

**REPORT TO:** CABINET MEMBER, CHILDREN'S SERVICES

**DATE:** 19 APRIL 2011

**SUBJECT:** DETERMINATION OF THE PROPOSAL FOR THE CLOSURE OF ST WILFRID'S CATHOLIC HIGH SCHOOL, LITHERLAND

**WARDS AFFECTED:** CHURCH, DERBY, FORD, LINACRE, NETHERTON & ORRELL AND ST OSWALD WARDS

**REPORT OF:** PETER MORGAN  
STRATEGIC DIRECTOR - PEOPLE

**CONTACT OFFICER:** MIKE McSORLEY (0151 934 3428)

**EXEMPT/  
CONFIDENTIAL:** NO

**PURPOSE/SUMMARY:**

The purpose of this report is to seek a determination on the proposal for the closure of St Wilfrid's Catholic High School.

**REASON WHY DECISION REQUIRED:**

The Cabinet Member, Children's Services is delegated as the Decision Maker to determine the proposal for the closure of St Wilfrid's Catholic High School.

**RECOMMENDATION(S):**

The Cabinet Member, Children's Services is recommended to approve the proposal for the closure of St Wilfrid's Catholic High School with effect from 31 August 2012.

**KEY DECISION:** Yes.

**FORWARD PLAN:** February 2011.

**IMPLEMENTATION DATE:** Following the expiry of the "call-in" period for the Minutes of the Cabinet Member meeting.

**ALTERNATIVE OPTIONS:**

Not appropriate.

**IMPLICATIONS:****Budget/Policy Framework:**

St Wilfrid's Catholic High School is funded through the, ring fenced, Dedicated Schools Grant (DSG) and other Specific Government Grants. Funds released by the closure of any school are recycled into the schools' system. However where there is no successor to the school the Local Authority can request that Schools Forum agree to allow the Local Authority to retain any in-year savings. This funding would be used to support certain transitional arrangements for pupils and to support some of the costs associated with closing the school. This would be on the understanding that future years' savings are recycled into the schools system. Any balances from a closing school, whether positive or negative, become the responsibility of the Local Authority.

**Financial:**

Based on current projected pupil numbers and staffing levels the school will close with deficit of approximately £1.7 million. The financial projection does not reflect any staffing changes within school for September 2011 as consultation is on-going and no formal decision on numbers/categories of staffing reduction have been made. There will also be costs associated with contractual costs, severance payments etc upon cessation of school provision at St Wilfrid's Catholic High School. The Local Authority will endeavour to find alternative employment for as many staff as possible to mitigate the potential severance costs. A number of strategies will be explored to reduce the potential deficit further.

<b><u>CAPITAL EXPENDITURE</u></b>	<b>2010/ 2011 £</b>	<b>2011/ 2012 £</b>	<b>2012/ 2013 £</b>	<b>2013/ 2014 £</b>
Gross Increase in Capital Expenditure				
Funded by:				
Sefton Capital Resources				
Specific Capital Resources				
<b><u>REVENUE IMPLICATIONS</u></b>				
Gross Increase in Revenue Expenditure				
Funded by:				
Sefton Funded Resources				
Funded from External Resources				
Does the External Funding have an expiry date? Y/N	When?			
How will the service be funded post expiry?				

**Legal:** The statutory process for the closure of St Wilfrid's Catholic High School has been carried out in accordance with current legislation.

**Risk Assessment:** There are no risks associated with this report. However, the combined pressures of falling rolls, surplus places, financial deficit and poor standards will have to be addressed if a decision is taken not to close the school.

**Asset Management:** The St Wilfrid's Catholic High School buildings are owned by the Archdiocese so any decision on their future use, if the decision is taken to close the school, would lie with them.

#### **CONSULTATION UNDERTAKEN/VIEWS**

The Head of Corporate Finance & ICT has been consulted and her comments have been incorporated into this report. FD717/2011.

The Head of Corporate Legal Services has been consulted and has no comments on this report. LD 81/11.

## CORPORATE OBJECTIVE MONITORING:

<u>Corporate Objective</u>		<u>Positive Impact</u>	<u>Neutral Impact</u>	<u>Negative Impact</u>
1	Creating a Learning Community		✓	
2	Creating Safe Communities		✓	
3	Jobs and Prosperity		✓	
4	Improving Health and Well-Being		✓	
5	Environmental Sustainability		✓	
6	Creating Inclusive Communities		✓	
7	Improving the Quality of Council Services and Strengthening local Democracy		✓	
8	Children and Young People		✓	

## LINKS TO ENSURING INTEGRATION:

Not appropriate.

## IMPACT UPON CHILDREN, SCHOOLS & FAMILIES TARGETS AND PRIORITIES:

Not appropriate.

### LIST OF BACKGROUND PAPERS RELIED UPON IN THE PREPARATION OF THIS REPORT

Report to Cabinet Member, Children, Schools & Families – 18 January 2011 – St Wilfrid's Catholic High School: Outcome of the Consultation.

Report to Cabinet Member, Children, Schools & Families – 5 October 2010 - St Wilfrid's Catholic High School: Approval to Consult on the Closure of the School.

Closing a Maintained School: A Guide for Local Authorities and Governing Bodies (DfES Publication).

## **DETERMINATION OF THE PROPOSAL FOR THE CLOSURE OF ST WILFRID'S CATHOLIC HIGH SCHOOL, LITHERLAND**

### **1. Background**

- 1.1 Members will recall that approval was given on 18 January 2011 to publish a statutory notice for the closure of St Wilfrid's Catholic High School, Litherland. The implementation date for the proposed closure was amended from 31 August 2011 to 31 August 2012. The notice was published in the Bootle Times, in accordance with current legislation, on 3 February 2011 and this was followed immediately by a six week representation period also displayed which ended 17 March 2011. The notice was also posted outside the school and on the Sefton website.

### **2. Representations Relating to the Proposal**

- 2.1 During the representation period no objections were received.
- 2.2 The proposals will therefore be determined under Paragraph 19 of schedule 2 to EIA 2006. There is no provision for an appeal against the Local Authority's decision.

### **3. The Decision Making Process**

- 3.1 The Cabinet Member, Children's Services is the Decision Maker for the proposal which must be determined by the Local Authority. The Decision Maker must consider the four key issues below before considering the respective factors and merits of the proposal.
- Is any information missing?  
All necessary information is included in the report.
  - Does the published notice comply with statutory requirements?  
The published notice has been approved by the Department for Education and officers from Sefton's Legal Team and is attached at Annex A.
  - Has the statutory consultation been carried out prior to publication?  
The consultation process and the outcome of this was reported to Cabinet Member on 18 January 2011.
  - Are the proposals related to any other published proposals?  
The proposal for the closure of St Wilfrid's Catholic High School is not related to any other published proposal.
- 3.2 The Decision Maker is required by legislation to have regard to the Statutory Guidance – Factors to be Considered by the Decision Makers, the relevant sections of which are appended at Annex B. These are summarised and commented on below.

#### **4. Factors to be Considered by the Decision Maker**

##### **4.1 A System Shaped by Parents**

The Decision Maker should take into account the extent to which the proposal is consistent with the new duties on Local Authorities to secure diversity in the provision of schools and to increase opportunities for parental choice. The proposal is consistent with these duties as the school has become less popular in recent years as the birth rate has fallen and parents have chosen to send their children elsewhere. There are insufficient Catholic children in the South Sefton area whose parents wish them to attend St Wilfrid's Catholic High School and only one such high school is required in this area. Weak schools that need to be closed should be closed quickly.

##### **4.2 Standards**

The standards at St Wilfrid's Catholic High School are summarised in Table 1 and Table 2 together with those at neighbouring schools and those at schools to where some pupils at St Wilfrid's Catholic High School have already chosen to transfer. St Wilfrid's Catholic High School is currently the lowest performing school in Sefton in relation to the main measure of 5 A\*-C including English and maths despite a significant improvement in 2010. In terms of pupil progress between year seven and year eleven the contextual value added score for the school has been significantly below average in 4 of the last five years. Pupils can therefore access an alternative school place at a school with comparable or better standards.

**Table 1**

	The % of Pupils Achieving 5 or More Grades A*-C Including English and Maths at GCSE		
	2008	2009	2010
St Wilfrid's Catholic High School	31	29	38
Savio Salesian College	21	39	39
St Ambrose Barlow Catholic College	40	25	41
Holy Family Catholic High School	57	60	65
Litherland High School	23	44	42
Hillside High School	47	46	41
Sefton Average	51.4	53.2	55.8
England Average	47.6	49.8	53.4

## **Table 2**

Table 2 shows the contextualised value added (CVA) values for the same schools over a 3 year period.

	CVA Measure based on Progress between Key Stage 2 & Key Stage 4 Measure Centred Around 1000		
	2008	2009	2010
	St Wilfrid's Catholic High School	993.6	971.7
Savio Salesian College	1002.5	994.3	997.5
St Ambrose Barlow Catholic College	1035.4	1026.5	1037.1
Holy Family Catholic High School	1009.2	1014.6	1023.4
Litherland High School	1015.3	1006.5	1014.3
Hillside High School	1047.4	1030.8	1033.5

In 2010 St Wilfrid's Catholic High School remains in the bottom 25% of schools nationally for CVA values.

### **4.3 Schools Causing Concern**

St Wilfrid's Catholic High School was judged to require special measures in July 2010 following the Ofsted inspection. An experienced interim Headteacher was appointed in September 2010 and considerable support was provided by the LEA. Following a monitoring visit by Ofsted in early December 2010 the school was judged to be making satisfactory progress but still requiring special measures. The guidance states that when considering the closure of any school causing concern the Decision Maker should take into account the popularity with parents of alternative schools. There should be a presumption that these proposals should be approved, subject only to checking that there will be sufficient accessible places of an acceptable standard available in the area to meet foreseeable demand and to accommodate the displaced pupils. The LA can confirm that there are a number of popular schools within the area and that there are sufficient places to accommodate the displaced pupils.

### **4.4 Diversity and Balance of Denominational Provision**

The proposed closure will not affect the diversity of provision or the balance of Denominational Provision within the South Sefton area. With the agreed closure of St George of England High School there will be a single community school and this will be balanced by Savio Salesian College which will continue to provide Catholic education for pupils within

South Sefton. St Ambrose Barlow Catholic College also offers places within the locality.

#### 4.5 Every Child Matters

The displaced pupils will continue to have access at their new school to extended services, opportunities for personal development, measures to address barriers to participation and support for children with particular needs.

#### 4.6 The Need for Places

There is sufficient capacity to accommodate displaced pupils in the area as detailed in Tables 3 and 4 below.

**Table 3 Pupil Numbers January 2011 (Based on Spring School Census Return)**

School	Admission Number	Yr 7	Yr 8	Yr 9	Yr 10	Yr 11	Total
St Wilfrid's Catholic High School	187	48	66	72	109	108	403
Savio Salesian College	148	108	144	138	117	117	624
St Ambrose Barlow Catholic College	120	85	80	107	92	71	435
Holy Family Catholic High School	156	102	152	136	121	134	645
Litherland High School	240	157	161	187	190	196	891
Hillside High School	190	180	187	177	167	168	879
Total	1041	680	790	817	796	794	3877

**Table 4 Places Available Based on Current Admission Numbers and Pupil Numbers January 2011**

School	Admission Number (PAN)	Number on Roll January 2011					Total
		Yr 7	Yr 8	Yr 9	Yr 10	Yr 11	
St Wilfrid's Catholic High School	187	139	121	115	78	79	532
Savio Salesian College	148	40	4	10	31	31	116
St Ambrose Barlow Catholic College	120	35	40	13	28	49	165
Holy Family Catholic High School	156	54	4	20	35	22	135
Litherland High School *	240	83	79	-2	-5	-11	144
Hillside High School **	190	10	3	3	13	9	38
Total	1041	361	251	159	180	179	1130

\*\* Hillside PAN – 190 applies to Year 7 and Year 8, 180 applies to Year 9 and Year 10, 177 applies to Year 11.

\* Litherland High School PAN – 240 applies to Year 7 and Year 8, 185 applies to Year 9 to Year 11.



A total of 102 pupils have transferred to alternative schools between September 2010 and January 2011 with approximately three quarters of pupils transferring to a Catholic school and a quarter to a Community/Church of England school.

4.7 St Wilfrid's Catholic High School has 42.53% surplus places in 2010 and this figure is expected to rise to 59.86% in 2011 based on the January school census. The Decision Maker should normally approve proposals to close schools in order to remove surplus places where at least 25% of places are unfilled and where standards are low compared to standards across the authority.

#### 4.8 **Impact on the Community and Travel**

All children will access an alternative school place in accordance with parental preference and many will remain within a nearby community and the proposals will have little effect on community cohesion. Extended services, similar to those available at St Wilfrid's Catholic High School, are available at other local schools. The proposal will not unreasonably extend journey times or result in fewer children travelling sustainably due to unsuitable routes for walking and cycling. It is recognised that there may be additional costs for families for transport but all pupils could be accommodated at Savio Salesian College which is 0.8 miles from St Wilfrid's Catholic High School.

#### 4.9 **Equal Opportunity Issues**

An Equality Impact Assessment has been carried out and it is not considered that there are any sex, race, disability or other discrimination issues arising from the proposals.

#### 4.10 **14-19 Curriculum and Collaboration**

Transition arrangements will be put in place to ensure continuity of curriculum provision for pupils transferring from St Wilfrid's Catholic High School to alternative schools in September 2012. The LEA confirms that for those Year 10 pupils who transfer as a block to one site the curriculum offer will continue so that all examination subjects can continue to be delivered. Arrangements will be made for Year 9 pupils to consider option choices at their alternative school before the end of the 2011/12 academic year. The existing collaborative arrangements between schools and colleges within the Borough will continue.

#### 4.11 **SEN Provision**

Pupils who currently receive additional Special Educational Needs support at St Wilfrid's Catholic High School will continue to access this support on transfer to an alternative school.

#### 4.12 **The Views of Interested Parties**

No representations or views have been received during the six week representation period which ran from 3 February 2011 to 17 March 2011.

## **5. Determination of the Proposal**

- 5.1 Having considered the factors in Section 4 of this report, the Cabinet Member, Children's Services, is recommended to approve the proposal to close St Wilfrid's Catholic High School with effect from 31 August 2012.

The main considerations and the original reasons for the proposal are:-

- ❖ **Demographic changes – falling pupil numbers**  
There are currently 403 pupils on roll at St Wilfrid's Catholic High School (January 2011).
- ❖ **Surplus Places**  
In 2010 Surplus Places were 42.53%. This is estimated to rise to 59.86% in 2011.
- ❖ **Financial Concerns**  
Based on January 2011 pupil numbers the budget deficit in 2011/12 is estimated to be -£ 1,099,249 and this will increase to -£ 1,696,461 in 2012/13 based on projected intake of 38 pupils into Year 7 in September 2011. The school is currently undertaking a staffing review that will result in staffing reductions from 1st September 2011. Any staffing adjustments made by the school for the new academic year will reduce the projected deficit position for 2011/12 and 2012/13, however it is anticipated that the school would still close with a deficit in excess of £1,200,000 with the proposed staffing changes.
- ❖ **Standards**  
Although standards improved in 2010 the school is still the lowest performing school in Sefton based on the 5+ A\*-C including English and Maths measure and in the bottom 25% nationally when the CVA measure is considered.

## **6. Recommendation(s)**

- 6.1 The Cabinet Member, Children's Services is recommended to approve the proposal for the closure of St Wilfrid's Catholic High School with effect from 31 August 2012.



## **Annex A      Published Notice**

### **St Wilfrid's Catholic High School, Orrell Road, Litherland**

Notice is given in accordance with section 15(1) of the Education and Inspections Act 2006 that Sefton Council, Children, Schools and Families, 9th Floor, Merton House, Stanley Road, Bootle L20 3JA intends to discontinue St Wilfrid's Catholic High School, Orrell Road, Litherland L21 8NU on 31 August 2012.

Pupils will be offered places at Savio Salesian College, St Ambrose Barlow Catholic College and Holy Family Catholic High School although places may be available at other local schools.

Proposed transport arrangements for displaced pupils are in line with the Authority's transport policy. Pupils who are eligible for assistance with transport costs will normally be offered a public transport travel pass which will help to work against increased car use.

This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained from: School Organisation and Capital Programme Team, Children, Schools and Families, Sefton Council, Town Hall, Oriel Road, Bootle L20 7AE. Telephone 0151 934 3427 or at [www.sefton.gov.uk/stwilfrids](http://www.sefton.gov.uk/stwilfrids).

Within six weeks from the date of publication of this proposal, any person may object to or make comments on the proposal by sending them to School Organisation Team, Children, Schools and Families, Sefton Council, Town Hall, Oriel Road, Bootle L20 7AE.

Signed: M Carney, Chief Executive and Authorised Officer of Sefton Metropolitan Borough Council

Publication Date: 3 February 2011



A Guide for Local Authorities & Governing Bodies

department for  
**children, schools and families**

# Closing a Maintained Mainstream School

## A Guide for Local Authorities and Governing Bodies

For further information:

School Organisation & Competitions Unit  
DCSF  
Mowden Hall  
Darlington  
DL3 9BG

Tel: 01325 735749

Email: [school.organisation@education.gsi.gov.uk](mailto:school.organisation@education.gsi.gov.uk)

Website: [www.dcsf.gov.uk/schoolorg/guidance.cfm?id=3](http://www.dcsf.gov.uk/schoolorg/guidance.cfm?id=3)

## **Statutory Guidance – Factors to be Considered by Decision Makers** (Paragraphs 4.15-4.16)

4.15 Paragraphs 8(6) and 17 of Schedule 2 to the EIA 2006 provides that both the LA and schools adjudicator **must** have regard to guidance issued by the Secretary of State when they take a decision on closure proposals. Paragraphs 4.16 to 4.63 below contain the statutory guidance.

4.16 The following factors **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.

## **EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT**

### **A System Shaped by Parents** (Paragraphs 4.17-4.18)

4.17 The Government's aim, as set out in the Five Year Strategy for Education and Learners and the Schools White Paper Higher Standards, Better Schools For All, is to create a schools system shaped by parents which delivers excellence and equity. In particular, the Government wishes to see a dynamic system in which:

- weak schools that need to be closed are closed quickly and replaced by new ones where necessary;
- the best schools are able to expand and spread their ethos and success; and
- new providers have the opportunity to share their energy and talents by establishing new schools - whether as voluntary schools, Trust schools or Academies - and forming Trusts for existing schools.

4.18 The EIA 2006 amends the Education Act 1996 to place duties on LAs 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, LAs 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 LAs.

### **Standards** (Paragraphs 4.19-4.21)

4.19 The Government wishes to encourage changes to local school provision where it will boost standards and opportunities for young people, while matching school place supply as closely as possible to pupils' and parents' needs and wishes.

4.20 Decision Makers **should** be satisfied that proposals for a school closure 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.

### **Schools Causing Concern** (Paragraphs 4.22-4.23)

4.22 When considering the closure of any school causing concern and, where relevant, the expansion of other schools, the Decision Maker **should** take into account the popularity with parents of alternative schools.

4.23 For all closure proposals involving schools causing concern, copies of the Ofsted monitoring letters for the relevant schools **should** be made available. The Decision Maker **should** have regard to the length of time the school has been in special measures, needing significant improvement or otherwise causing concern, the progress it has made, the prognosis for improvement, and the availability of places at other existing or proposed schools within a reasonable travelling distance. There **should** be a presumption that these proposals **should** be approved, subject only to checking that there will be sufficient accessible places of an acceptable standard available in the area to meet foreseeable demand and to accommodate the displaced pupils.

### **Diversity** (Paragraphs 4.28-4.30)

4.29 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.

4.30 Decision Makers **should** consider how proposals will impact on local diversity. They **should** consider the range of schools in the relevant area of the LA and how the closure of the school will ultimately impact on the aspirations of parents, help raise local standards and narrow attainment gaps.

### **Balance of Denominational Provision** (Paragraphs 4.31-4.32)

4.31 In deciding proposals to close a school with a religious character, the Decision Maker **should** consider the effect that this will have on the balance of denominational provision in the area.

4.32 The Decision Maker **should not** normally approve the closure of a school with a religious character where the proposal would result in a reduction in the proportion of denominational places in the area. This guidance does not however apply in cases where the school concerned is severely under-subscribed, standards have been consistently low or where an infant and junior school (at least one of which has a religious character) are to be replaced by a new all-through primary school with the same religious character on the site of one or both of the predecessor schools.



## **Every Child Matters** (Paragraph 4.33)

4.33 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 displaced pupils will continue to have access to extended services, opportunities for personal development, access to academic and applied learning 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.

## **NEED FOR PLACES**

### **Provision for Displaced Pupils** (Paragraph 4.34)

4.34 Where proposals will remove provision, the Decision Maker **should** be satisfied that there is sufficient capacity to accommodate displaced pupils in the area, taking into account the overall supply and likely future demand for places. The Decision Maker **should** consider the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents’ aspirations for those schools.

### **Surplus Places** (Paragraphs 4.35-4.36)

4.35 It is important that education is provided as cost-effectively as possible. Empty places can represent a poor use of resources - resources that can often be used more effectively to support schools in raising standards. The Secretary of State wishes to encourage LAs to organise provision in order to ensure that places are located where parents want them. LAs **should** take action to remove empty places at schools that are unpopular with parents and which do little to raise standards or improve choice. The removal of surplus places **should** always support the core agenda of raising standards and respect parents’ wishes by seeking to match school places with parental choices.

4.36 The Decision Maker **should** normally approve proposals to close schools in order to remove surplus places where the school proposed for closure has a quarter or more places unfilled, and at least 30 surplus places, and where standards are low compared to standards across the LA. The Decision Maker **should** consider all other proposals to close schools in order to remove surplus places carefully. Where the rationale for the closure of a school is based on the removal of surplus places, standards at the school(s) in question **should** be taken into account, as well as geographical and social factors, such as population sparsity in rural areas, and the effect on any community use of the premises.

## **IMPACT ON THE COMMUNITY AND TRAVEL**

### **Impact on Community (Paragraphs 4.37-4.38)**

4.37 Some schools may already be a focal point for family and community activity, providing extended services for a range of users, and its closure may have wider social ramifications. In considering proposals for the closure of such schools, the effect on families and the community **should** be considered. Where the school was providing access to extended services, some provision **should** be made for the pupils and their families to access similar services through their new schools or other means.

4.38 The information presented by those bringing forward proposals to close such schools, particularly when they are in receipt of funding as part of regeneration activity, **should** therefore include evidence that options for maintaining access to extended services in the area have been addressed. The views of other relevant agencies and partnerships with responsibility for community and family services **should** be taken into account, alongside those of the local police, Government Offices and Regional Development Agencies having responsibility for the New Deal for Communities.

### **Community Cohesion and Race Equality (Paragraph 4.39)**

4.39 When considering proposals to close a school the Decision Maker **should** consider the impact of the proposals on community cohesion. This will need to be considered on a case by case basis, taking account of the community served by the school and the views of different sections within the community. In considering the impact of the proposals on community cohesion the Decision Maker will need to take account of the nature of the alternative provision to be made for pupils displaced by the closure and the effects of any other changes to the provision of schools in the area.

### **Travel and Accessibility for All (Paragraphs 4.40-4.41)**

4.40 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.

4.41 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. The EIA 2006 provides extended free transport rights for low income groups – see Home to School Travel and Transport Guidance ref 00373 – 2007BKT-EN at [www.teachernet.gov.uk/publications](http://www.teachernet.gov.uk/publications). Proposals **should** also be considered on the basis of how they will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

## **SCHOOL CHARACTERISTICS**

### **Equal Opportunity Issues (Paragraph 4.46)**

4.46 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 where there is a proposed change to single sex provision in an area, 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.

## **SPECIFIC AGE PROVISION ISSUES**

### **14-19 Curriculum and Collaboration (Paragraph 4.50)**

4.50 The Government has ambitious plans to increase post-16 participation rates and improve the skills of learners. The foundation for making progress is a transformed, coherent 14-19 phase offering a rich mix of learning opportunities from which young people can choose tailored programmes and gain qualifications appropriate to their aptitudes, needs and aspirations. This will be achieved by better collaboration between local providers, including schools, colleges, training providers and employers. Decision Makers **should** therefore consider what measures are being proposed to ensure that opportunities available to students in this age group are not reduced by the school closure, although the absence of such measures **should not** prevent the closure of a poorly-performing school.

## **SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION**

### **Initial Considerations (Paragraphs 4.56-4.57)**

4.56 SEN provision, in the context of School Organisation legislation and this guidance, is provision recognised by the LA as specifically reserved for pupils with special educational needs. When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change, LAs **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.

## **OTHER ISSUES**

### **Views of interested parties (Paragraph 4.63)**

4.63 The Decision Maker **should** consider the views of all those affected by the proposals or who have an interest in them including: pupils; families of pupils; staff; other schools and colleges; local residents; diocesan bodies and other providers; LAs; the LSC (where proposals affect 14-19 provision) and the Early Years Development and Childcare Partnership if one exists, or any local partnership or group that exists in place of an EYDCP (where proposals affect early years and/or childcare provision). This includes statutory objections and comments submitted during the representation period. 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.