

CABINET
30 JANUARY 2020**RESPONDING TO CHANGE OF AGE RANGE REQUESTS
FROM MAINTAINED COMMUNITY SCHOOLS OR CHANGE
OF AGE RANGE CONSULTATIONS FROM OTHER TYPES
OF SCHOOLS**

Relevant Cabinet Member

Mr M J Hart

Relevant Officer

Director of Children's Services

Recommendation

1. **The Cabinet Member with Responsibility for Education and Skills recommends that Cabinet:**
 - (a) **notes the results of the non-statutory consultation on proposals to amend Council policy on change of age range proposals;**
 - (b) **notes that further amendments have been made to the proposed new policy in the light of responses to the consultation;**
 - (c) **approves the revised Council policy on responding to change of age requests or consultations as set out in Appendix 4;**
 - (d) **authorises the Director of Children's Services to respond to change of age range consultations where the Local Authority is not the decision-making body in line with the revised Council policy;**
 - (e) **authorises the Director for Children's Services to continue to respond to change of age range consultations from all other types of schools where the Local Authority is not the decision-making body in line with the revised Council policy in consultation with the Cabinet Member with Responsibility for Education and Skills; and**
 - (f) **endorses the delegation of authority given by the Leader on 25 June 2018 where the Local Authority is the decision-making body as set out in paragraph 4 and Appendix 6.**

Background

2. In October 2016 Cabinet approved a set of criteria which the Council should consider when it was requested by a maintained community school to publish a

statutory public notice on proposals for the school to change its age range, or when responding to consultations on change of age range from other types of schools.

3. The criteria as approved in October 2016 are set out in Appendix 1.

4. On 25 June 2018 the Leader of the Council approved the delegation of authority in respect of the publication of statutory notices and approval of proposals as set out in Appendix 6 to allow: the Cabinet Member with Responsibility for Education and Skills to take all decisions on behalf of the Cabinet acting as the executive in relation to the publication of Public Notices of statutory proposals relating to prescribed alterations to maintained schools including school places and organisation change; the Director of Children, Families and Communities to decide the proposals in response of which no objection to the Public Notice or other proposal is received; and the Cabinet Member with Responsibility for Education and Skills to decide the proposals in respect of which objection to the Public Notice or other proposal is received.

5. This policy aligned the Council's position on making prescribed changes to a maintained community schools to the DfE policy of 2016 on making prescribed changes to an academy, for which the Regional Schools Commissioner is responsible.

6. In October 2018 the DfE published revised guidance on '*Making significant changes to an open academy and closure by mutual agreement*', which included guidance on change of age range at an academy (revised in November 2019).

7. The 2019 guidance for academies states that where local provision is organised in three tiers and the aim is to move to two tier age range, "*we expect academy trusts to engage with the local community at the earliest opportunity and to provide details in their application on how they will work with LA'sto ensure the change is implemented in a co-ordinated way.*" (*Age-Change paragraph, Page 18*).

8. In October 2018 the DfE also published '*Making significant changes ('prescribed alterations') to maintained schools*', which included guidance on change of age range at maintained school schools. This confirmed the role of the Local Authority as decision-maker for community schools.

Authority to consult on revising the change of age range policy

9. The changes to the guidance for academy schools in 2018 created greater leniency for academies and meant that maintained schools are now subject to comparably more stringent criteria. In order to ensure fairness and allow maintained schools to remain flexible and adapt to changing environments on par with academy schools, while remaining mindful that schools do not make changes to the detrimental impact of related schools, revision of the Council's policy was proposed.

10. In the light of feedback from schools on the 2016 policy, the changes to the DfE guidance, the changing education landscape since 2016 and to support small rural schools, the Director of Children's Services, in consultation with the Cabinet Member with Responsibility for Education and Skills, approved a non-statutory consultation on a revised change of age range policy for maintained community schools.

11. The consultation only proposed changing the criteria referring to schools, as the criteria relating to early years and sixth form provision, approved in October 2016, remained appropriate.

12. The originally proposed revised criteria, as set out in the consultation, is included as Appendix 2 – Non-Statutory consultation to Council policy on responding to change of age requests from community-maintained schools or change of age range consultations from other types of schools – September 2019.

Non-Statutory Consultation

13. The non-statutory consultation took place between Monday 16 September and Monday 28 October 2019. The consultation document (at Appendix 2) and survey questions were made available on the Council's website http://www.worcestershire.gov.uk/info/20585/school_organisation_and_provision_planning/90/education_reviews_and_consultations and all schools informed in the e-newsletter from Sarah Wilkins, Director of Education and Early Help. Other stakeholders, including Diocesan colleagues and neighbouring authorities, were notified by email.

14. The consultation had 25 responses, made up of the following groups (Please note that some may appear in more than one category, so numbers exceed 25 in table below e.g. parent/carer and governor):

Stakeholder	No of Responses	Percentage
Governor at a Worcestershire school	12	48%
Member of staff at a Worcestershire school	9	36%
Other stakeholder	6	24%
Parent/carer of a pupil at a Worcestershire school	2	8%

Consultation Responses

15. All the proposed changes received support from nearly 2/3rds of the respondents, showing clear support for the proposed changes. A summary of those responses is included at Appendix 3. Only three of the proposed changes received less than 75% support, and so, whilst they were well supported, as they were lowest, these three and some questions raised are discussed in more detail below.

Criteria a) to d)

16. We proposed in the consultation document to make no changes to criteria a) to d), as they remained appropriate and this was supported by 88% of the responses.

Criterion e) Pathway Schools

17. The consultation proposed amending the criterion in respect of pathway schools that children would normally move to when leaving their current school. The original criterion required that there was an agreed, clear and practical pathway for children to move on to. However, this has proved a difficult criterion due to the time difference

between a first school changing its age range and that impacting on a secondary pathway. If a first school keeps year 5 in 2020, then those pupils will not enter secondary school, at year 7, until 2022.

18. Whilst a pathway school may confirm that it intends to amend its Published Admission Number (PAN) or feeder schools to take pupils at a future date, this is still subject to consultation and approval and so not agreed.

19. The revised criterion proposed in the consultation took this into account by stating where no pathway is agreed, this should be made clear to parents, so there is transparency and parents are aware of the risk.

20. The consultation supported this change by 65% to 35%. However, in the comments there was concern that the proposed phrasing was ambiguous and confusing, whilst others raised concerns that parents may be left without a school place.

21. It is therefore proposed as a result of the consultation to amend this criterion to:

Criterion e) there is an agreed, clear and practical pathway for children to move on from each school affected by the change. **The Consultation document should clearly inform parents of all of their options for future school places for their children. Where a pathway school has not formally changed its admissions policy but has committed in writing to do so, this should be attached to the consultation document and it made clear to parents that this is subject to a formal consultation on admissions change by the pathway school.**

22. This puts the clear responsibility for informing parents of their options on the school wishing to change its policy and ensures parents and stakeholders have all the relevant information when being consulted on the proposal.

Criteria f) to i)

23. Criterion f) relates to PAN changes and was amended to allow schools to consult on these using a different timeframe as long as this was made clear in the consultation document. This change was supported by 75% of responses.

24. Criterion g) relates to impact on other schools. This was amended to significant impact and examples provided on what this could mean. This change was supported by 75% of responses.

25. Criterion h) seeks information on how the proposer will work with other local schools. This change was supported by 83% of responses.

26. Criterion i) is a new criterion and seeks to understand how the change would support small, rural schools to be viable. Its inclusion was supported by 83% of responses. A list of designated small schools in Worcestershire is set out in Appendix 7.

Criterion j) Align with other proposals

27. Criterion j) requiring any proposal to clearly align with other agreed changes was supported by 70% of the responses. Concerns were raised that this criterion now seemed to indicate that any new proposals had to fit any other agreed changes and

that some of these, in the past, had been detrimental to the overall education area. Other responses opposed any changes to the existing arrangements and felt this revised criterion was supporting a change to two tier.

28. In the light of the consultation responses it is proposed to amend this criterion to clarify that approval to previous proposals does not indicate a preferred solution. The revised criterion also aligns us with the DfE guidance from November 2019:

Revised criterion j) ***any proposals should support the best education for all children in the area. Proposers should be clear how their proposal will work to ensure the change is implemented in a co-ordinated way.***

Criterion k) Accommodation changes

29. No change was proposed to this criterion which relates to funding any accommodation changes and the need for this to be secured. It was supported by 92% of responses.

Criterion l) Planning Permission

30. Criterion l) was proposed to be amended to allow planning permission to occur at a later date, as long as parents and stakeholders were informed. This change was supported by 67% of respondents. Of those opposed, most felt that planning permissions should be secured prior to any change being approved.

31. Having considered the responses, the recommendation is not to amend this criterion further and allow schools to gain planning permission for any changes at a later date. This criterion allows flexibility for schools, whilst still providing parents and stakeholders with all relevant information, including making it clear that the proposal is subject to a future need for planning permission.

Other comments

32. In the 'any other comments' section, responses were mixed between people welcoming the greater flexibility the revised criteria offered and those concerned about any impact on the three-tier system.

33. The changes proposed only relate to the policy and how it applies to maintained community schools making a request to the Council, in line with The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, to change their age range, and all other types of schools consulting us on their proposals. It does not indicate any desire on behalf of the Council to change the existing education landscape.

Statutory notice on change of age range

34. Given the support of the responses to the consultation, and the appropriate changes made in the light of the consultation, it is recommended that Cabinet approves the revised criteria as set out in Appendix 4.

35. It is recommended that the Cabinet Member with Responsibility for Education and Skills, considers the revised criteria laid out in Appendix 4 against which any requests for publication of a statutory notice for change of age range by Council maintained schools can be assessed or when responding to consultations on change of age range from all other types of schools.

Legal, Financial and HR Implications

36. There are no legal, financial or HR implications from this report.

Privacy and Public Health Impact Assessments

37. There are no privacy or public health implications.

Risk Implications

38. There are no risk implications to this change of policy as it is designed to support schools and ensure changes take place in a co-ordinated pattern.

Equality and Diversity Implications

39. An Equality Relevance Screening has been completed in respect of these recommendations. The screening did not identify any potential Equality considerations requiring further consideration during implementation.

Supporting Information

- Appendix 1 – Change of age range criteria – October 2016 – electronically available
- Appendix 2 – Non-Statutory consultation to Council policy on responding to change of age requests from community-maintained schools or change of age range consultations from other types of schools – September 2019 – electronically available
- Appendix 3 – Summary of responses to the consultation – electronically available
- Appendix 4 – Final recommended change of age range criteria – December 2019
- Appendix 5 – Equality Impact Screening – electronically available
- Appendix 6 – Publication of Statutory Proposals for Prescribed Alterations to Maintained School Delegated Authority 25 April 2018 – electronically available
- Appendix 7 – List of Small Schools based on WCC criteria January 2020 – electronically available

Contact Points

County Council Contact Points

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Specific Contact Points for this report

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Background Papers

In the opinion of the proper officer (in this case the Director of Children's Services) the following are the background papers relating to the subject matter of this report:

Agenda papers for the meeting of the Cabinet held on 13 October 2016 (item 1752)

<https://worcestershire.moderngov.co.uk/ieListDocuments.aspx?CId=131&MId=1177&Ver=4>

DfE Guidance – Making significant changes ('prescribed alterations') to maintained schools – Statutory guidance for proposers and decision-makers – October 2018.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756572/Maintained_schools_prescribed_alterations_guidance.pdf

DfE guidance - Making significant changes to an open academy and closure by mutual agreement – Departmental guidance for all types of academy trusts – November 2019

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/844354/Significant_change_and_academy_closure_051119.pdf