

Decision Makers Guidance

The decision maker for these statutory proposals is the local authority, and this report presents the proposals of the governing bodies of four voluntary aided schools to Cabinet for determination. If the local authority fails to decide proposals within two months of the end of the representation period the local authority must forward proposals, and any received representations, to the Office of the Schools Adjudicator for decision. This two month period will end on 23 May 2009.

Decision Makers are required to have regard to guidance issued by the Secretary of State when they take a decision on proposals. The guidance documents are available on the School Organisation Unit website at <http://www.dcsf.gov.uk/schoolorg/> and in Background Papers.

The format of this Annexe follows the framework of the guidance. The text in italics at the start of each section contains extracts from the guidance to assist members to understand the context.

Checks on Receipt of Statutory Proposals

There are 4 key issues which the Decision Maker should consider before judging the respective factors and merits of the statutory proposals:

1. Is any information missing?

If so, the Decision Maker should write immediately to the proposer/promoter specifying a date by which the information must be provided.

In order to make the nature of the proposals explicit and clear for all stakeholders, the notices and the complete proposals stated as full information as possible. For example, some of the schools for which proposals were published to change the upper age limit have an attached nursery. Where schools have an existing attached nursery, the wording used in the statutory notice and proposals stated the current Year Groups and their age range, and stated that the school has an attached nursery. The proposed Year Groups and their age range were also stated, again with reference to an attached nursery where this is the case. It is a requirement to include the current, and proposed age range of the school in the statutory proposals and notices, but by giving the information in this way it is believed that the position is actually clearer for consultees.

2. Does the published notice comply with statutory requirements?

The Decision Maker should consider whether the notice is valid as soon as a copy is received. Where a published notice does not comply with statutory requirements it may be judged invalid and the Decision Maker should consider whether they can decide the proposals.

The statutory notices were developed using the School Organisation Unit 'Build a Statutory Notice' facility. This facility is designed to help local authorities, governing bodies and other proposers publishing statutory proposals, to construct a statutory notice which contains all the information required by law.

The statutory notices published by the Governing Bodies of the four voluntary aided schools state they are published under section 19(1) of the Education and Inspections Act 2006. The correct sub-section is in fact section 19(3) of the Education and Inspections Act 2006. Legal advice is that reference to the incorrect sub-section is not material for the following reasons:

- the requirements in the Regulations as to the information to be contained in the notices does not require that it is stated which sub-section of the Act the proposer is acting under;
- both sub-sections 19(1) and (3) require that notices are published "under this section", which may be taken as a reference to section 19 rather than the specific sub-sections;
- the statutory proposals themselves do not specify which sub-section of the Act the voluntary aided schools are operating under, nor are they required to do so;
- the notice is not deficient in that it includes all of the information it is required to include, and clearly states it is the Governing Body that is the proposer.

On the basis of this legal advice, the notices are considered to be valid and that Cabinet can decide the proposals.

It is considered that the published notices and complete proposals comply with the statutory requirements.

3. Has the statutory consultation been carried out prior to the publication of the notice?

Details of the consultation should be included in the proposals. The Decision Maker should be satisfied that the consultation meets statutory requirements. If some parties submit objections on the basis that consultation was not adequate, the Decision Maker may wish to take legal advice on the points raised. If the requirements have not yet been met, the Decision Maker may judge the proposals to be invalid and should consider whether they can decide the proposals. Alternatively the Decision Maker may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposals as a whole.

The governing bodies of the four voluntary aided schools consulted their school stakeholders about their proposals to lower the age limits of their schools. At their request, Harrow Council conducted their consultation of interested parties on their behalf as part of the school reorganisation consultation it was undertaking. The diocesan bodies were consulted.

A statutory consultation was conducted from 8 September 2008 until 5 December 2008. All applicable statutory requirements have been complied with in relation to the consultation on the proposals. The local authority has had regard to the Department for Children, Schools and Families (DCSF) School Organisation Unit guidance on making prescribed changes to schools. The consultation document was sent to all interested parties in accordance with the DCSF School Organisation Unit guidance.

The governing bodies of the four voluntary aided schools considered the consultation responses and outcomes for their schools (see 'A system shaped by parents' below), and each governing body decided to publish statutory proposals.

4. Are the proposals linked or "related" to other published proposals?

Any proposals that are "related" to particular proposals must be considered together. Generally, proposals should be regarded as "related" if they are included on the same notice (unless the notice makes it clear that the proposals are not "related"). Proposals should be regarded as "related" if the notice makes a reference to a link to other proposals. If the statutory notices do not confirm a link, but it is clear that a decision on one of the proposals would be likely to directly affect the outcome or consideration of the other, the proposals should be regarded as "related". Where proposals are "related", the decisions should be compatible e.g. if one set of proposals is for the removal of provision, and another is for the

establishment or enlargement of provision for displaced pupils, both should be approved or rejected.

The Governing Bodies of Krishna-Avanti Primary School, St John Fisher Catholic First and Middle School, St John's Church of England School, and St Teresa's First and Middle Catholic School, published statutory proposals on 9 February 2009 with a statutory representation period of 6 weeks. The statutory proposals were prescribed alterations to change the upper age limit of each school from 1 September 2010. The notices were published in local newspapers alongside the community school proposals. These four proposals have the same closing date of 23 March 2009 for the representation periods.

These four proposals are separate from each other and from the statutory proposals published by Harrow Council in February 2009 that are the subject of a separate report to Cabinet. Although these proposals are not regarded as "related" to the proposals in relation to community schools (as they could be implemented regardless of Cabinet's decision on the community school proposals), it is the case that the voluntary aided schools wish to have the same age ranges as Harrow's community schools.

Factors to be considered by decision makers

The factors contained in the Secretary of State's guidance should not be taken to be exhaustive. Their importance will vary, depending on the type and circumstances of the proposals. All proposals should be considered on their individual merits.

The sections that follow contain information to assist Cabinet to determine how the proposals meet the factors the decision maker must have regard to in reaching a decision. Not all of the factors contained in the decision makers guidance are relevant to these proposals. For example: the proposals do not make changes to early years provision or nursery schools; there are no issues of poor performance; there are no post-16 implications; there is no change to school category; and there is no special educational needs reorganisation. Because the timing of the proposals of the governing bodies of these four voluntary aided schools has been prompted by the community school proposals, the commentary that follows focuses on the school reorganisation proposals in relation to the relevant factors of the guidance.

A system shaped by parents

The Government's aim is to create a schools system shaped by parents which delivers excellence and equity. The Education and Inspections Act 2006 amends the Education Act 1996 to place new duties on local authorities to secure diversity in the provision of schools and to increase opportunities for parental choice when planning the provision of schools in their areas. In addition, local authorities are under a specific duty to respond to representations from parents about the provision of schools, including requests to establish new schools or make changes to existing schools. The Government's aim is to secure a more diverse and dynamic schools system which is shaped by parents. The Decision Maker should take into account the extent to which the proposals are consistent with the new duties on local authorities.

In 2002, the council undertook a debate on School Organisation in Harrow, the outcome of which was a consensus from stakeholders on three issues: to increase opportunities for early years; to increase choices and opportunities at post-16 including provision on school sites; and to change the age of transfer. The council has secured the provision for early years and post-16 and now is seeking to make progress to change the ages of transfer. The voluntary aided schools in Harrow that did not publish proposals in February 2009 have already acted to change their ages of transfer and operate transfer to secondary education at age 11 years.

The governing bodies of the four voluntary aided schools carried out the statutory consultation of their school communities. At the request of the governing bodies, Harrow Council carried out the consultation of interested parties on behalf of the governing bodies as part of the wider consultation it was undertaking in relation to all community schools in the local area from 8 September to 5 December 2008.

The governing body of Krishna-Avanti Primary School reported that responses from parents of children at the school were supportive of the proposals, as were responses from the faith advisor.

The governing body of St John Fisher Catholic First and Middle School consulted with parents, staff and pupils. The overriding majority of responses were in favour of regularising a situation that already exists, i.e. 4 - 11 years primary school of Reception to Year 6 classes.

The governing body of St John's Church of England School reported that three responses were received to their consultation of which two were in favour and one against.

The governing body of St Teresa's First and Middle Catholic School reported that all stakeholders were consulted and invited to comment, and no responses were received.

Standards

The Government wishes to encourage changes to local school provision where it will boost standards and opportunities for young people, whilst matching school place supply as closely as possible to pupils' and parents' needs and wishes. Decision Makers should be satisfied that proposals for changes to a school's provision will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They should pay particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

The benefits to standards that are expected to result from the proposals for the voluntary aided schools are the same as the benefits that are expected to result from the equivalent proposals for community schools.

Whilst Harrow's performance is currently above national and statistical neighbours at all Key Stages, Harrow's targets, which are set annually for the DCSF, are highly challenging. Harrow has not made as much improvement in these KPIs over recent years as statistical neighbours. This is an indication of the pressures on these targets due to a changing demography. Harrow needs to be proactive to maintain performance, meet the challenging targets it has been set and achieve the most positive outcomes for every Harrow child.

The objectives for the school reorganisation in Harrow are to establish schools that are aligned with the National Curriculum Key Stages and schools across London. Harrow schools are high performing and popular. Whilst this level of achievement has been maintained, there is a range of reasons for school reorganisation to be proposed:

- The local authority, as the champion of pupils and parents, has the duty to promote high standards, fair access to educational opportunity and the fulfilment of every child's potential. The School Organisation Debate in 2002, undertaken in response to the Ofsted Inspection Report, demonstrated that there was a strong consensus that stakeholders wanted to change the ages of transfer so that all schools in Harrow

reorganise to establish infant, junior, primary and secondary schools. Harrow, as the local authority needs to provide leadership in responding to parental views.

- In principle, Harrow and the voluntary aided schools consider that by changing school organisation in line with the National Curriculum Key Stages there would be improved learning and teaching for pupils and staff. The proposed organisation would mean that pupils would complete their Key Stages in one school.
 - Infant schools would have Foundation Stage and Key Stage 1.
 - Junior schools Key Stage 2.
 - Primary schools Foundation Stage and Key Stages 1 and 2.
 - Secondary schools Key Stages 3, 4 and 5.
- Schools would be able to focus on specific Key Stages. In addition, there would no longer be a need for schools to cover part of a Key Stage and as a result there would be greater continuity.
- There is a loss of approximately 26% of pupils at the end of Year 6 to neighbouring boroughs. Although out-borough pupils fill some of these places it has several impacts. There are smaller Year 7 classes, which can create financial uncertainties, new pupils stay for one year and require support during an induction period, this in some instances can be challenging and affect progress. In addition, it can be challenging for schools to provide a broad and balanced Key Stage 3 curriculum with specialist teaching for one year.
- Harrow is experiencing a changing demographic profile and needs to ensure that it responds to this change to maintain and improve on its high education achievement.

Diversity

The Government's aim is to transform our school system so that every child receives an excellent education – whatever their background and wherever they live. A vital part of the Government's vision is to create a more diverse school system offering excellence and choice, where each school has a strong ethos and sense of mission and acts as a centre of excellence or specialist provision. Decision Makers should consider how proposals will contribute to local diversity. They should consider the range of schools in the relevant area of the local authority and whether the expansion of the school will meet the aspirations of parents, help raise local standards and narrow attainment gaps.

As stated above, it is considered that the changes proposed to the voluntary aided schools will meet the aspirations of parents, help raise standards and narrow attainment gaps. As outlined below, Harrow offers diversity to parents in terms of school choice. The voluntary aided schools are a crucial part of that diverse offering, and ensuring that they have the same age ranges as community schools will mean that children attending the voluntary aided schools benefit from the same anticipated improvements in standards as the community schools.

There is a range of schools in Harrow offering diversity to parents both in terms of ethos and size. Harrow has a Church of England primary school, a Hindu primary school and a Jewish primary school, six Roman Catholic primary schools and two Roman Catholic high schools. Schools are organised as separate and combined first and middle schools and have a range of planned admission numbers.

Harrow is committed to securing greater autonomy, flexibility and scope for schools to drive their own agendas within a collaborative whole-borough framework. Harrow's success in this approach is demonstrated through the strategic approach to specialist schools and the Harrow Collegiate.

The community of Harrow schools has a tradition of collaboration and cooperation and is confident to develop and embrace innovative solutions. Within this context the local authority, in partnership with schools, will continue to explore routes that provide creative and innovative solutions for challenges faced by individual schools and groups of schools, and provide a means to secure school improvement which might include academies or trust schools.

For example, four community schools have established soft federations which has enabled the schools to forge stronger working relationships to support school improvement and to consider the holistic development of the site for school and community use.

Every Child Matters

The Decision Maker should consider how proposals will help every child and young person achieve their potential in accordance with Every Child Matters' principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being. This should include considering how the school will provide a wide range of extended services, opportunities for personal development, access to academic and vocational training, measures to address barriers to participation and support for children and young people with particular needs, e.g. looked after children or children with special educational needs (SEN) and disabilities.

The five outcomes for Every Child Matters are central to all Harrow plans for schools so that wrap around care, support for families and a wide range of opportunities are developed in all schools.

The four voluntary aided schools are part of the extended services school clusters that cover all schools in Harrow. The proposals will not adversely affect the current range of extended services provided by schools. There would be a review of each school site to make sure there are appropriate spaces and facilities for teaching and learning. Should some accommodation no longer be required for teaching and learning by any of the schools, there may be opportunities to increase the facilities available to the community or the co-location of services on school sites for the local community.

Harrow is committed to tackle the barriers to success and to provide a range of activities to support the Narrowing the Gap agenda including Family Learning and parenting workshops. Currently 56% of Harrow schools are providing the full core offer of extended services. The majority of schools in Harrow are well placed to meet the Government target of providing the full core offer of extended activities by 2010. Together with the Children's Centres, the Extended School Clusters provide a range of provision that supports children's attainment and achievement and builds parent and community capacity and confidence.

School characteristics

No changes to the overall characteristics of the schools in relation to boarding provision arise from the proposals.

Equal opportunity issues

The Decision Maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that there is equal access to single sex provision for the other sex to meet parental demand. Similarly there needs to be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

The school reorganisation proposals do not make changes to equal access to school provision. The Equalities Impact Assessment for the project was included in the January Cabinet report, and will be reviewed throughout the project. There is no identified detrimental impact on any of the equality groups. Overall the alignment of Harrow community schools with the voluntary aided sector and neighbouring boroughs is likely to enhance the equality of opportunity and choice for young people.

Need for places

Where proposals will increase provision, the Decision Maker should consider the supporting evidence presented for the increase. The Decision Maker should take into account the existence of spare capacity in neighbouring schools, but also the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for places in particular schools. The existence of surplus capacity in neighbouring less popular or successful schools should not in itself prevent the addition of new places.

The proposals published by the governing bodies of the four voluntary aided schools do not propose changes to the provision of places in the schools.

Travel and Accessibility for All

In considering proposals for the reorganisation of schools, Decision Makers should satisfy themselves that accessibility planning has been properly taken into account. Facilities are to be accessible by those concerned, by being located close to those who will use them, and the proposed changes should not adversely impact on disadvantaged groups. In deciding statutory proposals, the Decision Maker should bear in mind that proposals should not have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. Proposals should also be considered on the basis of how they will support and contribute to the local authority's duty to promote the use of sustainable travel and transport to school.

Within these proposals no schools will be changing their site, and the distribution of school sites across Harrow would also remain as it currently is. There are not the same potential implications as may apply for the community school proposals of a significant Year 7 cohort of students moving into high schools, because only St John's Church of England School has Year 7 pupils currently.

Travel planning by the schools would need to consider any potential impacts of the changes of Year Groups. Transport for London representatives are kept informed through liaison meetings. No advance planning is expected to be needed, and any impact on bus routes would be assessed at the time and adjustments made as necessary.

16-19 Provision

No changes to post-16 provision arise from the proposals.

School category changes

No changes to school categories (e.g. no changes to become voluntary aided, foundation body, trust or academy) arise from these proposals.

Funding and land

The Decision Maker should be satisfied that any capital required to implement the proposals will be available. Normally, this will be some form of written confirmation from the source of funding on which the promoters rely (e.g. the local authority, DCSF, or Learning and Skills Council). In the case of a local authority, this should be from an authorised person within the local authority, and provide detailed information on the funding, provision of land and premises etc. Proposals should not be approved conditionally upon funding being made available, except for proposals being funded under the Private Finance Initiative or through the Building Schools for the Future programme.

The governing body of Krishna-Avanti Primary School does not identify any essential capital costs arising directly from their proposals, as there is sufficient accommodation. The school will transfer to a new school building in September 2009. Given that the School is opening incrementally the governing body does not anticipate there being any costs associated with the proposed changes.

The governing body of St John Fisher Catholic First and Middle School does not anticipate any significant costs because the school is already running as an age 4 – 11 years school. Any minor costs would be funded from the school budget.

The governing body of St John's Church of England School anticipates that there are minimal cost implications to these proposals as historically they have a small number of year 7 pupils - there are 17 Year 7 pupils this year. Many pupils leave the school at the end of year 6, for example to go to Bishop Ramsey Church of England School in Hillingdon. The school is proactively managing historic budget pressures resulting from the school amalgamation and aims to manage this change through natural wastage. There are no essential capital costs arising directly from these proposals, as there is sufficient accommodation.

The governing body of St Teresa's First and Middle Catholic School considers there are no essential capital costs arising directly from these proposals, as there is sufficient accommodation. The Governing Body considered the issue of costs and decided that the cost of change will be minimal and will be absorbed within the school budget.

Harrow is expecting to receive £47m over 14 years to improve its primary school building stock through the Primary Capital Programme. Harrow secured Category 1 approval which means it met all the requirements set out in the guidance, and Primary Capital Funding will be available for 2009-10 and 2010-11. Harrow was one of 41 successful authorities awarded this grade out of a total of 148 Local Authorities. This funding will be joined with other available funding streams to enable holistic site developments to improve learning and to maximise the opportunities presented to enhance the role of schools at the heart of their communities.

The local authority established a Stakeholder Reference Group to consider a range of workstreams related to the proposals for school reorganisation, including School Finance. This group has developed proposals to ensure that school budgets have the appropriate funding for students and, where necessary, transitional protection funding is provided.

There are no capital receipts, new sites or playing fields, or land tenure arrangements arising from these proposals.

Special educational needs provision

When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change local authorities should aim for a flexible range of provision and support that can respond to the special educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories of provision according to special educational need or disability.

The statutory proposals do not involve a review of special educational needs provision. There are no proposals to change current levels of provision for pupils with special educational needs. Existing provision will be aligned with the National Curriculum Key Stages.

All schools in Harrow support pupils with special educational needs. Wherever possible children with special educational needs attend their local school, working along side their friends and other children from the local area, with appropriate support. This support is provided by the school or specialist staff, on an individual or small group basis. Some schools have specialist provision for pupils with sensory impairment and autistic spectrum disorders. In accordance with these proposals this provision will be aligned with the National Curriculum and age range of the schools.

Other issues

The decision maker should consider the views of all those affected by the proposals or who have an interest in them. The decision maker should not simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead the decision maker should give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals.

The governing bodies of the four voluntary aided schools consulted their school stakeholders about their proposals to lower the age limits of their schools. A statutory consultation was conducted by Harrow Council from 8 September 2008 until 5 December 2008 and, as stated above, the voluntary aided school proposals were included as part of this consultation. On 9 February 2009, all four governing bodies published statutory proposals to lower the upper age limit of their schools, with a 6 week representation period until 23 March 2009.

Krishna-Avanti Primary School

Consultation outcomes and representations about the statutory proposals

Responses to the consultation from parents of children at the Krishna-Avanti Primary School were supportive of the proposals, as were responses from the faith advisor. No representations about its statutory proposals were received by the governing body of Krishna-Avanti Primary School, and the governing body believes this is at least in part due to the parent body being supportive of the proposals.

St John Fisher Catholic First and Middle School

Consultation outcomes and representations about the statutory proposals

The overriding majority of responses to the consultation about the proposals for St John Fisher Catholic First and Middle School were in favour of regularising a situation that already exists, i.e. 4-11 years primary school. No representations about its statutory proposals were received by the governing body of St John Fisher Catholic First and Middle School.

St John's Church of England School

Consultation outcomes and representations about the statutory proposals

Three responses were received to the consultation about the proposals for St John's Church of England School of which two were in favour and one against. Three representations about its statutory proposals were received by the governing body of St John's Church of England School. These were observations: one commented that the children were still too young at Year 7 to move to High School; the other two were in support of the proposals. The governing body consider the silent assent of the majority reflects agreement within the school community with the proposals.

St Teresa's First and Middle Catholic School

Consultation outcomes and representations about the statutory proposals

No responses were received to the consultation about the proposals for St Teresa's First and Middle Catholic School, and the governing body received no representations about its statutory proposals. The governing body firmly believe that this reflects the school community's agreement with the proposals.