerge and the Council is persuaded to pursue it, it will be necessary to undertake a new formal consultation on that particular option – it is, therefore, advisable to ensure that any option that has a reasonable prospect of turning into a firm proposal is included in the formal consultation.

## 5.4 Consultation plan

Authorities use a number of approaches to consultation, but the two key ones are consultation documents and consultation meetings. However, it is important to emphasise that:

- it can be difficult to prove the adequacy of consultation if no consultation document is produced
- invitations to consultation meetings need to be very clear so as to ensure that relevant parties engage in the consultation.

In addition, when developing these plans for consulting (with schools, parents, the wider community and other key stakeholders) – from the initial development of proposals to the implementation of any decisions – it can be helpful to the management of information throughout the process if these consultation



arrangements are set out in a plan that gives the key milestones, the arrangements for communicating with different stakeholders and the different methods that will be used as appropriate for each audience. In addition, an authority may wish to have a designated officer responsible for the production and management of this consultation plan (they would need some understanding of the legal framework for consultation on school reorganisation).

As part of this plan, there needs to be paper (hard copy) communication with schools and parents, giving the basic information required and alerting people to where they can access full documents, either in libraries, schools, council offices or through the website. The information supplied to consultees will of course depend on the complexity of proposals, for example, where consultees are being asked to consider transferring their children to a new or existing school building, they should have access to maps, plans or artist's impressions of what would be provided as a result of the proposals, particularly where changes would be made to school buildings.

Consultation documents will also need to be distributed and available at consultation meetings. They should invite comment on options, and explain how consultees can make their views known, ensuring there is adequate time for those being consulted to form a considered view. The documents should also:

- provide a summary of the proposals under consideration
- set out the problem that needs to be addressed and the reasons for the changes being proposed
- explain why the authority believes children will receive the same or better education following such changes, as compared with current educational provision
- give a balanced assessment of the benefits and drawbacks of the different options, putting forward these arguments in an even-handed way and backing them up with relevant, up-to-date data/information
- provide sufficient information and detail on the specific proposals, leaving the recipients in no doubt as to the potential effects of proposals on named schools, and covering:
  - the schools to which changes are proposed, or that would be affected by these proposed changes, including Welsh-medium schools or schools with a designated religious character
  - existing schools' current number on roll, capacity, condition and projected pupil places needed
  - the geographical area covered
  - the types of changes being considered, such as expansions, closures amalgamations, new schools, etc., giving proposed capacity, location and age range of the schools
  - any transitional arrangements
  - facilities to be provided at any alternative or new school and the costs of building work required to implement the changes, and sources of capital funding, including potential capital receipts



- potential revenue costs and savings (even if redirected to other schools' budgets)
- any changes to statutory transport arrangements and admission arrangements
- set out the stages and timescales of the different processes involved (for example, council reports/decisions and publication of statutory notices) so that all interested parties can understand who decides what and when, as well as when they can take part in discussions/meetings as appropriate
- set out timescales for implementing proposed changes to individual schools
- be easily understandable and accessible.

A suggested outline for a consultation document is given in Appendix 6. In addition, a summary consultation document can provide a useful focus for discussion at consultation meetings, and can be used as part of the evidence of consultation required by The Education (School Organisation Proposals)(Wales) Regulations (National Assembly for Wales, 1999). It can be reviewed and revised later to form the basis of the statement of case, which is required to be submitted to the Welsh Assembly Government once proposals are published.

However, it is also important to consider the use of websites. These can enable people to access other council documents/reports and guidance and to interrogate to the level of detail that they need, especially if there are Frequently Asked Questions (FAQs) that are regularly updated. They can also provide schools and the public with the opportunity to ask questions or set out their views. These websites also offer an easy way of informing schools and the public of progress with the consultation or implementation of school changes, and when new reports are issued or when decisions are taken.

### **Recommendations based on evidence from what LAs have found to work well**

- Avoid consulting with a blank sheet of paper – instead, consult initially on the broad issues and principles and then consult on a range of options, showing the potential implications for individual schools.
- Anticipate and respond to parental concerns about proposed changes, for example: Will the school hall and playground at an expanding school be big enough? Will there be sufficient pupil places at receiving school?
- Be open in response to schools' and parents' views and requests for information. Where additional requests for information or concerns are raised, respond to these positively.
- Ensure parents and schools understand the practical implications and consequences of the policies and principles underlying the proposed school reorganisation.
- Ensure thorough documentation of the process and keep clear records of views received.



- Make sure in the final stage of formal consultation that the council's preferred option for each school is made clear to parents and schools, so that they can put forward any counter-arguments to this, as well as offer alternative proposals they would like the Council to consider.
- Present specific benefits/possibilities in relation to accommodation and facilities, as this will encourage support from staff, pupils and parents to proposed changes.
- Plan ahead for PR and effective working relationships with the local media.
- Provide clear explanations of the authority's decisions, giving full acknowledgement and value to all views expressed, and an explanation of why some views were discounted.

## 5.5 Publishing proposals

Once the deadline for responses to the consultation has passed, a summary document has to be prepared, setting out the responses received (this document can be submitted to the Welsh Assembly Government, if publication follows, together with the consultation document as part of the evidence of consultation).

The authority has to prepare a sufficiently detailed account of their response to consultation, and demonstrate how, when reaching a decision, they have taken into account the views expressed during consultation. The timetable, therefore, needs to provide sufficient time for considering the feedback from the consultation prior to deciding whether to proceed to statutory notices.

Such decisions should be taken in the light of local circumstances, bearing in mind the need to ensure fairness. If the consultation throws up strong objections or genuine reasons to rethink, a choice has to be made between persisting with proposals that may well be flawed and reopening the formal consultation. If the authority decides not to continue or that appropriate action does not need the publication of a statutory notice, the process goes no further. Of course, in the course of consultation, a new option might emerge which the proposers wish to consider. It is normally appropriate to consult afresh on this option before a decision is taken to publish proposals.

Objectors often seek to muster a large body of public opinion against a proposal. However, a consultation is not a referendum. Strictly, the decision should not be bound by the result of a popular vote – this is only one of the factors that have to be taken into account in reaching the decision. The cogency of the reasons advanced during the consultation is more important than the number of people putting them forward. Thus, a 100-signature petition saying, in effect, 'we don't like this' may carry less weight than a single letter that exposes a genuine flaw in the proposals. In reaching a decision, it must be possible to show, if challenged, that all relevant issues that emerged during consultation have been considered. It may be judged that the views expressed are unpersuasive, but these views cannot be wilfully ignored. The decision must be taken on the merits of the case in the light of all the evidence.



In addition, when the decision on proposals is to be taken, the adequacy of consultation often emerges as a bone of contention. The law requires 'the views of interested parties' to be taken into account, and if there has been inadequate opportunity for those views to be expressed, the process is flawed. The Minister could reject a proposal because the consultation was inadequate or seriously flawed.

Once the authority does reach a decision on whether and what changes it wants to pursue, notices must be published according to a specified format in a newspaper circulating in the area (see Appendix 7 and refer to *The Education (School Organisation Proposals)(Wales) Regulations 1999* as amended) (Welsh Assembly Government, 2004).

Once proposals have been published, **there is no further opportunity for consultation**. The term consultation only applies to the period before final decisions are made to proceed to publish a proposal. The two months available following publication are to enable statutory objections to be made and should never be referred to as the consultation period. Consultees should be advised that comments made during the consultation period will not be treated as objections, and that if they wish to object they need to do so **in writing** during the statutory objection period.

Consultees should be told where notices will appear, when publication is likely and in what newspaper they will be published. Every effort should be made to ensure that interested parties who have expressed opposition or concern during the consultation period are made aware when the statutory notices are published.





## 6 Decision making

Statutory proposals to reorganise school provision come to the Welsh Ministers for determination mainly where such proposals attract objections or where the Welsh Ministers call in the proposals. The Welsh Ministers may:

- approve the proposals
- approve the proposals with modification
- reject the proposals
- give a conditional approval, which becomes a final decision once action to meet the condition has been taken to Ministers' satisfaction.

The Welsh Ministers normally look to issue a decision within six to seven months of the date on which the proposal is published. However, before modifying a proposal the Welsh Ministers must consult those who published the proposals and, in some circumstances, the LA and governing body. They cannot modify a proposal in a way that would in effect substitute another proposal for the published one.

If those who published the proposals wish to change proposals in a way which goes beyond the discretion of the Welsh Ministers to modify the proposal, they need to withdraw the proposal and publish new proposals. In such circumstances there must be fresh consultation with interested parties and a notice must be placed in the local press.

A decision letter, giving the Welsh Ministers' reasons for the decision, is sent to the person or body who published the proposals and copied to the LA or governing body as appropriate. It is also copied to each of the statutory objectors except where objectors are signatories to a petition, in which case a copy is sent only to the person who submitted the petition. If a school is to be closed, the Welsh Ministers will normally give a decision at least one term before the closure is to be implemented.

The decision letter and the statement of information presented to the Welsh Ministers as the basis for the decision are published on the Welsh Assembly Government website at [www.wales.gov.uk](http://www.wales.gov.uk), normally two days after it is issued to interested parties. Each case is judged on its merits.



## 7 Implementation

The areas that need to be covered when planning for implementation of the decisions are set out in Table 7.1.

**Table 7.1 Areas covered in planning for implementation**

| Key areas                                | Points for consideration  |
|--|---|
| Impact on admissions and catchment areas | <ul style="list-style-type: none"> <li>• How schools will be supported if pupil numbers decrease as a result of the review and outcome of statutory proposals</li> <li>• Possible changes to catchment areas, where these are used by the authority (changes to catchment areas will require a separate consultation) and potential implications for transport</li> </ul>                           |
| Buildings and resources                  | <ul style="list-style-type: none"> <li>• School design and building work for schools, and any temporary arrangements before building work is completed</li> <li>• Changes to school capacity</li> <li>• How resources from closing schools will be reallocated</li> <li>• Financial implications (revenue and capital)</li> </ul>   |
| Staffing                                 | <ul style="list-style-type: none"> <li>• Arrangements for redeploying staff and supporting staff through the transition period</li> <li>• A staffing protocol</li> <li>• Support for staff, including proposals for continuing professional development (CPD) and change management support programmes, so as to ensure the continued focus on improving educational outcomes for pupils</li> </ul> |
| Transition                               | <ul style="list-style-type: none"> <li>• How children will be supported with transfers to new schools</li> <li>• The Council's approach to potential 'planning blight', where schools are being considered for closure</li> <li>• Interim and temporary governing body arrangements</li> </ul>  |



## 8 Support for schools and change management

[The capacity to plan for and manage a complex change like school reorganisation] *is likely to be inherently restricted because so many factors are beyond an individual's understanding [or] control. Hence the importance of preparation and, particularly, of pooling understanding from different stakeholders' viewpoints.*

(Pocklington and Wallace, 2002)

There are various causes for resistance to change, for example:

- parochial self-interest
- misunderstanding and lack of trust
- different assessments of the situation
- low tolerance for change.

It is, therefore, important to recognise that any organised opposition group may not play by the rules, and to anticipate negative spin and misinformation (this may be deliberate or inadvertent but the effect is the same). In addition, inviting the media in at the outset to explain what is happening, and keeping them informed throughout, will help establish the correct information, thus avoiding the need to correct damaging stories after they have appeared.

### Key success factors

Experience from elsewhere suggests that key success factors in managing change are:

- strong, high-profile leadership from the LA
- informing and involving elected members throughout the process
- recognising governing bodies as major stakeholders in the process
- having sufficient officer resource (in terms of seniority, technical expertise and time) to support members and the overall process
- undertaking the review as sensitively and speedily as possible, in recognition of the stress and disruption it can cause to pupils, parents and staff
- providing effective support to school staff and minimising disruption to children's education through any period of change
- working closely with the unions on determining a redeployment policy and on support for school staff
- agreeing a redeployment policy as soon as possible
- assigning officers to provide support, guidance and counselling for school staff
- developing CPD opportunities and school effectiveness initiatives that will support recruitment and retention, as well as ensuring a continued focus on improving standards
- where school amalgamations are involved, developing, encouraging and/or supporting joint training and activities between the schools.



The authority, therefore, needs to think about and be planning for implementation prior to initiating the consultation process – indeed, many of the questions that people ask during consultation relate to the transition period and implementation of changes, including the cost of implementation (capital and revenue).

Providing support and information to governors, headteachers and school staff throughout the process will enable them to handle queries and concerns, including those relating to human resource issues, transition arrangements, building design, etc. As part of this, it is key to address school staff's concerns about their future employment, arrangements for staff redeployment and how they will be treated during the reorganisation as early as possible in the process, in order to:

- minimise potential anxiety and uncertainty for staff
- ensure effective, fair and consistent arrangements for the appointment of staff to new schools
- maintain staff morale throughout the process of consultation on, and implementation of, any changes
- ensure a smooth transition during the period of change.

The approach an LA takes to supporting staff and enabling them to find new posts within other schools will be a key determinant of staff morale, and will, therefore, have a direct influence on school standards, both throughout the period of consultation as well as after changes have been implemented. These procedures should also be discussed with and agreed by the Council, especially given the potential financial and human resources implications.

Developing such a protocol for staff redeployment is time-consuming and requires detailed discussions and consultation with professional associations and trade unions, as well as headteachers and governing bodies. Care also needs to be taken that this protocol is not interpreted as the Council prejudging the outcome of the consultation. This will, therefore, involve a lengthy and most probably iterative process of consultation, and it may need to run alongside the initial informal consultation on proposed changes.

Governing bodies' formal agreement to the staffing protocol/procedures will be required, including temporary governing bodies where and when these are set up. If, however, the local authority can give reassurance that they will seek to appoint governors from those of existing schools, then it is more likely that the temporary governing bodies will make a commitment to the staffing protocol.

Historically, where an amalgamation is to take place, a common approach has been to close both schools and open a new one. This places all staff on a level playing field in the competition for new jobs. However, the same end result can normally be achieved by closing one school and changing the size/age range of the other. But whilst this can simplify the statutory proposals, it can create other problems for staff management.



## Staff redeployment protocols

Typical issues covered include:

- safeguarding as far as possible the interests of existing staff
- appointing headteachers to new schools
- developing staffing structures for new schools
- how staff will be informed about posts available in new schools
- how they will be considered for these posts (this often involves use of one application form for posts they would like to be considered for in the new schools, thus avoiding staff having to make multiple applications)
- using 'slotting-in' or 'ring-fencing' arrangements for particular posts instead of wider selection procedures
- the selection processes (where possible, the temporary governing body's representatives should involve governors from the outgoing schools)
- advice available from designated personnel officers
- counselling support
- salary safeguarding/additional transport costs
- avoidance of compulsory redundancies.



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## Appendix 1

### Legislative and policy context for school reorganisation

*The Learning Country: Vision into Action* (Welsh Assembly Government, n.d.) envisaged that, where there was a sharp decline in pupil numbers, LAs would develop plans for capital investment which would deliver sustainable, community-focused schools to a 21st century school standard.

LAs are also required to:

- meet expressions of parental preference for compulsory school-age provision so long as that is compatible with the cost-effective provision of education
- take account of its Welsh Education Scheme and relevant all-Wales language strategies and plans in developing proposals for the closure, opening and alteration of Welsh-medium or bilingual schools in its area
- so far as it is practicable, aim to meet parental demand for Welsh- or English-medium teaching.

Indeed, the measuring of demand for Welsh-medium education should be part of the school planning process, particularly in LAs where less than 20 per cent of the local population speaks Welsh, and proposals should be informed by measures of demand based on local surveys or other local sources.

In some cases, LAs will be able to address the projected need for places/schools by adjusting the schools' admissions numbers or catchment areas, alongside either adding/removing accommodation or reusing surplus capacity for other purposes. However, in other cases, it may be necessary to undertake statutory procedures, which include consultation and the publication of statutory proposals, on changes to school organisation.

The main powers for authorities to undertake statutory procedures and make substantial changes to schools derive from:

- the *School Standards and Framework Act 1998* (referred to hereafter as the 1998 Act)
- the *Learning and Skills Act 2000* (referred to hereafter as the 2000 Act)
- the *Education (School Organisation Proposals) (Wales) Regulations 1999* (as amended)
- the *Education (Maintained Special Schools) (Wales) Regulations 1999*
- the *Change of Category of Maintained Schools (Wales) Regulations 2001* (as amended)
- the *School Organisation Proposals by the National Assembly for Wales Regulations 2004* (as amended).

The governing bodies of voluntary schools also have powers to make certain changes to their own schools.

This legislation and the regulations determine which of the proposed changes to schools require publication and specify the procedures for consultation, publication, the making of objections and the determination of such proposals.



In particular, the *Welsh Assembly Government Circular No. 021/2009* provides the framework within which LA proposals for school organisation should be developed, given that LAs will also take into account their local knowledge and the varying nature of their communities when developing their proposals. The guidance in this Circular applies to community, voluntary, foundation and special schools, and sets out:

- the policy context and general principles, policies and issues which have a bearing on reviewing the provision of school places
- the factors that need to be taken into account by those bringing forward proposals to reconfigure schools
- the criteria that the Welsh Ministers will apply in reaching decisions on proposals that come to them for determination.

LAs are also expected to assess the contribution that proposals could make to the *Learning and Skills (Wales) Measure 2009*, and to prepare proposals in the light of the Transformation policy, the *Learning and Skills (Wales) Measure 2009* and any successor policies.

Although LAs do not have powers under the 1998 Act to make proposals for sixth-form reorganisation in respect of VA schools, Welsh Ministers have indicated their intention to delegate their own powers to alter post-16 provision at VA schools, which derive from the 2000 Act, to LAs if the need arises (to be decided on a case-by-case basis).

There is also a requirement in the *Learning and Skills (Wales) Measure 2009* that those responsible for forming local curricula must promote access to and availability of Welsh-medium courses in post-14 education, and LAs will need to consider whether increased collaboration between Welsh-medium providers across county boundaries would promote learning opportunities for the 14–19 age group.

LAs also have to:

- give due regard to the provisions of the *Special Educational Needs and Disability Act 2001*, which prevents discrimination against disabled people in their access to education. The duties provide protection for disabled pupils by preventing discrimination against them at school on the grounds of disability
- have regard to National Assembly for Wales Circular No. 15/2004: *Planning to Increase Access to Schools for Disabled Pupils*, which contains guidance on the duties placed on LAs as a result of the Disability Discrimination Act 2002.
- consider the general duty (set out in the Disability Discrimination Act 2005) on public authorities and schools to actively promote equality of opportunity between individuals with disabilities and other people and in particular the emphasis placed on the anti-discrimination rights for disabled people in terms of less favourable treatment or failure to make a reasonable adjustment.

In addition, LAs are required to promote equality and prevent discrimination and harassment on the basis of race, disability and gender, and to undertake impact assessments to ensure that as far as possible, any negative consequences from actions are eliminated or minimised and opportunities for promoting equality are maximised.



An Equality Bill was introduced in the UK Parliament in April 2009 which, if enacted, will give powers to the Welsh Ministers to impose specific equality duties on public authorities in Wales. It is intended that the new equality law will harmonise and strengthen UK discrimination law. LAs will need to have regard to any resulting changes to equality law, and in providing school places, LAs should aim to promote equality of opportunity for all pupils.

LAs are also expected to seek to apply the principles of the Human Rights Act 1998 and in particular have due regard to Article 14 on the prohibition of discrimination in the enjoyment of the Convention Rights and Article 2 of Protocol 1, on the right of access to education. In addition, they should have due regard to the principles of the Welsh Language Act 1993 and to the ratified paragraphs dealing with education of the European Charter for Regional or Minority Languages.

Finally, the *Sex Discrimination Act 1975* (notably in sections 22 and 23) means LAs need to:

- ensure that any single-sex provision is made available in a way that does not result in unlawful discrimination
- have regard to sensible local planning and to the admission framework under the 1998 Act, rather than securing rigid numerical parity of places for boys and girls.

All statutory proposals to reorganise school provision come to the Welsh Ministers for determination where such proposals attract objections or where the Welsh Ministers call in the proposals under paragraph 8(1)(a) of Schedule 6 to the 1998 Act. Some types of proposals automatically need the approval of Welsh Ministers, regardless of whether there have been objections. Each case is judged on its merits, taking into account the factors set out in Appendix 2. In all cases the Welsh Ministers make the decision on the basis of advice from officials.

The Welsh Ministers are also responsible for issuing guidance on the procedures for publishing, deciding and implementing statutory proposals for changes to schools, including changes to post-16 provision.

The procedural guidance is currently set out in the National Assembly for Wales *Circular 9/99 'School Standards and Framework Act 1998: Organisation of School Places'* and *Circular 48/2004: Guidance accompanying the school organisation proposals*, by the National Council for Education, and Training for Wales Regulations 2004. These procedural guidance documents are due to be replaced in the near future.

It is also expected that LAs have Asset Management Plans, including Education Service Asset Management Plans which set out school property held or maintained by an LA. *The Education (School Premises) Regulations 1999* set out the standards for school premises, including minimum areas of team-game playing fields to which schools must have access. Whilst statutory proposals should ensure that these standards are met, section 543 of the *Education Act 1996* (as amended by paragraph 159 of Schedule 30 to the 1998 Act) empowers the Welsh Assembly Government, in certain circumstances, to relax the prescribed standards. *Welsh Office Circular 15/99* provides further guidance on this. In addition, LAs will need to refer to relevant Building Regulations and associated Building Bulletins.



## Appendix 2

### Remit for a Project Board

The Board's terms of reference should be formally approved by the Council. These terms of reference should state the Board's membership, its reporting mechanisms, links with other bodies (for example, stakeholder groups) and how often the Board should meet (at least monthly). They should also cover the Board's responsibilities, such as:

- setting out the key objectives of the project
- developing and regularly reviewing the Project Plan so as to ensure all workstream plans remain aligned with the ultimate delivery of the project (the detailed project plan should identify the key milestones and deliverables to be achieved, and form the basis of regular reports to the Project Board on the progress of the project)
- considering the Project Director's regular report to the Project Board (this should include spend against the project management budget, which should conform to the authority's corporate arrangements for budget management and reporting)
- ratifying the Project Team's decisions at key stages
- managing the interface with members
- making recommendations to the Council on key decisions
- setting the priorities and criteria for determining the scope of any investment in building works and overall expenditure on individual school projects
- monitoring key risks and actions to mitigate them as part of an overall risk management strategy (the risk register must be regularly updated and revisions approved by the Board) – the risk register will identify who is responsible for the management and mitigation of risks, and the Project Board should receive monthly updates on key risks
- approving the communications plan/ consultation strategy.

The terms of reference for the Project Board should clearly set out the levels of delegation in place to ensure that the project progresses effectively and efficiently.



## Appendix 3

### Examples of risks and mitigation

Table A3.1 summarises some of the key issues and problems faced by LAs undertaking school reorganisation and provides examples of solutions that have been found to work or at least minimise the negative impact.

**Table A3.1 Examples of risks and mitigation**

| Potential Risks  | Mitigation   |
|--|--|
| Lack of political support                                      | <ul style="list-style-type: none"> <li>• Ensure commitment from the political leadership to the review is given at the beginning, with agreement to the process and action plan, preferably decided by the Council.</li> <li>• Inform and involve elected members at every stage of the process, including the consultation.</li> <li>• Include opposition members and local Assembly Members/MPs at an early stage.</li> </ul>  |
| Lack of support from key partners                              | <ul style="list-style-type: none"> <li>• At the beginning, meet with key partners such as the dioceses to discuss the plans and involve them throughout the process.</li> <li>• Offer to attend meetings with other key organisations, such as district councils, to explain the proposals, and seek their support in undertaking the review.</li> <li>• Do not forget to have meetings with Planning Departments early on.</li> </ul>   |
| Lack of leadership at authority level                          | <ul style="list-style-type: none"> <li>• Ensure chief officers and elected members of the authority have a high-profile involvement in the process and provide effective leadership.</li> <li>• Involve headteachers early on, perhaps through initial confidential meetings about what is being proposed.</li> </ul>  |
| Lack of robust management and governance arrangements/capacity | <ul style="list-style-type: none"> <li>• Have clear and agreed systems for project management and governance.</li> <li>• Employ additional staff to undertake specific tasks and provide specialist skills or back-fill existing staff who can then focus on the school reorganisation.</li> <li>• Set up officer groups to manage different aspects of the project.</li> <li>• Include headteachers in these groups where possible and where appropriate.</li> <li>• Fully involve and consult the unions from the outset.</li> <li>• Think through all the possible risks that could derail the process and work out how to mitigate these.</li> </ul> |
| No agreement on underlying principles and rationale for change | <ul style="list-style-type: none"> <li>• Set out principles for underpinning the school review and the rationale for change at the beginning, followed by widespread consultation.</li> <li>• Include improving standards and children's educational experiences within these principles/rationale.</li> </ul>   |



**Table A3.1 Examples of risks and mitigation cont'd**

| Potential Risks  | Mitigation   |
|--|--|
| Lack of clarity about desired outcomes from the reorganisation   | <ul style="list-style-type: none"> <li>Clearly identify intended outcomes from the reorganisation, and link these to the consultation about underpinning principles.</li> </ul>  |
| Inadequate information   | <ul style="list-style-type: none"> <li>Work out all the information people may want to have well in advance.</li> <li>Use local members' knowledge to inform this.</li> <li>Have 'focus groups' to help in determining the information people may want.</li> </ul>   |
| Poor communication   | <ul style="list-style-type: none"> <li>Use all methods of communication: internet/website/email/newsletters/media.</li> <li>Take account of 'word of mouth'.</li> <li>Make it user-friendly and avoid jargon.</li> <li>Be straightforward, do not try to hide things or give the impression of doing so. Confront issues honestly and openly.</li> <li>Use balanced arguments, stating the pros and the cons of proposed changes.</li> </ul>   |
| Misunderstandings about the process  | <ul style="list-style-type: none"> <li>Describe the process of the review, consultation and implementation, including the political and decision-making processes.</li> <li>Keep updating people during the process, what's been achieved so far, any decisions that have been taken and why, when others are to be taken, with clearly set out next steps and timelines.</li> </ul>   |
| Interest groups dominating the consultation  | <ul style="list-style-type: none"> <li>As well as open meetings, offer people the opportunity to express their views or ask questions using email/website, by holding 'surgeries' in different locations where people or staff can have individual discussions with officers and members, and make sure these are held at different times to facilitate people's other commitments.</li> <li>Be clear about the scope of 'consultation' and avoid giving the impression that a 'popular decision' is being sought.</li> <li>Do not use terms such as 'referendum' or 'ballot' in connection with consultations.</li> </ul>         |
| Staffing issues: <ul style="list-style-type: none"> <li>– impact on recruitment and retention</li> <li>– poor staff morale and consequences for standards</li> <li>– distraction of reorganisation affecting staff's day-to-day work and quality of educational provision</li> </ul> | <ul style="list-style-type: none"> <li>Work closely with the unions on determining the redeployment policy and on support for school staff.</li> <li>Agree the redeployment policy as soon as possible.</li> <li>Assign officers to provide support, guidance and counselling for school staff.</li> <li>Develop CPD opportunities and school effectiveness initiatives that will support recruitment and retention, as well as ensure a continued focus on improving standards.</li> <li>Where school amalgamations are involved, develop, encourage and/or support joint training and activities between the schools.</li> </ul> |





**Table A3.1 Examples of risks and mitigation cont'd**

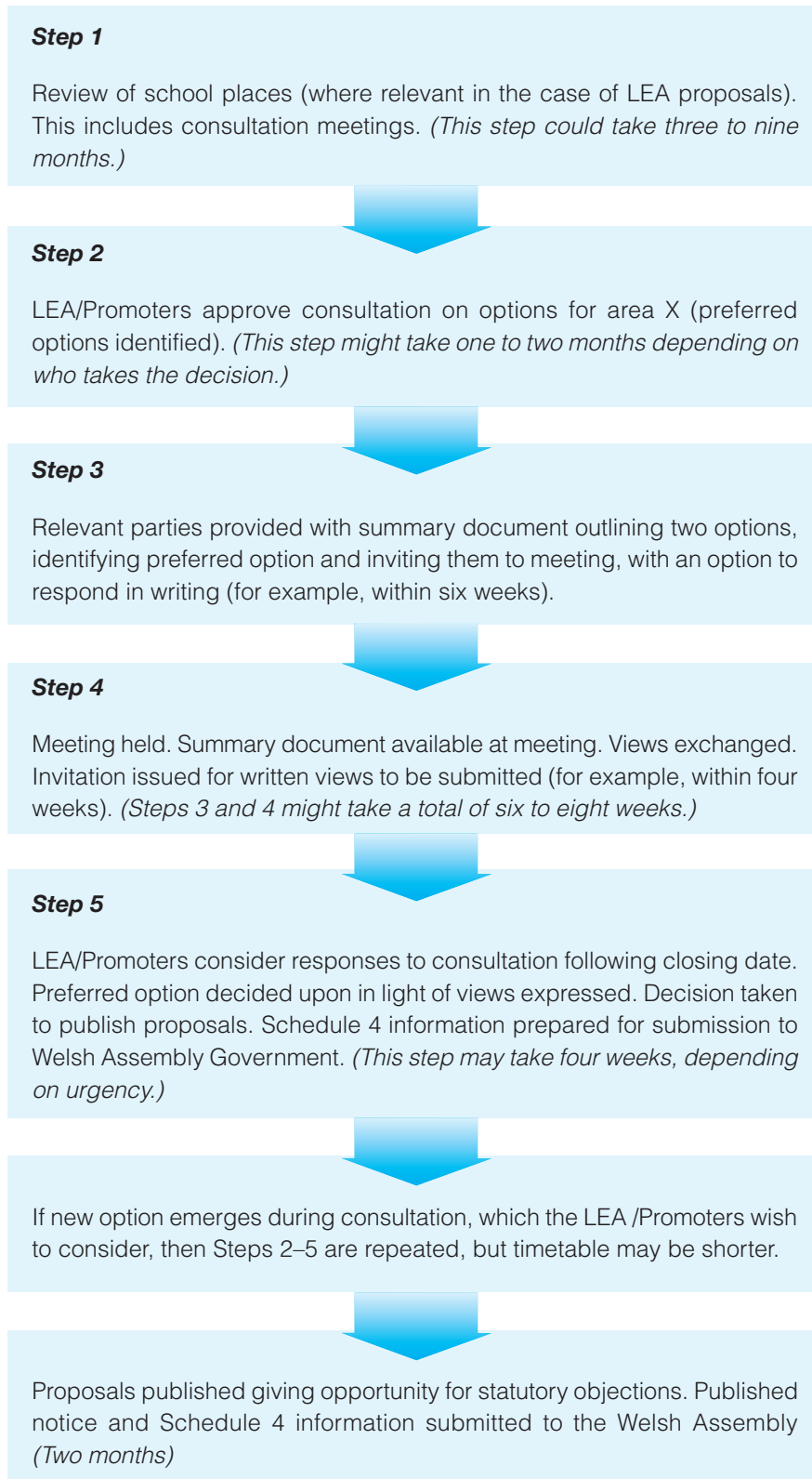
| Potential Risks      | Mitigation  |
|----------------------|---|
| Poor PR in media     | <ul style="list-style-type: none"> <li>• Invite the media in to explain what is happening at the outset.</li> <li>• Keep them informed throughout. Recognise that any organised opposition group may not play by the rules.</li> <li>• Anticipate negative spin and misinformation. This may be deliberate or inadvertent but the effect is the same. It is easier to establish correct information first than to attempt to correct damaging stories after they have appeared.</li> </ul>  |
| Planning/site issues | <ul style="list-style-type: none"> <li>• Identify sites needed for new schools/relocated schools, and ensure sites are large enough where there is a proposed expansion.</li> <li>• Identify any planning issues and resolve them as soon as possible, gaining outline planning permission at the earliest opportunity.</li> <li>• Where there are land ownership transfer issues, identify any legal ownership issues and resolve them as soon as possible, especially where there are other/joint users who are on/have access to the site, for example, other schools, sports facilities or health.</li> </ul> |
| Funding issues       | <ul style="list-style-type: none"> <li>• Ensure capital funding is resolved before putting forward proposals.</li> <li>• Where funding is dependent on land sales, ensure these are promptly progressed or seek council agreement to providing the capital funding ahead of land sales receipts.</li> </ul>   |



## Appendix 4

### Illustrative flow-chart for statutory proposals

Figure A4.1 Statutory proposals: step-by-step process



If no objections are received, and proposal not called in for decision, LEA/Promoters determine proposals. *(Two months)*

In the case of objections to the LA proposals, the LA collates objections, responds and submits to the Welsh Assembly Government for determination. For other proposals, Welsh Assembly Government collates objections and requests promoters' comments. *(One month)*

Welsh Ministers determine proposals. *(Three months)*



## Appendix 5

### Pupil place planning

Whilst pupil place planning is more an art than a science, the rationale and assumptions underpinning the authority's projection of the need for school places will need to be made explicit and clear during a consultation on school reorganisation.

The data used to determine projected pupil numbers and school places required will be particularly open to challenge. It is, therefore, useful to check pupil data against the local knowledge held by schools (headteachers and governing bodies) and with other key bodies, such as neighbouring authorities, planners, health authorities and pre-school providers.

The Council will also hold different datasets that are important for informing projections and proposals for school places:

- population statistics
- admissions numbers and parental preferences
- pupil-led annual school census (PLASC) data and cohort survival rates
- schools' performance
- proposed changes to school size/admissions numbers/catchment areas/location/category
- building works affecting school capacity
- housing developments.

#### Datasets to be taken into account

These can include:

- birth rates
- data used for current and historical data on numbers of pupils on schools' rolls (set out in year groups), and thus showing cohort survival rates
- schools' admissions numbers and capacities
- current and previous years' statistics on parental preferences
- number/proportion of first, second and third preferences placed at each school, so highlighting oversubscription and undersubscription figures for schools
- housing developments
- planning permissions
- regeneration initiatives in the area
- destinations and numbers of pupils attending schools out of catchment/authority



- home authorities and numbers of children imported to the authority's schools
- pupil mobility
- school standards and popularity and any recent/planned changes to schools
- post-16 places and existing/projected numbers on roll
- level and type of projected SEN places required in specially resourced provision/special schools/pupil referral units (PRUs) and projected numbers on roll.

(It is recognised that some LAs may use different/additional sources of data than those set out above, for example, some use baptismal registers.)

This data needs to be analysed retrospectively in order to identify trends, and then used to predict forward for a number of years. However, planning pupil places needs to take into account other complicating factors, as set out below.

### Other factors affecting pupil place planning

These can include:

- unpredictable numbers of refugees, asylum seekers and families from Eastern European Union countries
- new schools being opened – this will impact on the popularity and places required at other schools
- capital investment being used by neighbouring LAs to increase or reduce places/schools will affect demand for places
- changes made to types/categories of school in order to improve choice (for example, where the balance of Welsh-medium schools or schools with a designated religious character is changed, it will affect popularity and projected places required at different schools)
- impact of rebuilding/remodelling schools on their popularity.

All the above factors need to be identified and judgements reached about how they may affect the need to increase/reduce places or number of schools. This requires local knowledge and intelligent interpretation of data. It is, though, possible to follow a process that ensures all factors are taken into account, and that as far as is possible, projections are based on sound data and analysis, alongside local knowledge.

### ***Process for predicting primary numbers and places required***

Many LAs use health authority statistics on live births/immunisation, and use data from previous years to determine likely child yield in reception classes as a result of numbers of births/immunisations recorded by the health authority. Some LAs use data they have on places they are funding in pre-school provision – this is easiest where the LA has a large number of its own nursery places (schools/units) – and calculate the likely transfer from pre-schools/nurseries to



their schools' reception classes, using historical data on transfer rates. The local authority then needs to:

- project places needed in each primary school for at least the next three years
- ensure projections take into account the existing Numbers on Roll (NOR) and places in schools, schools' admissions numbers, capacities and consequent surplus places or overcrowding in schools
- take account of any small- or large-scale housing and regeneration schemes (over and above that in previous years) – most LAs have child yield factors that they use according to the type of housing, for example, whether it is one bedroom flats, social housing, three-bedroom detached houses, etc.
- use local knowledge about popularity of schools, as assisted by analysis of data provided by the LA's admissions team on parental preferences for schools
- take into account changes to the LA's schools as a result of reorganisations, any relocations and/or adjustments to catchment area and admissions numbers, and any recent or planned capital works or temporary accommodation provided on school sites, all of which can affect both the places available and the popularity of a school
- take into account changes to neighbouring LAs' schools, including new schools and closures, which might impact on parental preferences and need for places.

### ***Process for predicting secondary numbers and places required***

The process of projecting secondary school places is very similar to that for primary schools. It is somewhat easier in that there are seven year groups of children already in the feeder primary schools, and there is historical data on cohort survival rates from primary to secondary school.

The LA's admissions team also has information on secondary school parental preferences. This can help detect any significant changes to the historical pattern of parental preferences and consequent transfers from primary to secondary schools.

But whilst previous patterns of parental preferences are usually a good guide to future patterns of demand, these can change in response to external circumstances, such as:

- changes in the perceived quality of particular schools can alter patterns of demand and flows across LA boundaries.
- changes in the wider economy can influence patterns of migration
- increased volatility in the world economy could cause fluctuation in overall demand for places.

The process of projecting the secondary school places, therefore, requires the following steps:

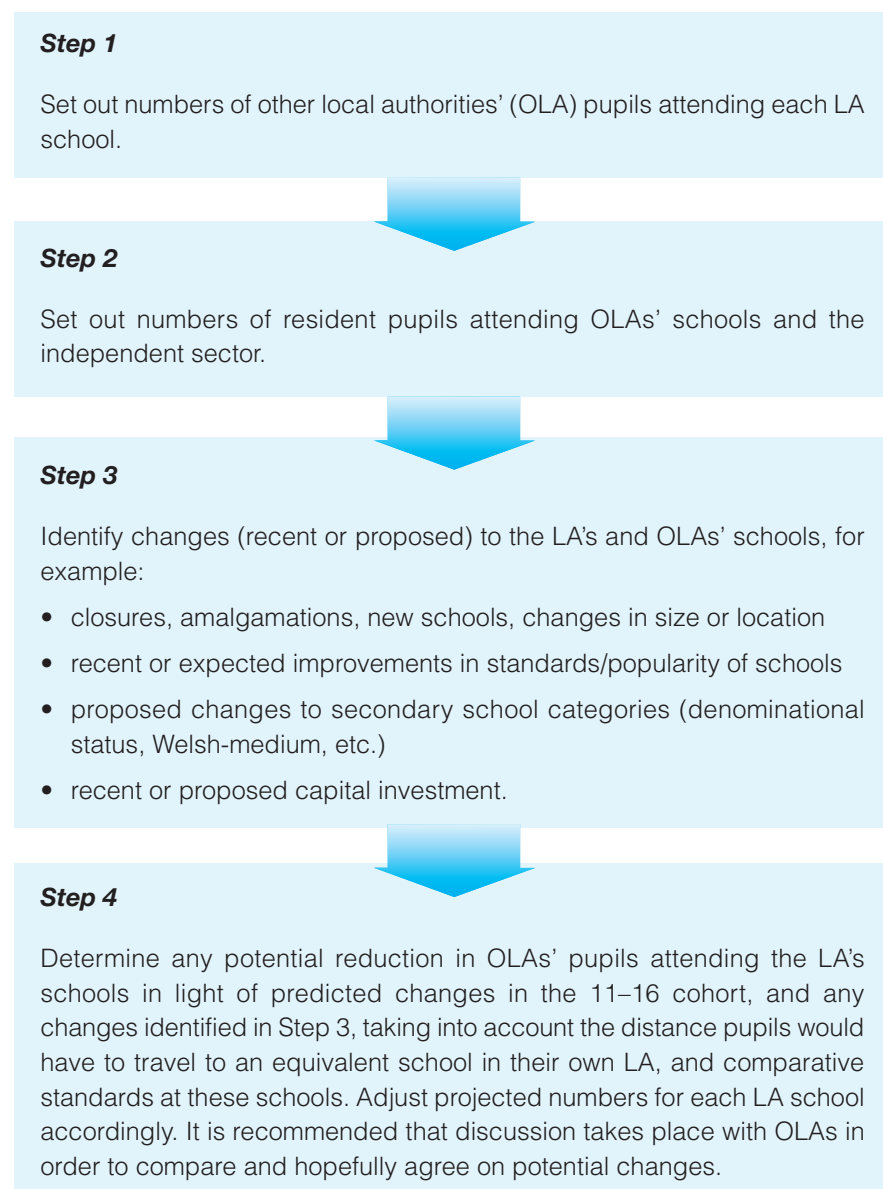
- project forward the number of children transferring to secondary schools, based on previous cohort survival rates (or use a similar data-based way of predicting numbers coming through to secondary)



- adjust numbers in the light of small- or large-scale housing and regeneration schemes (over and above that in previous years)
- adjust these predicted numbers in light of changes that can affect both the places available and the popularity of schools, for example, reorganisations, relocations, adjustments to catchment areas, admissions numbers and capacities, and recent or planned capital works or temporary accommodation provided on school sites
- take into account changes to schools, creation of new schools and closures of schools in neighbouring LAs, which might impact on parental preferences and need for places.

Changes in parental preferences for schools across borders with other neighbouring local authorities (OLAs) can sometimes be significant. Such changes need to be carefully estimated – a process for doing this is set out in Figure A5.1.

**Figure A5.1 Steps for predicting changes in parental preferences across local authority borders**





### **Step 5**

Determine any potential reduction in the LA's pupils attending the OLAs' schools in the light of predicted changes in the 11–16 cohort, and any changes identified in Step 3, taking into account the distance pupils would have to travel to equivalent schools in the LA and comparative standards at these schools. This will give an estimate of potential changes in the numbers of resident children who want a place in the LA's schools, identifying, where possible, how this might affect places required in schools with a religious character and Welsh-medium schools. Adjust projected numbers for each LA school accordingly. It is recommended that discussion takes place with OLAs in order to compare and hopefully agree on the potential changes.



### **Step 6**

The above may identify surplus places or a need for additional places. The LA then needs to determine whether it is feasible or practical to make changes to the number of existing/proposed places at their schools, or indeed whether it shows a need to change school categories (such as more or fewer places in Welsh medium or schools with a designated religious character) or the need for more/fewer schools. These changes may require statutory procedures.

### ***Process for predicting post-16 numbers and places***

Post-16 places may be provided by 11–18 schools, FE colleges and/or tertiary provision. This makes planning for post-16 places perhaps the most complicated aspect of pupil place planning, especially given the Welsh Assembly Government's expectation that unnecessary duplication of provision will be removed. It also involves taking account of the 14–19 collaborative arrangements in the area, so as to ensure sufficient places across the area's post-16 establishments, and a sufficient range of academic and vocational options of study and progression routes.

Given these complications, LAs have to work closely with schools with sixth forms and other post-16 providers (tertiary/FE colleges and workplace providers) in order to:

- work out the numbers of the LA's students staying on to post-16 places in their schools, taking account of the predictions they have made for the number of year 11 pupils in their secondary schools over the next 10 years
- predict the proportion of their own and OLAs' post-16 students in their school sixth forms, taking account of any changes/factors that might affect these.

### ***Process for predicting and planning SEN places***

When planning places for children with statements of special educational needs, it is important to involve and fully consult with schools, parents, neighbouring local authorities, social services departments, health authorities, voluntary sector agencies and all other relevant stakeholders in order to ensure appropriate



services for children with special educational needs. Effective joint planning secures much better use of available resources, and, through such collaboration, local authorities can make best use of specialist resources, overcome problems arising from limited capacity and provide integrated services for pupils.

Many LAs are already working towards the effectiveness of their local provision for children with statements of special educational needs, for example, many are:

- developing more specially resourced provision in mainstream schools
- supporting their special schools, both in catering for children with more demanding needs in the SEN spectrum and in creating centres of excellence for the support and provision of children with more demanding special educational needs.

The development of such local capacity will lead to a decrease in the need for children and young people to be educated far away from home, as well as have implications for the size of special schools.

The process of planning places will involve prediction of changes in need, such as an increase in live births and consequent greater need for severe learning difficulties (SLD) and profound and multiple learning difficulties (PMLD) places, and also the increase in the number of children identified as being on the autistic spectrum. Data held by health authorities and preschool providers, as well as the LAs' own Portage schemes, is critical to both medium- and long-term planning.

Before developing proposals for the LA's SEN provision, it is important to consider:

- whether all-age special schools or age-phased schools are required (transport costs would need to be estimated)
- the role of special schools, especially their potential for providing/being the centre of extended services in the area
- a trend analysis by type of primary need – complex, autistic spectrum disorder (ASD), PMLD and SLD – over at least three years to help project forward, looking at numbers in each year group, comparing this analysis to places available in special schools/specially resourced provision in the area
- the total provision for SLD/PMLD across the area compared to demand, so as to give a view on whether or not there is a shortfall of places in some areas, or a surplus in others, factoring in the overall increasing or declining population projections
- the Behavioural, Emotional and Social Difficulties (BESD) population and trends (including those not appropriately placed) and developing a continuum of provision for behaviour support across settings, PRUs and through multiagency developments
- whether, if there are very few children with very complex needs requiring special school type provision, these children's needs could be met through a specialist unit, through the LA entering into an Service Level Agreement (SLA) with another LA or through a contract with an independent special school.



Therefore, the basic process for predicting the need for SEN/PRU places involves:

- identifying the number of resident/OLA students in the LA's existing SEN provision
- identifying the number of PRU places that are needed
- identifying the number of LA's pupils with different categories of SEN attending mainstream schools' units or specially resourced provision in OLAs and/or the independent/non-maintained sector
- determining the likely impact of any projected decrease or increase in the school age population within the LA/area
- determining the likely impact of changes in level and type of SEN
- determining the likely impact on places needed in the LA's SEN provision as a result of changes in the LA's and OLAs' SEN provision.



## Appendix 6

### Outline example of a consultation document – for adaptation to suit individual proposals

#### ***Introduction – explanation of consultation exercise***

A meeting will be held on (date ahead to give sufficient notice) to discuss Early Years/Primary/Secondary school provision in the [xxxx] area. This could have an effect on [yyyy] school.

You are welcome to ask questions and let us have your views at this meeting or to put your response in writing. Letters of response should be sent to [name and address of the officer responsible for collating responses] by the [date for written response].

Your views will be collated and considered before a decision is made about the next steps. Your views will be taken into account by [for example, Education Committee, Cabinet] at meetings to be held on [likely dates] and a decision on whether proposals will be published will be made on [likely date].

#### ***Background leading to the consultation exercise***

School provision for this area is as follows (brief description, with reference to schools in the locality, their catchment areas, numbers on roll, capacity, categories, etc).

The current situation is unsatisfactory for the following reasons:

- (condition of premises)
- (difficulty of access)
- (delivery of curriculum)
- (surplus/insufficient places).

Options which have been considered to counteract difficulties of current situation. (Brief description) e.g Joint working/multi-site school/temporary enlargements/review of catchment areas

The following options have been discounted because:

- (evidence of costs)
- (evidence of demands from parents)
- (research findings).

Description of proposed solution (for example, the closure of yyyy school) or options should include details, where relevant, of:

- benefits and disadvantages as compared with current arrangements
- date for implementation
- costs/savings (describe capital and revenue costs)
- transitional arrangements including any changes to accommodation at schools



- how proposals will affect other schools in area
- transport issues
- staffing issues
- curriculum issues
- outline plans if available
- size of new school
- catchment areas/admission numbers
- partner primary/secondary schools
- evidence of any unmet demand (for example, surveys of parents, high levels of appeals for school places).

### ***Explanation of the statutory objection period***

If a decision is taken to proceed with proposals it is likely that the statutory notices will be published [give date/month if possible]. Notices will appear in the [newspaper which is published on ...] and on notice-boards [next to school, give address and precise location if possible].

Once notices are published there is a two-month period to respond in writing. This is the statutory period for objections. Objections should be sent in writing to [give address which should then be consistent with notice].

If there are no objections, the proposal will be determined by [Committee/Cabinet] two months after the date of publication of the notice.

If there are objections, then the Welsh Ministers will determine the proposals. The LEA/Promoters have one month from the end of the objection period in which to let the Welsh Ministers have comments on the objections.

The Ministers' decision can be expected around three months following the submission of objections and comments to the Welsh Assembly Government.



## Appendix 7

### Statutory notices

The *Education (School Organisation Proposals)(Wales) Regulations 1999* specify the following information, which should be included in notices to close a school:

- The name of the persons or body publishing the proposals.
- The date or, in respect of a phased proposal, dates of implementation. The date should be a precise date, but will depend on how far in advance of implementation the proposals have been published – for example, for the final stage of a major reorganisation to be completed five years later, the implementation date might be ‘at the beginning of the autumn term 20XX’. For proposals not too far in the future, where the date of the new term is known, this should be included in notices.
- A statement explaining the procedure for making statutory objections including the date by which objections should be sent to the Welsh Assembly Government /Governors.
- The address of the Welsh Assembly Government/Governors.
- Details of the schools which pupils who are at the school to be closed may attend, including any interim arrangements.
- The proposed arrangements for transport of pupils to the alternative schools.
- Details of any other measures proposed to be taken to increase the number of school places available elsewhere in consequence of the proposed closure.

A draft model notice for the closure of a school is shown below.

#### **EXAMPLE OF A STATUTORY NOTICE TO DISCONTINUE A COMMUNITY, FOUNDATION, VOLUNTARY OR MAINTAINED NURSERY SCHOOL**

[Insert name and address of those publishing the proposals]

Notice is hereby given in accordance with section [ (1) ] of the School Standards and Framework Act 1998 and the Education (School Organisation Proposals) (Wales) Regulations 1999 (S.I. 1999/1671) that [name as above], having consulted such persons as appeared to them to be appropriate, propose to discontinue [name and address of school].

It is proposed to implement the proposals on [insert date]. (2)

[Insert details of the schools which pupils at the school to be discontinued may attend, including any interim arrangements. (3)]

[Insert details of any other measures proposed to be taken to increase the number of school places available in consequence of the proposed discontinuance. (4)]

[Insert particulars of the proposed arrangement for transport of pupils to other schools. (5)]



Within a period of [two months (6)] after the date of publication of these proposals, that is to say by [insert date] any person may object to the proposals. Objections should be sent to [ (7) ].

[The authority will send copies of any such objections made (and not withdrawn in writing) within the objection period, together with their observations thereon, to the Welsh Ministers within the period of [one month (8)] after the end of the objection period.] (9)

The proposals will (unless withdrawn) require the approval of the Welsh Ministers if:

- (a) within two months after a copy of them is sent to the Welsh Ministers they give notice that they require such approval; or
- (b) objections have been made within the objection period and have not been withdrawn during that period.

Where the proposals do not require such approval, the [ insert name of those publishing the proposals ] will decide whether to implement them.

Signed ..... Date .....

For the [local education authority] [governing body]

### **Explanatory note**

[It is good practice to include an Explanatory Note explaining the proposals in simple language and providing further information and background to the proposals.]

### **Notes**

- (1) Insert section number: section 29(1) for LEA proposals to discontinue community, foundation, voluntary or maintained nursery school/section 29(2) for governing body proposals to discontinue foundation or voluntary school.
- (2) Where implementation is planned in stages, the date on which each stage is planned to be implemented should be given – see paragraph 2 of Schedule 3 to the 1999 Regulations.
- (3) See paragraph 17 of that Schedule.
- (4) See paragraph 18 of that Schedule.
- (5) See paragraph 19 of that Schedule.
- (6) The period is one month in the case of a school to which section 15 applies (cases where LEA may exercise intervention powers) – see regulation 7 of the 1999 Regulations.
- (7) See paragraph 3 of Schedule 3. For LEA proposals insert name and address of LEA. For governing body proposals insert name and address of Welsh Assembly Government.
- (8) The period is 2 weeks in the special case described in Note (6) – see regulation 7 of the 1999 Regulations.
- (9) This paragraph applies only to Notices published by LEAs.

End of Notice



### ***How to publish***

In accordance with The Education (School Organisation Proposals) (Wales) Regulations 1999, notices have to be published:

- by being posted in a conspicuous place in the area proposed to be served by the school
- in at least one newspaper circulating in the areas referred to above; and
- by being posted at or near the main entrance to the school or, if there is more than one entrance, all of them.

In the interests of fairness, the date of publication should be taken as the latest one on which the notice appeared and was posted. It is, therefore, in the interests of clarity for all the publication requirements to be met on the same date. Proposals which are not published correctly could be rejected solely for that reason, therefore, it is essential to observe the publication requirements.

It is open to promoters to circulate a notice more widely in order to ensure that all those substantially affected have the opportunity to comment or object. At consultation meetings and in any consultation documents, the public should be advised of the name of the publication in which notices will be published. If notices appear in a newspaper circulating in a very limited area, this could restrict those likely to object, therefore, in the spirit of fairness, promoters should consider notifying interested parties who would be unlikely to see public notices that publication has occurred. In the interests of fairness, notices should not be published during school holidays unless parents are contacted directly with notification of the publication.

A copy of the notice, as it appeared in the press, should be sent to the Welsh Assembly Government immediately following publication.

