

## **Amalgamation Policy Guidance Note 1: Statutory routes to achieve an amalgamated school**

### **Introduction**

1. This Guidance Note sets out the Legislative framework for local authorities to make changes to schools.

### **Education and Inspections Act 2006**

2. The Education and Inspections Act 2006 introduced a new statutory framework for the establishment of any new maintained school. This new framework is part of the Government's agenda to increase diversity and choice of schools, and introduces competitions where it is proposed to establish a new school.
3. The Education and Inspections Act 2006 legislates that where the local authority wishes to see a new school established they must either:
  - Invite proposals for the school (as provided for in Section 7 of the Act) i.e. run a competition, or
  - Apply to the Secretary of State for consent to publish proposals for a new school, without running a competition (as provided for in Section 10 of the Act)
4. Thus, formal application has to be made to the Secretary of State for consent to publish proposals to establish a new maintained school without running a competition.
5. It is important to note that the consent of the Secretary of State, if given, is consent to publish proposals: it is not consent to establish a new school. Where permission is granted to publish proposals, the normal statutory process will apply i.e. Consultation; Publication; Representations; Decision; and Implementation.
6. The change in the law means that there are three statutory routes to achieve a combined school:
  - Close both schools, and open a new school with a competition
  - Close both schools, and open a new school without a competition by virtue of a waiver from the Secretary of State
  - Close one school, and extend the age range and expand the capacity of the other school

### **Approach to be taken in Harrow**

7. When it is proposed to join together two schools under the terms of this amalgamation policy, Harrow will expect to change the age range and capacity of one school and to discontinue the other school. The reasons for this include:
  - Harrow schools are popular and successful and perform consistently in line with or above National Averages at all Key Stages. There are no failing schools.
  - The usual trigger circumstance in Harrow for joining together two schools is the resignation of a headteacher.

- Harrow Council has adopted a strategic approach to school reorganisation and has confirmed its commitment to changing the age of transfer and to establishing primary schools, or separate infant and separate junior schools, and secondary schools.
  - Many of the separate schools share not only the site but also the same buildings. There is only one first and one middle school which do not share the same site.
  - Seeking the consent of the Secretary of State is potentially a longer statutory process (the DCSF target for responding to an application is 6 weeks)
8. The local authority will usually discontinue the school where the headteacher has resigned and the vacancy occurs. If there are vacancies in both schools, the school where the first resignation was made will be discontinued. The local authority considers that this provides a consistent and objective approach that does not imply any issue of underperformance. Sensitivity will be needed about equity for both schools to avoid potential perceptions of one school taking over another.
9. Harrow Council is committed to ensuring diversity and choice within our schools. Thus, despite the overall approach as stated above, a decision will need to be made each time schools are considering joining together about which statutory route to follow.
10. The School Organisation Unit publishes guides for local authorities, governing bodies, promoters and parents, including:
- Opening a new school (by competition or otherwise)
  - Closing a school
  - Making Changes to a Maintained Mainstream School (other than expansion)
  - Expanding a Maintained Mainstream School or Adding a Sixth Form
11. Copies are available via the DCSF website: <http://www.dcsf.gov.uk/schoolorg/>