

## SCHOOL ORGANISATION COMMITTEE

Venue: Town Hall, Moorgate  
Street, Rotherham.

Date: Thursday, 28 July 2005

Time: 9.30 a.m.

### A G E N D A

1. Apologies
2. Minutes of previous meeting held on 20th January, 2005 (copy herewith). (Pages 1 - 8)
3. Matters Arising
4. Minutes of a meeting of the Local Admissions Forum held on 17th March, 2005 (copy herewith). (Pages 9 - 11)
5. Matters Arising
6. Statutory Proposal - Brinsworth Howarth Primary School - (report herewith) - **Decision Required** (Pages 12 - 34)  
**(In addition to the enclosed information, please bring the Statement of Case sent on 20<sup>th</sup> June, 2005)**
7. 2nd Update to the School Organisation Plan 2003/04 - 2007/08 (report herewith). (Pages 35 - 41)
8. The Education (School Organisation Proposals)(Miscellaneous Amendments)(England) Regulations 2004 (correspondence herewith). (Page 42)
9. DfES: School Organisation Matters - Foundation Schools (letter and new regulations herewith) - Expansion of Popular and Successful Schools - Decision Makers Procedural Guidance (information herewith). (Pages 43 - 66)

### FOR INFORMATION ONLY

10. LGG (ACSeS) - Courses and Conferences (information not available electronically)

**SCHOOL ORGANISATION COMMITTEE  
THURSDAY, 20TH JANUARY, 2005**

Present:- Councillor Boyes (in the Chair)

Mr. P. Robins (Junior and Infant Schools), Mr. B. Sampson (Church of England), Mrs. J. Scott (Junior and Infant Schools), Mrs. B. Watson (Infant Schools) and Mr. P. White (Church of England)

Also in attendance were the following officers:-

Mr. M. Harrop (Education, Culture and Leisure Services), Hill (Education, Culture and Leisure Services) and Mrs. S. Green (Democratic Services)

**12. APOLOGIES**

Apologies for absence were received from Malcolm Robertson, Ann Winfield, Councillor Austen, Kabir Hussain and Shabana Ahmed.

**13. MINUTES OF PREVIOUS MEETING HELD ON 30TH SEPTEMBER, 2004**

Resolved:- That the minutes of the previous meeting held on 30<sup>th</sup> September, 2004 be received as a correct record.

**14. MATTER ARISING**

Membership/Resignations/Terms of Reference

Discussion took place on the membership of the Committee.

The Secretary reported a lack of response to a recent advertisement placed in the Governors Newsletter for representatives to substitute on some of the Schools' Groups and for a Special Schools representative.

Resolved:- (1) That the Strategic Leader School Improvement be asked to raise this matter at the next Chair and Vice-Chairs meeting of Governing Bodies.

(2) That the Secretary pursue whether the Rotherham Association of School Governors have yet appointed a Chair and, if so, liaise with him/her on this matter.

**15. MINUTES OF A MEETING OF THE LOCAL ADMISSIONS FORUM HELD ON 11TH NOVEMBER, 2004.**

The minutes of the meeting of the above Committee were received and the content noted.

**16. MATTERS ARISING**

(a) Co-ordinated Admission Arrangements

The meeting was informed that the new co-ordinated admission arrangements were presently working reasonably well.

An update report on this matter would be submitted to the next meeting of the Local Admissions Forum.

A discussion took place on the content of the booklet and in particular the amount of information for parents to absorb. It was noted that a two page summary was made available which furnished parents with sufficient information to enable them to complete the application form.

Parents were asked to complete a questionnaire on completion of the booklet and this was measured as a Performance Indicator within Education, Culture and Leisure Services.

Current feedback has indicated that the majority of parents are of the opinion that the booklet is clear or very clear. More up to date information on this issue would be reported to the next meeting of the Local Admissions Forum.

A very small number of parents who had failed to return an admission form, were sent a follow up letter and help was offered to families through the Welfare Service.

A great deal of effort was taking place this year, through Schools or other Agencies, to encourage parents to complete forms on time.

A debate took place on the issue of interpreters and the presentation of written information, it being pointed out that approximately fifty-seven languages were now spoken in schools.

In general, problems due to a lack of English did not seem to be apparent at Admissions Appeals.

It was pointed out that the LEA made use of the language library and the Welcome Centre as a point of contact for parents.

(b) Admissions Consultation 2006/07

It was reported that a great deal of work had taken place to ensure the admissions criteria for Church Aided Schools had been placed on the Council's web site by the deadline of 18<sup>th</sup> January, 2005.

The site also included information on the co-ordinated schemes for Primary and Secondary and admissions criteria and numbers for all community and controlled schools, and those of individual Church Aided

Schools

Agreed:- That a suitable press release be issued raising awareness of the availability of the on-line consultation and preference forms, and the timetable for the current admissions round.

**17. ONS RECLASSIFICATION OF RURAL/URBAN AREAS**

Further to Minute No. 8 of the previous meeting of this Committee held on 30<sup>th</sup> September, 2004, consideration was given to the information received on the reclassification of Rural/Urban Areas, carried out by the Office for National Statistics on areas within Rotherham.

This information can now be used by the School Organisation Committee if faced with any proposal for closure, as suggested in the DfES' recently revised guidance on such matters.

Overall, 52.7% of the Rotherham area is classed as rural and that area contains 12.38% of the population.

The following schools actually situated within the areas classed as rural in Rotherham are:-

Primary

Aston Fence  
Harthill  
Kiveton Park Inf.  
Kiveton Park Meadows Jnr.  
Laughton  
Laughton C.E.  
Thorpe Hesley Inf.  
Thorpe Hesley Jnr.  
Thrybergh Fullerton CE  
Thurcroft Inf.  
Thurcroft Jnr.  
Todwick  
Treeton C.E.  
Wales  
Wentworth C.E.  
Woodsetts (16 schools)

Secondary

Wales High (1 school)

Special

Green Arbour (1 school)

A total of 18 schools, which is 13.9% of Rotherham's total of Primary, Secondary and Special Schools.

In the absence of further guidance from DfES, the point was made that it remained the responsibility of the School Organisation Committee to determine what a rural school was when considering individual proposals. Obvious considerations when deciding any proposed closure of a rural school would be transport and sustainability issues, as well as the issues relating to education standards.

The main aspect of DfES guidance is a general presumption not to close a rural school. This did not mean, however, that no rural school would ever close.

**18. THE EDUCATION (SCHOOL ORGANISATION PROPOSALS)(MISCELLANEOUS REGULATIONS 2004 (SCHOOL ORGANISATION AMENDMENTS)(ENGLAND)**

Following earlier consultation, the above Regulations were laid before Parliament on 25<sup>th</sup> November, 2004.

The meeting was reminded of a previous discussion at SOC which related to a proposal to amend the Education (School Organisation Committees)(England) Regulations 1999. This specifically concerned the make-up of the schools group and the addition of a nursery schools representative.

The wording of the proposals in the consultation documentation seemed to be confusing and, in places, contradictory.

DfES had now taken into consideration the views of Rotherham LEA and, as a result, removed the contradiction of nursery representatives when nursery schools are less than 5% of the pupil population.

The provision relating to the addition of a nursery representative will come into effect on 1<sup>st</sup> February, 2005, and, although the wording is now clear, the position in Rotherham needs to be clarified.

The position in terms of the membership of the schools group is as follows:-

The number of members must be at least 1 and no more than 7, except that in some instances the membership may have to exceed 7 in order to comply with the provisions contained within the Schedule to the 1999 Regulations (N.B. the latter does not apply in Rotherham).

When setting up the schools group in Rotherham, the LEA had decided to appoint 7 members even though the minimum number required (by reference to the Schedule) would have been just 3 (i.e. 1 Primary, 1 Secondary and 1 Special). This had been in order to give a broader

cross-section of views.

The minimum required under the new Regulations is 4 (same as above, plus the new Nursery representative).

Rotherham's current membership is as follows:-

- 1 Secondary (11-16)
- 1 Secondary (11-19)
- 2 Primary (J & I/Primary)
- 1 Primary (Infant)
- 1 Primary (Junior)
- 1 Special

The addition of a Nursery representative has the potential to increase the membership to 8 which would not be possible under the Regulations. Currently, however, the 11-16 schools representative (Mr. Alan Walker) is also a member of the Governing Body for the Arnold Centre and, therefore, can represent both. This would leave the number of members at 7.

The meeting was asked to consider whether this is the best way forward despite the fact that Mr. Walker has not been elected as a Nursery representative.

If it is believed to be the best way forward, the question posed for this meeting was what did SOC think the make-up of the group should be, in the event of Mr. Walker ceasing to be a member of SOC in the future?

In the case of Rotherham it would be a representative for Rawmarsh, Arnold and Aughton Nurseries who now have their own Governing Bodies.

The meeting discussed the following issues:-

- impact of the Children's Centres in terms of the changing role of Nurseries
- Private Nurseries

Resolved:- (1) That no action be taken on the potential additional nursery representative position at the present time.

(2) That a further report be made to the next meeting.

**19. DFES FIVE YEAR STRATEGY: CONSULTATION ON PROPOSALS FOR FOUNDATION SCHOOLS, EXPANDING POPULAR AND SUCCESSFUL SCHOOLS AND ADDING SIXTH FORMS**

The meeting considered a report by the LEA in response to a consultation by the DfES to change regulations and guidance in line with the content of

its Five Year Strategy, particularly in relation to secondary schools having 'a greater independence'.

In view of the need to respond to the proposal by 31<sup>st</sup> December, 2004, a response had been sent to DfES, as outlined in Section 7 of the report now submitted.

The DfES' strategy offers a system where there will be (amongst other things):-

- Freedom for all secondary schools to own their land and buildings, manage their assets, employ their staff, improve their governing bodies, and forge partnerships with outside sponsors and educational foundations
- More places in popular schools

The DfES believes that the current process for changing category of school to foundation is often seen by schools as onerous and that it acts as a disincentive to change.

One member expressed concern regarding the DfES' new proposals whereby the governing body of a school could determine its own proposals, even when there may be objections. This was seen as a retrograde step.

In addition, it was pointed out that School Organisation Committees had been established to make local decisions.

There was discussion on the position in Rotherham and the possible demand for either of the above changes.

The second proposal could create more appeals being sent to an Adjudicator in the event of SOC being unable to make decisions.

Resolved:- That the Secretary write to DfES questioning (a) the rationale behind the proposals (b) the lack of consultation for school proposals in respect of changes of category and (c) the diminution (and exclusion in the case of foundation schools) of the role of the School Organisation Committee.

**20. REDSCOPE INFANT AND JUNIOR SCHOOLS - PROPOSED 'AMALGAMATION'**

The meeting was advised of the timetable for consideration of the proposed amalgamation of the above schools, as published on 7<sup>th</sup> January, 2005.

The consultation period was six weeks. In the event of no objections being received, the matter will be determined by the LEA. If objections

are received within the six weeks period, all relevant papers will be submitted to the next meeting and a decision on the proposal made by SOC.

The proposal had arisen following the retirement of the Head Teacher of the Junior School and was being carried out in accordance with the School Organisation Plan.

Meetings had taken place between the LEA, Acting Head Teacher (Junior School), Head Teacher of the Infant School, staff and parents and advice given to Governing Bodies.

Both schools and parents were very much in favour of the proposal.

Officers from the LEA were thanked for the amount of advice and information given to the school which had helped to ensure a very clear process had been followed by the Governing Body and staff.

**21. CHILDREN ACT 2004: SCHOOL ORGANISATION COMMITTEES AND THE CHILDREN & YOUNG PEOPLE'S PLAN**

The meeting considered the contents of a letter from the Department for Education and Skills on their plan rationalisation proposals and the introduction of the Children and Young People's Plan (CYPP). This Plan will be produced for the first time in 2006.

The Children Act 2004 provides a power to require Children's Services Authorities to prepare and publish a CYPP. The plan is designed to support the move to more integrated and effective services to secure the outcomes for children set out in Every Child Matters and reflected in the Children Act 2004.

At the same time, the existing complex statutory planning requirements were to be streamlined and the Children Act repeals seven statutory planning requirements including the School Organisation Plan (SOP).

The Department for Education and Skills was aware of the concern that removal of the SOP (and therefore the SOC's power to approve it) will undermine the role of the SOC and are therefore proposing to require local authorities, by regulations, to consult SOCs and diocesan authorities during the preparation of the plan. DfES also intend to support this requirement in non-statutory guidance on developing the CYPP.

Authorities will still need to plan effectively for school organisation, despite the removal of the statutory requirement to produce a SOP.

The LEA will therefore need to give consideration in terms of what was produced for consideration by SOC in the future.

The repeal of the requirement to produce a SOP will take effect as soon



as possible, probably with the first Commencement Order for the Children Act, early in 2005. With effect from the same date, SOCs will no longer have a duty to have regard to the SOP when considering individual statutory proposals.

Information on the contents of the full Plan by DfES was presently awaited.

Resolved:- That further information be submitted to a future meeting when up to date information had been received from DfES.

**22. DATE AND TIME OF NEXT MEETING**

It was agreed that the next two meetings be held as follows:-

**Thursday, 17<sup>th</sup> March, 2005 at 11.00 a.m.**

(Please note: in the event of no objections to the Redscope Infant and Junior Schools proposed 'amalgamation', this meeting may not be necessary).

**Thursday, 14<sup>th</sup> July, 2005 at 9.30 a.m.**

(Please note: this is a provisional date to discuss the update of the School Organisation Plan).

**LOCAL ADMISSIONS FORUM  
THURSDAY, 17TH MARCH, 2005**

Present:- Mrs. I. G. Hartley (in the Chair) (School Governors); Councillor Boyes (Rotherham LEA), Mr. B. N. Sampson (Church of England), Mr. P. Storey (Diocese of Hallam) and Mr. G. Lancashire (Junior and Infant Schools).

**12. APOLOGIES**

Apologies for absence were received from Councillors Austen and Hodgkiss, Mrs. G. Atkin, Mrs. P. Powell, Mr. F. Hedge, Mr. F. McDermott, and Mr. M. Robertson.

**13. MINUTES OF THE PREVIOUS MEETING HELD ON 11TH NOVEMBER, 2004**

The minutes of the previous meeting, held on 11th November, 2004, were accepted as a true record.

**14. MINUTES OF A MEETING OF THE SCHOOL ORGANISATION COMMITTEE HELD ON 20TH JANUARY, 2005**

The minutes of the meeting of the School Organisation Committee, held on 20th January, 2005, were received and their contents noted.

**15. ADMISSIONS TO SCHOOLS 2006/07 - CONSULTATION REPORT**

Consideration was given to a report of the Strategic Leader Resources and Information which covered issues that have arisen as a result of the annual consultation exercise with and between schools and other Local Education Authorities on school admission arrangements for the Admission Year 2006/07.

Annex 1 provided details of the LEA's consultation document relating to community and controlled schools. The admissions criteria are unchanged from the previous year and there has been no specific feedback from consultees on this.

Proposed admission numbers for community and controlled schools had, in the main, been agreed by school governing bodies. There had been some feedback and details were indicated at Annex 2 to the report.

Aided schools have also been taking part in the consultation and for this year this has been facilitated by use of the LEA's internet site. Details of aided schools proposed admission number and admissions criteria have been included on the site.

There has been no specific feedback on the consultation regarding the co-ordinated admission schemes. The period for consultation ended on

1<sup>st</sup> March, 2005 and determinations by admission authorities had to be made by 15<sup>th</sup> April, 2005.

The Local Admissions Forum also noted that there would be further consideration of the admission number for Aston Comprehensive School.

Agreed:- That the information about schools' proposed admission numbers for 2006/07, contained in the report now submitted, be received.

## **16. CO-ORDINATED ADMISSION ARRANGEMENTS 2005/06**

The Local Admissions Forum discussed the co-ordinated arrangements for the admission of pupils to schools at the beginning of the 2005/06 academic year. The co-ordinated arrangements were being operated this year, for the first time in Rotherham. The following points were noted:-

- offer letters for admissions to Secondary Schools had been issued in accordance with the timescale on 1st March, 2005;
- offer letters for admissions to Primary Schools would be issued in accordance with the timescale on 1st April, 2005;
- 94% of parents had been offered a school place for their child at their first preference secondary school;
- 37 parents had not been offered a place for their child at any of their original three preferred secondary schools; these pupils would later be offered a place either at their catchment area school, or, if that school was already full, at another community school with places;
- a number of parents had, at a later stage, asked for their child to be placed on the waiting list for the school which had been their second or third preferred school;
- there had been fewer calls from irate parents than in previous years and, to date, no parent had questioned the operation of the co-ordinated admission arrangements;
- there was a positive working relationship with school admissions staff in the Barnsley, Doncaster and Sheffield Local Education Authorities;
- to date, there had been fewer admission appeals received by the Council.

The Local Admissions Forum placed on record its appreciation of the work of the school admissions staff in successfully implementing the co-ordinated admissions arrangements and agreed that a letter of congratulation be sent to the staff concerned.

## **17. ADDITIONAL INFORMATION FORM - CHURCH OF ENGLAND**

## **SCHOOLS**

The Local Admissions Forum noted the alterations which had been made to the additional information form to be used by Church of England Schools when requesting details of children who wished to be admitted to those schools.

### **18. HARD TO PLACE CHILDREN - DEVELOPING AND AGREEING A PROTOCOL**

The Local Admissions Forum considered a report of the Executive Director of Education, Culture and Leisure Services concerning the Government's Five Year Strategy for Children and Learners and the way this Strategy highlighted the need for schools to work together in providing school places for hard to place children. The Government expected every Local Admissions Forum to agree a protocol for sharing hard to place pupils and the protocol would have to be agreed with schools and be in operation at the start of the school year beginning on 1st September, 2005.

In discussing this issue, the Local Admissions Forum took note of advice received from the Department for Education and Skills, as well as a sample protocol and factors to be taken into account in the preparing a successful protocol.

The Local Admissions Forum noted that the protocol for Rotherham schools was currently being prepared by a multi-disciplinary team, co-ordinated by the Local Education Authority. The draft protocol would be issued to Members of the Local Admissions Forum in advance of the next meeting, enabling the protocol to be fully debated and agreed at the Admission Forum's next meeting on 21st July, 2005.

### **19. DATE AND TIME OF NEXT MEETING**

Agreed:- That the next meeting be arranged for Thursday, 21st July, 2005, commencing at 9.30 a.m.

<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:</b>	Lifelong Learning Cabinet Member and Policy Advisers
<b>2.</b>	<b>Date:</b>	19 <sup>th</sup> July 2005
<b>3.</b>	<b>Title:</b>	Proposal to make prescribed alteration to the age range at Brinsworth Howarth Junior and Infant School
<b>4.</b>	<b>Programme Area:</b>	ECaLS

### 5. Summary

Brinsworth Howarth Junior and Infant School is currently a 4-11 age range school. Cabinet Member and Advisers agreed to commence the Statutory Process at their meeting held on May 24<sup>th</sup> on the proposal to change the age range to 3-11 years to allow younger pupils to be admitted to a Foundation Stage Unit. Consultation has been undertaken with School staff, Parents and the School Governors and copies of the consultation papers have also been sent to neighbouring schools and Ward Members. Statutory Proposals have now stood for 6 weeks and a number of objections have been received. This matter cannot, therefore, be determined by the Local Education Authority and this matter has to be referred to the School Organisation Committee, which holds the necessary powers to make the determination. This report will be considered by the School Organisation Committee at their meeting due to be held on the 28<sup>th</sup> July 2005.

### 6. Recommendations

**It is recommended that the information in this report is received and that the report, along with any comments made by Members, is referred to the School Organisation Committee which holds the powers to make the final determination.**

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## **7. Proposals and Details**

It is proposed to make a prescribed alteration to Brinsworth Howarth Junior and Infant School from September 2005. There will be a change in the age range of the school from its existing age range of 4-11 years to 3-11 years. The school will have 210 places (R-Y6) with a foundation stage unit that can accommodate up to 30 pupils on a part-time basis (15 pupils in the morning and 15 in the afternoon). The admission number of 30 to the school (reception onwards) is unchanged

The advantages of the development of Foundation Stage Units are detailed in '**Appendix A**' to this report

Meetings were held at Brinsworth Howarth J&I. School on the 26<sup>th</sup> April 2005 with School Staff, Parents and the School Governing body. All the groups were in favour of the proposal to open a Foundation Stage unit and no objections to the proposal were raised at these meetings.

**(The minutes of these meetings are attached to this report.)**

Copies of the consultation papers have also been sent to neighbouring schools and Ward Members.

Following publication of the Statutory Notice (which has stood for 6 weeks) comments/and representations to the proposal have been received from; the Governing Body of Brinsworth Whitehill Junior and Infant School, the Head Teacher and the Chair of Governors of Brinsworth Whitehill Junior and Infant School, the Governing Body/ Head Teacher of Catcliffe Junior and Infant School, the 'Parents at Catcliffe' support group and twenty letters (all identical) from individuals who live in the area.

**Copies of the representations made are attached to this report. (One copy of the duplicate letter of complaint has been attached for information)**

A number of issues are raised in the representations and the following comments address these issues:

- 1) The maximum capacity of the Foundation Unit will be 30 Foundation Stage 2 pupils (the 'Reception' age pupils) and 15 Foundation Stage 1 pupils (the nursery age pupils). The staffing ratio will be at least 13:1 and may be higher; there is no intention to staff the unit at lower ratios than currently operate in neighbouring Foundation Stage Units. It is the number of pupils who will be moving onto Brinsworth Howarth School that will determine the number of places that are taken up. (Over the last three years (including the projected 2005/06 intake) the maximum number of pupils that have entered the school into the Reception Year Class is 24). Therefore, the projected maximum number on roll in the Foundation Stage Unit in September 2005 is likely to be only 36 pupils. The staffing provided by the school from its devolved budget will meet the 13:1 ratio.

- 2) Pupils who currently enter Brinsworth Howarth School attend a number of different providers. The majority of the pupils, around 50%, do currently attend the Foundation Stage Unit at Catcliffe J&I School. The number of pupils, however, who attend the Brinsworth Whitehill Foundation Stage Unit is low. The 2004/05 and the 2005/06 (projected) intake into the Howarth Reception Class actually only includes one pupil who attended at the Foundation Stage Unit at Whitehill. Given this low intake the effect of opening a Foundation Stage Unit at Howarth J&I School on the intake to the Brinsworth Whitehill Unit must be seen as minimal and it is difficult to see how the comments of the Head Teacher, Chair of Governors, Governing Body of Whitehill can be validated in this instance. (Eighteen of the twenty letters received placing objections came from residents who live in the catchment area of Brinsworth Whitehill School. One came from a resident who lives in Brinsworth Howarth School's catchment area but who has a pupil at Whitehill school. One came from the catchment area of Brinsworth Manor School.)
- 3) The aim of the Authority, which is in line with the current guidance and research, is to eventually open Foundation Stage Units at all Infant and Junior and Infants Schools across the Authority. The educational benefits of pupils remaining within a Foundation Stage unit and then progressing through the school are well documented and are highlighted in '**Appendix A**' to this report. Pupils who move at an early stage in their education are put at a disadvantage and greater progression occurs within a single unit where there are the same pupils/staff/and teacher. In a foundation stage unit the major benefits accrue when children remain in the same environment, with the same staff for the first two years of their school life, schools where this happens report a very positive impact on personal, social and emotional development and communication, language and literacy.
- 4) The current pupil projections across the Authority combined with 'parental preference' does mean that a number of schools are experiencing a fall in roll which combined with the mechanism of the 'fair funding' scheme results in a reduced budget. Governing Bodies are required to set a balanced budget and where funding is reduced they are required to make any necessary changes. Where numbers fall in a Foundation Stage Unit there are a number of options which are available to keep the unit viable and these include: pupils attending for an increased number of sessions (4/5 terms), enhancing the number of part-time terms in recognised as a positive benefit by the recent 'The Effective Provision of Pre-School Education Project' (EPPE) research and the opportunity for schools to consider moving towards providing 'day-care' in a 'Children's Centre' type of provision. It is the intention to consider this through the next phase of the Children's Centre strategy, although schools could move towards this before 2006. The comments from the Catcliffe Governing Body indicate that there is likely to be a fall in the number of pupils expected to enter Foundation Stage 1 unit in September 2005. The adoption of earlier admission of younger pupils (5 terms rather than 4) and a move to extended day care (Children's Centre approach) will assist in keeping the Foundation Stage Unit viable and will provide a way forward for the school. It will also provide an invaluable service to Catcliffe families

- 5) The Foundation Stage One admission list for Catcliffe Junior and Infant school identifies 14 children applying for admission in September 2005, (but possibly a loss of 6, leaving only 8 if the Howarth unit opens). This would give the Foundation Unit 19/20 pupils in Foundation Stage Two and 8 in Foundation Stage 1. There would also be other 3 year olds entering in January and this is likely to increase the numbers to at least 28 (14 fte). Catcliffe does have the staffing to support this number, and the birth figures would evidence a potentially higher number. (average of 25 each year over the period 03/05).
- 6) The fall in rolls across a number of schools in the Authority and the impact of the class size legislation has led to a surplus capacity in a number of schools. Space has, therefore, been created within these schools and where there has been space Governing Bodies have allowed pre-school playgroups to operate from the premises or have requested approval for the opening of Foundation Stage 1 units. This trend will continue as the educational benefits of early years foundation stage units are well documented. It is likely that, if approval for the Foundation Stage unit at Brinsworth Howarth is not supported that the Governing Body will explore the possibility of a voluntary/private sector provider operating from the school and mirroring the provision of the foundation stage unit and/or child care. Indeed a local group has already expressed interest in such a proposal. This is in-line with the extended school agenda and the Governments ten year strategy for childcare, consequently the subsequent loss of pupils from the Catcliffe Foundation Unit would still occur.
- 7) The educational advantages to the pupils that would benefit from a through Foundation Stage Unit at Brinsworth Howarth School are considered to outweigh the loss in numbers at neighbouring schools units.

## **8. Finance**

The costs of internal adaptations to the school building would be met through Brinsworth Howarth's School's Devolved Formula Capital Grant. Costs associated with the admission of younger age children would be funded through the Fair Funding Scheme.

## **9. Risks and Uncertainties**

Formal objections have been lodged during the 'statutory consultation' and consequently the proposals will now be determined by the 'School Organisation Committee' (SOC). If unanimous agreement cannot be made by the SOC the final decision lies with the 'Chief Adjudicator of Schools' to whom all the relevant documentation will be sent. This will delay the process and could not be completed within the timescale for a September 2005 opening.

## **10. Policy and Performance Agenda Implications**

The major theme supported by the introduction of the Foundation Stage is "everyone has access to skill, knowledge and information needed to enable them to play a full part in society"



## 11. Background Papers and Consultation

Report to Cabinet member and Advisers 22 March and 24<sup>th</sup> May 2005, minutes of the Meeting with School Staff, Parents and the School Governing Body held on the 26<sup>th</sup> April 2005 and the attached objections received during the statutory consultation.

The statutory consultation timetable is:

Publication of Statutory Notices	June 2005
6 week period for representations and objections closes	8 <sup>th</sup> July 2005
LEA/School Organisation Committee	July/August 2005
Implementation Date	1 <sup>st</sup> September 2005

**Contact Name** : David Hill, School Organisation, Planning and Development Manager Tel: 822536,  
e-mail, david-education.hill @rotherham.gov.uk

## Background Information on the Foundation Stage Units **Appendix A**

It is well recognised and supported by research that the early years of a child's educational life provide the basis upon which all later achievement is based. The development of Foundation Stage units across the borough along with the rationalisation of places will build upon Rotherham's already high quality provision ensuring a strong secure start for all.

### **Aims**

- ❖ To ensure children have access to appropriate provision at the right time and that our youngest children remain in the non-maintained sector benefiting from high adult /child ratios
- ❖ To provide equitable early years provision in the maintained sector across the borough
- ❖ To develop working partnerships between maintained and non-maintained providers to meet the needs of children and parents
- ❖ To ensure all Rotherham children have access to high quality early years education and parents are given a choice as to who provides this
- ❖ To raise the baseline profile and
- ❖ To remove surplus nursery places

### **Current Issues**

- ❖ Over provision of LEA places in some areas of the borough and under provision in others
- ❖ LEA provision taking in younger children to cope with falling roles
- ❖ Reception curriculum is not universally appropriate early years provision
- ❖ Foundation stage now recognised as a key stage in its own right
- ❖ Continuity and progression between nursery and reception classes which are often in separate buildings
- ❖ Continuity and progression with the non-maintained sector
- ❖ Introduction of a foundation stage profile from September 2002
- ❖ Low baseline profile

Vision

- ❖ Universal quality early years education across the borough, resulting in a raising of attainment on entry and consequent raising of attainment/achievement throughout. A strong curriculum/care partnership between the maintained and non maintained sector.

### Principles

- ❖ Formal curriculum/care partnerships are developed between non-maintained and maintained providers
- ❖ Nursery and Reception children use the same space.
- ❖ Resources are shared – variety of models
- ❖ Shared QCA foundation stage curriculum
- ❖ Shared system of planning and record keeping- carefully differentiated
- ❖ Access to outdoor play for all foundation stage children- foundation stage expectation outlined in the QCA guidance
- ❖ No imposition of inappropriate whole school routines
- ❖ Environment geared to children making their own choices
- ❖ Good adult child ratios allowing for maximum input at this vital stage

### Advantages

- ❖ Youngest children are in appropriate provision with high adult/child ratios
- ❖ Maintained/non-maintained partnerships ensure continuity of care/curriculum.
- ❖ The needs of children and parents are met
- ❖ Value given to the Foundation Stage in the context of the whole school
- ❖ Staff are able to work collaboratively
- ❖ Provide a basis for positive and supportive relationships with parents /carers
- ❖ Optimum utilisation of resources and equipment

### Strategy

- ❖ To introduce foundation stage units in each school across the borough in a staged programme. To develop close formalised partnerships between maintained and non-maintained settings, providing quality early education for three and four year olds.

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

**Department of Education, Culture and Leisure Services**

**PROPOSAL TO MAKE A PRESCRIBED ALTERATION TO THE AGE RANGE AT  
BRINSWORTH HOWARTH JUNIOR AND INFANT SCHOOL**

**Meeting with Parents – Tuesday 26<sup>th</sup> April 2005**

Present: David Hill, Ann Hercock (LEA), John Hodgkins (Head Teacher) and  
15 parents.

David Hill outlined the proposal to change the age range of the school from 4-11 years to 3-11 years from September 2005.

The school would have 210 places (R-Y6) with a Foundation Stage Unit that could accommodate up to 30 pupils on a part-time basis (15 pupils in the morning and 15 in the afternoon). The admission number of 30 to the school (Reception onwards) would remain unchanged.

The Education, Culture and Leisure Cabinet Member and Policy Advisers, at their meeting on 22<sup>nd</sup> March 2005, agreed that consultation on the proposal is begun. A further report would be brought to Members with details of the outcome of the consultation.

David explained the statutory process and the timetable for the consultation. He then invited questions and comments which were as follows:-

**Will Foundation 1 and Foundation 2 be in separate rooms?**

They will be in the same unit but there will be some separation. There will also be opportunities for joint activities.

**Would the Unit be where the Reception children are now?**

Yes, but some building work would be required.

**Would there be a separate play area?**

As there is now, a separate and secure play area will be shared by Foundation 1 and Foundation 2.

**What would staffing levels be?**

There could be a class of reception plus 15 Foundation 1 children for each morning and afternoon session. The Unit would be staffed by 1 teacher, 2 teaching assistants and a nursery nurse. Staffing ratios are normally 1:13.

Is the proposal likely to go ahead? What if a parent has been offered a place for their child elsewhere (eg Catcliffe)?

At the earliest a decision will be made on 26<sup>th</sup> July, which is in the summer holiday break. If there is a formal objection the matter would have to be referred to the School Organisation Committee. If agreement was reached at this stage the Unit could still be open in September 2005. If there were still objections, the School Adjudicator would have to make the decision which would delay the process further.

How many intakes would there be – just September?

Rotherham has moved from 3 admission dates to 1. Children can be offered 3 terms of Foundation 1 before entering Reception.

Who gets priority for places at Foundation 1?

For children living in the catchment area, priority is always based on age.

If a child has an older sibling at school does that child automatically get a place in Foundation 1?

This would not normally happen. Full priority is given to catchment and then age.

Will plans be put in place to open from September?

Yes, they will.

What will session times be for the Foundation Unit?

These have not yet been determined but normally Units have later starts and earlier finishes than the main school.

If someone has been given a place elsewhere can this subsequently be refused if the proposal is approved?

Yes. Parents will be informed during the summer break when a decision has been made about the Foundation Unit.

Would there be a set curriculum?

Yes, there is a separate Foundation Stage curriculum.

What would the numbers be in the morning/afternoon groups?

This would depend on total numbers. If there were not many, there could just be a morning group.

Would there be opportunities to stay with children for their first few days?

This would have to be looked at.

Are parents supportive of the proposal?

Yes, all parents present were very positive.

What would happen if Catcliffe nursery children's parents wished to transfer them to Brinsworth Howarth?

Again, this would have to be looked at.

What if an objection was received – what would happen?

The decision would have to be made by the School Organisation Committee in August. If still not agreed, the Schools Adjudicator would make the decision. This would delay the process.

Have any objections been received before?

No objections have been supported. The Chief Adjudicator would look at the educational value and is unlikely to consider the effect on other Units.

Will other schools be able to object?

Other schools in the area have been informed. They may object now or as part of the statutory process. Ward members have also been informed.

There were no more questions.

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

**Department of Education, Culture and Leisure Services**

PROPOSAL TO MAKE A PRESCRIBED ALTERATION TO THE AGE RANGE AT BRINSWORTH HOWARTH JUNIOR AND INFANT SCHOOL

Meeting with Governing Body – Tuesday 26<sup>th</sup> April 2005

Present: David Hill, Val Daughtrey, Ann Hercock (LEA), John Hodgkins (Head Teacher) and members of the Governing Body.

David Hill outlined the proposal to change the age range of the school from 4-11 years to 3-11 years from September 2005.

The school would have 210 places (R-Y6) with a Foundation Stage Unit that could accommodate up to 30 pupils on a part-time basis (15 pupils in the morning and 15 in the afternoon). The admission number of 30 to the school (Reception onwards) would remain unchanged.

The Education, Culture and Leisure Cabinet Member and Policy Advisers, at their meeting on 22<sup>nd</sup> March 2005, agreed that consultation on the proposal is begun. A further report would be brought to Members with details of the outcome of the consultation.

David explained the statutory process and the timetable for the consultation. He then invited questions and comments which were as follows:-

*What is the likelihood of objections?*

Public Notices will be put in the local newspaper (The Advertiser) and at the entrance to school and in public libraries. Any objections would have to be received but would be set against the educational benefit of the proposal.

*Would the schools be informed of any objections?*

If any were received the Head Teacher would be informed. For the pre-statutory period, the 4<sup>th</sup> May is the date for any objections to be received.

*Concern was expressed that the decision could not be made earlier. There would only be a short time to prepare for the opening of the Foundation Unit*

The timetable is a 5-month process. There is unfortunately no way of speeding it up.

*How many Foundation Units have been turned down?*

None.

What would staffing levels be?

There would be a class of reception + 15 Foundation 1 places for each morning and afternoon children. The Unit would be staffed by 1 teacher, 2 teaching assistants and a nursery nurse. Staffing ratios are normally 1:13.

What do parents do if they want to put their children's names down for September?

There is already a list of names. Parents will be informed of the decision about the Foundation Unit in July.

What if objections make implementation late?

A special meeting of the School Organisation Committee would be held in August if there were any objections. This could be pre-arranged as soon as objections were raised. If there were any, the governors would be informed.

Could the statutory process be started in May instead of June?

Pre-statutory objections have to be received by 4<sup>th</sup> May. To submit a report to the Cabinet Member can take 10 days. It is hoped that the proposals will be published before the end of May.

Is there a minimum intake for the Foundation Unit?

No - this is just a statutory process to change the age-range of the school. It simply allows the school to admit younger pupils.

When can children be admitted?

Usually, children can have 3-term in Foundation 1 before going into Reception.

Are Governors supportive of the proposal?

Absolutely!

Are there any restrictions on catchment area?

There is usually a sizable intake from Tinsley. Criteria similar to that used in mainstream school would have to be established.

The Government is anxious to get children into school earlier – is that why Foundation Units are being developed?

The Government wishes to encourage provision for all children including breakfast clubs and after-school care.

Are we going down that road?

Funding is mainly through Sure Start and is initially aimed at more deprived areas with the establishment of Children's Centres.



Will there be a requirement to open during school holidays?

The aim is to extend the use of educational facilities to the whole community. Some Children's Centres will operate 52 weeks per year. Foundation Stage is a first step really.

Are Children's Centres funded by the LEA or private organisations?

A combination of both. All staff (school staff and staff from a private organisation) would report to the Head Teacher who would be the manager of the facility.

There were no more questions.

**ROTHERHAM METROPOLITAN BOROUGH COUNCIL**

**Department of Education, Culture and Leisure Services**

**PROPOSAL TO MAKE A PRESCRIBED ALTERATION TO THE AGE RANGE AT  
BRINSWORTH HOWARTH JUNIOR AND INFANT SCHOOL**

**Meeting with Staff – Tuesday 26<sup>th</sup> April 2005**

Present: David Hill, Ann Hercock (LEA), John Hodgkins (Head Teacher) and  
Members of staff.

David Hill outlined the proposal to change the age range of the school from 4-11 years to 3-11 years from September 2005.

The school would have 210 places (R-Y6) with a Foundation Stage Unit that could accommodate up to 30 pupils on a part-time basis (15 pupils in the morning and 15 in the afternoon). The admission number of 30 to the school (Reception onwards) would remain unchanged.

The Education, Culture and Leisure Cabinet Member and Policy Advisers, at their meeting on 22<sup>nd</sup> March 2005, agreed that consultation on the proposal is begun. A further report would be brought to Members with details of the outcome of the consultation.

David explained the statutory process and the timetable for the consultation. He then invited questions and comments which were as follows:-

**Could Catcliffe Primary object to the Proposal?**

The neighbouring schools have been informed about the proposal and can object if they wish.

**What happens if there are objections?**

It depends when the objections or comments are received. If they are received by 4<sup>th</sup> May 2005 as part of the pre-statutory consultation, they could be incorporated into the report to Members on 24<sup>th</sup> July.

If objections/comments are received after the Public Notice is published (when the statutory period of consultation begins), they would have to be referred to, in a report to Members and the School Organisation Committee. This would probably take place in August so the process could be delayed if objections were received.

**How can plans be made if there is a likelihood of objections being received?**

If any objections do come through the school would be informed as soon as possible. If the decision had to be referred to the School Organisation Committee and could not be agreed there, then it would rest with the Schools Adjudicator to make the final decision. The nature of any objections would have to be on educational grounds. If the proposals would benefit children coming into the school it is most likely that they would be supported.

Could falling numbers at other schools be a reason for objection?

A decision is unlikely to be made on the basis of how a Foundation Unit at Brinsworth Howarth could affect other schools.

Names and addresses are already been taken for the next Foundation Stage input at other schools. What can we tell parents who may have their child's name down at one school already but would opt for Brinsworth Howarth?

There are no guarantees until the process is finished at the end of July at the earliest. However, children can be put on a waiting list and parents informed of a decision as soon as possible.

If approval is not given in time for a September 2005 start, could it be January 2006 or September 2006 before the Unit is open?

If the decision has to be considered by the School Organisation Committee and agreement is not reached the timescale would depend on when it could go to the Schools Adjudicator. This would probably take about 6 weeks so it could be January before the Unit opened.

Will there be time for any building work before September?

Timescale would be tight for building work. There is no reason why necessary work could not be identified and costed at this stage. Funding streams are being looked at.

There were no more questions.

## **Catcliffe Primary School.**

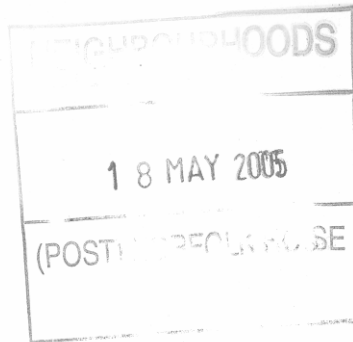
### **Comments on Proposal to establish a Foundation Unit at Brinsworth Howarth J&I School.**

The governors of Catcliffe Primary School would like to raise their concerns about the proposal to open a Foundation Stage Unit at Brinsworth Howarth School. Whereas we recognise the desirability for all schools to admit their future pupils into a Foundation Stage Unit from the age of 3 years, we feel that the reality of the financial implications needs to be carefully considered.

For some considerable time Catcliffe School supplied the nursery age provision for Catcliffe School, Brinsworth Howarth School and Brinsworth Whitehill School. When Whitehill School was reorganised it was agreed that they would open a nursery to cater for their pupils. This had a huge impact on Catcliffe School and dramatically cut our numbers in the nursery. At present, Foundation age pupils in the area have access to provision at Catcliffe where we established a Foundation Stage Unit 2 years ago. We have an appropriately designed building with secure outdoor play area. The unit is well resourced and staffed with a class teacher and two nursery nurses. All members of staff are very experienced in the area of early years education. The opening of another Foundation Stage Unit in such close proximity will mean that a number of our Foundation 1 children will move and other Brinsworth pupils will no longer access our provision. Our expected F1 intake number for September is likely to fall from 14 pupils to 8 pupils.

The governors are aware that the number of LEA Foundation Stage places in the borough is not uniform, therefore to open another unit in this area will lead to a further over provision without addressing the need to support areas with under provision. We are concerned that there will be insufficient children in this area to support two early years settings and we fear that we are in danger of having a Foundation Unit which is financially not viable. We anticipate that our Unit will be standing idle for part of each day. This in turn will lead to staff redundancies. Catcliffe is already in a critical situation financially due to falling roles and the loss of pupils in the Foundation Stage Unit will only exacerbate the situation.

We are exploring the possibility of taking in pupils at an earlier age but this will cause further staffing problems and provision needs in dealing with younger children. We are still not convinced that sufficient pupils exist in the area to support this venture. Therefore we would urge you to consider most carefully the impact of opening a new provision to the detriment of an existing provision.



67 WHITEHILL DRIVE  
BRINSWORTH  
ROTHERHAM  
SOUTH YORKSHIRE  
S60 5JN

Dear sir,

I am writing to you on behalf of the PaC, (parents at Catcliffe) group at Catcliffe junior and infants school, as we understand discussions are taking place to open a new nursery and foundation unit, in september of this year, at Howarth junior and infant school.

We, as parents, feel that this will have a dramatic affect on the number of children coming into Catcliffe primary school.

Parents who already have children in school, with younger siblings ready to enter nursery, have expressed concerns regarding the dropping off and picking up of the children.

Residents of Brinsworth and the surrounding areas have always been welcome to use the facilities at Catcliffe, but have never been pressured into using the school, several parents residing in Brinsworth, who's children attend Catcliffe school will now feel pressured into enrolling their children into Howarth school for convenience and not choice!! over time this will mean the number of children attending Catcliffe school will decline, teachers will be lost and school funding will be reduced, the children's education is already in jeopardy because of multi-aged classes and a lack of teaching staff due to a decline in attendance, opening another unit would make the situation worse and the children's education will suffer.

Catcliffe parents and Brinsworth parents, with children attending Catcliffe school would like to invite you to their coffee morning, which are held at Catcliffe school every tuesday morning, to discuss the proposed nursery unit at Howarth school and the effects it will have on our childrens education, we feel very strongly about this matter and would hope that our opinions and concerns will be taken into consideration before a decission is made, our childrens future is our main concern.

with regards

Katrina Stancill

*K Stancill (Chair of Parents at Catcliffe)*

*Note: our coffee mornings are 9.00am  
to 11.30 am*

# BRINSWORTH WHITEHILL PRIMARY SCHOOL

*Whitehill Primary School is a secure, happy and safe learning environment in which staff, parents and others work in partnership to the advantage of all pupils*

Head Teacher: Mrs S Mulkeen

Telephone: 01709 828242

Fax: 01709 828645

Howlett Drive  
Brinsworth  
ROTHERHAM

3<sup>rd</sup> May 2005

**FOR ATTENTION: David Hill, School Organisation Planning & Development Manager**

Education, Culture and Leisure Services  
Norfolk House  
Walker Place  
ROTHERHAM  
S65 1AS

Dear Mr Hill

## Proposal to Establish a Foundation Unit at Brinsworth Howarth J & I School

I wish to contest this proposal on the following grounds:-

Appendix A of the Consultation Paper states that a current issue for the LEA is that there is over provision of LEA places in some areas of the borough and under provision in others.

There is definitely enough provision in this area of the borough at the moment as was stated to me by Graham Sinclair in September 2001, when I asked about the possibility of funding for 26 part time pupils in the morning and 26 part time pupils in the afternoon. Mr Sinclair stated, quite categorically, that to allow this to happen would create excess provision which could affect the intake at Catcliffe Primary School and Brinsworth Manor Infant School. If I was not allowed to take in these pupils when there was demand (I had 50+ names registered) why is it suddenly acceptable for Brinsworth Howarth J & I School to accommodate up to 30 pupils on a part time basis?

I would like to point out the ratio for part time pupils should be 1:13 and not 1:15.



INVESTOR IN PEOPLE



Healthy Schools



SPORT  
ENGLAND  
ACTIVEMARK

I fear that the introduction of a Foundation Unit at Brinsworth Howarth will have a detrimental affect on my school role, that of Brinsworth Manor Infant and Catcliffe Primary and will create surplus nursery places rather than utilising them.

The second issue, regarding taking in younger children re falling roles, creates another problem. If my intake decreases due to the establishment of the Foundation Unit and I am expected to take in younger children, will the LEA provide funds to employ an extra member of staff to ensure we meet the personal needs of those children?

I urge the LEA to take careful consideration of the points made in respect of Brinsworth Howarth's Foundation Unit before any decisions are made.

Yours sincerely



S Mulkeen  
Head Teacher

**G Barry Ibbeson**  
**Chair of Governors Brinsworth Whitehill Primary School**

Tel: (01709) 370575

20 June 2005

Andrew Bedford Esq.  
Acting Executive Director of Education, Culture & Leisure Service  
Norfolk House  
Walker Place  
Rotherham  
S65 1AS

Dear Mr Bedford

**Proposal to establish a Foundation Unit at Brinsworth Howarth Junior and Infant School**

I refer to Statutory Notice issued for the above and comment as follows:

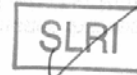
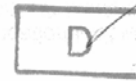
- The provision of a Foundation Unit at Brinsworth Howarth is unnecessary as there are already sufficient places in the Brinsworth/Catcliffe area.
- If the Foundation Unit at Brinsworth Howarth goes ahead there will be an increase in the number of surplus nursery places in Brinsworth and Catcliffe.
- The LEA has agreed to support the proposal financially. This means that resources will be diverted from elsewhere in the budget. These resources could be spent on other Primary and/or Infant Schools in areas where there is a shortfall of places.
- The location of Brinsworth Howarth is such that a new Foundation Unit would affect the intake at the Foundation Units at both Brinsworth Whitehill and Catcliffe Primary Schools. There is already some evidence of this since the Statutory Notice was issued.
- The Foundation Units at Brinsworth Whitehill and Catcliffe Primary Schools are currently economically sustainable but if a Foundation Unit is provided at Brinsworth Howarth there will be unnecessary competition to attract younger pupils which might result in all three Foundation Units being non-viable or expensive to run. Resources at all three schools will have to be diverted in trying to attract pupils to maintain viability.

I would also wish to raise the point that the procedures do not seem to have been followed in so far as the Statutory Notice was issued before Elected Members had considered representations made during the pre-statutory consultation period. This indicates that decisions on this matter were taken by officers and this is not acceptable.

*I covered this in my e-mail.*

Yours sincerely

G Barry Ibbeson  
Chair of Governors



8 Kynance Crescent  
Brinsworth  
Rotherham  
South Yorkshire  
S60 5 EW

*Read this*



Page 32  
Mrs V Daughtrey  
47 Pringle Road  
Brinsworth  
Rotherham  
S60 5BG  
Tel: 366618 (Home) 822510 (Work)  
E.Mail: val.daughtrey@rotherham.gov.uk

Clerk to the Governing Body : Brinsworth Whitehill Primary School

---

To: Mr D Hill  
School Organisation  
Planning and Development

17<sup>th</sup> June 2005

Dear Sir

The members of the Governing Body of Brinsworth Whitehill Primary School, at their meeting held on 13<sup>th</sup> June 2005, asked me to write to you regarding their concerns regarding the proposed provision of a Foundation Stage Unit at Brinsworth Howarth Primary School.

The following points were raised and discussed.

- Governors were concerned to learn that since the proposal to introduce a Foundation Unit at Howarth School, projected numbers of children had decreased for Whitehill Foundation Unit. This was thought to be as a result of Parents waiting to put their children's names down for Howarth Foundation Unit.
- Concerns were raised regarding the viability of another Foundation Unit in the area with existing units at Whitehill, Catcliffe and Brinsworth Manor schools. While little impact would be felt at Brinsworth Manor, it was felt that both Whitehill and Catcliffe Foundation Units would suffer a decrease in numbers if a further unit was opened at Howarth school.
- There would seem to be conflicting information regarding the funding of the unit at Howarth school.
- The Chairman and Headteacher had already sent in objections at the pre-statutory consultation stage and would reiterate their concerns again before the proposal went before Elected Members for approval .

Yours sincerely

Val Daughtrey

Clerk to the Governing Body

**G Barry Ibbeson**  
**Chair of Governors Brinsworth Whitehill Primary School**

8 Kynance Crescent  
Brinsworth  
Rotherham  
South Yorkshire  
S60 5 EW

Tel: (01709) 370575

Mr D Hill Esq.  
School Organisational, Planning & Development Officer  
Education, Culture & Leisure Service  
Norfolk House  
Walker Place  
Rotherham  
S65 1AS

Dear Mr Hill

**Proposal to establish a Foundation Unit at Brinsworth Howarth Junior and Infant School**

I refer to the above and should be obliged if you would accept the following comments as part of the pre-statutory consultations and advise the Education Cabinet accordingly:

- The proposal to accommodate 30 foundation stage pupils, if approved, will result in the uneconomic use of staffing resources (the optimum should be 26). Staying with 30 will have an adverse effect on the LEA budget.
- Using the School's devolved capital to fund the alterations will probably result in problems with funding other 'capital' schemes especially in view of the recent increase in the level below which the LEA will not give support.
- The proposal indicates that only **some** of the Foundation Stage advantages will be applicable. Interestingly the Proposal does not identify which ones.
- All the children of Brinsworth and Catcliffe have access to Foundation Stage Units. There is already an overprovision of Foundation Stage places in the two villages.
- If the Foundation Unit at Brinsworth Howarth goes ahead there will be an increase in the number of surplus nursery places in Brinsworth and Catcliffe.
- The location of Brinsworth Howarth is such that a new Foundation Unit would affect intake at the Foundation Units at both Brinsworth Whitehill and Catcliffe Primary Schools. Both are currently viable units but if the proposal is accepted there will be unnecessary competition to attract younger pupils which might result in all three Foundation Units being non-viable and expensive to run.

The comments are not in the order of importance but chronologically respond to items in the report.

In view of the concerns it is likely that the School Governors would make formal objection if the proposal is accepted by Members.

Yours sincerely

G Barry Ibbeson  
Chair of Governors

Date 17/6/05

LETTER FROM A MEMBER OF THE PUBLIC.  
PLEASE REPLY WITHIN 10 DAYS AND INFORM  
DIRECTORATE OF DATE OF REPLY.

Andrew Bedford Esq.  
Acting Executive Director of Education, Culture and Leisure Services  
Norfolk House  
Walker Place  
Rotherham  
S60 1AS



Dear Mr Bedford

I wish to express my opposition to the application to make a prescribed alteration to the age range at Brinsworth Howarth Junior and Infant School in order to accommodate a Foundation Stage Unit on the grounds that it is not necessary as there are all already sufficient nursery places in the area.

Yours Sincerely

Acable

address 31 Thornhill Ave  
Brinsworth  
Rotherham  
S. Yorks.

## **2<sup>nd</sup> Update to the School Organisation Plan 2003/04 – 2007/08**

The Education (School Organisation Plans) (England) (Amendment) Regulations 2003, which came into force on 1st June 2003, changed the requirement to publish a plan on an annual basis. Consequently, the next full plan was scheduled to be produced in 2006 (ie on a 3 yearly cycle). However, the Children Act 2004 has, since then, provided the power to require the publication of a Children and Young People's Plan (CYPP) from 2006. At the same time, it repealed a number of statutory planning requirements including the production of the School Organisation Plan.

There is still a need for the LEA to plan effectively in terms of school organisation, but there is now no required format. In the interim, the LEA has decided, as it did last year, to produce an update to the 2003/04 – 2007/08 SOP.

The relevant information includes references to Sections/pages in the current SOP and these are headed in bold type.

### **Section 1**

**Table 1 Best Value Performance Plan: Key Strategic Targets**

	<u>Estimate</u> <u>03/04</u>	<u>Actual</u> <u>03/04</u>	<u>Actual</u> <u>04/05</u>	<u>Estimates*</u> <u>07/08</u>	<u>Target</u> <u>07/08</u>
Primary Schools with 25% + unfilled places	7.5%	7.5%	7.5%	16.2%	4.9%
Secondary Schools with 25% + unfilled places	5.9%	5.9%	0%	0%	0%
% of unfilled places in all Primary schools	9.9%	9.6%	9.7%	14.8%	9.9%
% of unfilled places in all Secondary schools	6.1%	5.3%	5.2%	4.2%	4.2%
% of pupils in excess of school capacity in secondary schools	1.3%	1.5%	1.5%	1.2%	1.2%

### **Comment**

\* The estimates for 2007/08 showed the likely position, if no action or changes took place before then.

Primary

Percentages were expected to increase as lower cohorts entered primary schools unless action was taken. A number of building changes have taken place which have reduced the number of places, including at some schools within the PFI project and the replacement school at Dinnington.

Changed use of rooms in some schools, together with other changes associated with the LEA's plans for Foundation Units, has minimised the increase in the overall surplus places figure and ensured that there has been no increase in the number of schools with 25%+ surplus (remains at 8 schools).

Secondary

In contrast to the Primary sector, numbers in Secondary schools remain high. Actual surplus is marginally reduced, whilst the number of pupils in excess of capacity remains at 1.5%. The number of schools with 25%+ surplus places is now nil, following the closure of Kimberworth Comprehensive.

General

The position, two years after the publication of the SOP, is broadly as expected with no significant differences.

**Section 7 (page 29 onwards)**

Numbers entering Reception

7.6 Birth statistics and entry numbers have been as follows:-

	95/96	96/97	97/98	98/99	99/00
Births	3180	3156	3029	2937	2964
	00/01	01/02	02/03	03/04	04/05
Reception entry	3162	3160	3049	3052	2979

Comment

For the entry years 00/01 to 02/03 the Reception numbers were at a very similar level to the births 5 years earlier. In 02/03 the difference between the two figures was +20 and there was some evidence to suggest that this would be likely to continue. The actual entry figure for 2003/04 of 3052 was +115 when compared to the birth figure, but the relationship between birth and entry figures has returned to a more normal pattern for 04/05 (+15).

The forecast entry to Reception was **2984** and, with an actual entry of **2979**, this was just 5 adrift.

**Secondary Schools – Forecast for Y7 (7.8)**

Forecast numbers were based on previous methodology. With secondary entry cohort numbers approaching their height, it has been clear that a number of schools would reach their admission limit and the ultimate entry would very much depend on the number of late applications and the number of successful appeals – especially at those schools close to the border that continue to attract large numbers of extra-district preferences. Despite this, the final entry figure was **3670** compared to an estimate of **3704**, a difference of just **34**.

**Population - Year groups through the schools (7.11)****Primary**

The loss/gain of pupils through the years is considered in order to estimate numbers in other year groups.

For Primary, the previous usual loss of pupils had changed to a gain before the Plan was written, which resulted in numbers being rolled forward with an addition of 20 pupils per year group. The actual figures for 2002/03 to 2003/04 showed an average increase of +18. For the latest year the figures were:-

	R	Y1	Y2	Y3	Y4	Y5	Y6
2003/04	3052	3055	3207	3256	3238	3326	(3433)
2004/05	(2979)	3031	3084	3217	3243	3255	3339

Changes for each year group ranged from -21 to +29 with an average of just under +6.

**Secondary**

Contrary to the position in the Primary sector, there had continued to be a loss as year groups rolled forward in the Secondary sector. This had reduced, however, and a figure of just 4 was taken away from rolled forward figures in the SOP. The actual figures for 2002/03 to 2003/04 showed an average loss of 12. For the latest year the figures were:-

	Y7	Y8	Y9	Y10	Y11
2003/04	3840	3732	3773	3595	(3634)
2004/05	(3670)	3830	3730	3748	3561

Changes for each year group ranged from -34 to -2 with an average of just under -18.

**Comparison of Predictions with Actual Numbers on Roll (7.17)**

The full breakdown for 2004/05 was as follows:-

<u>Primary</u>	Estimate	Actual	Difference	% Difference
Reception	2984	2979	-5	0.17%
Other Years	<u>19177</u>	<u>19169</u>	-8	<u>0.04%</u>
Total	22161	22148	-13	0.06%

Secondary

Y7	3704	3670	-34	0.93%
Y8 – Y11	14869	14869	0	0%
Vlth form	<u>1912</u>	<u>1909</u>	-3	<u>0.16%</u>
Total	20485	20448	-37	0.18%
Overall Total	<b>42,646</b>	<b>42,596</b>	<b>-50</b>	<b>-0.12%</b>

**Table 4 (Section 7)**

If the actuals for 2004/05 are inserted into Table 4, the projected figures would now be as follows:-

	R	Y1	Y2	T	Y3	Y4	Y5	Y6	T	T
04/05	2979	3031	3084	9094	3217	3243	3255	3339	13054	22148
05/06	2787	2999	3051	8837	3104	3237	3263	3275	12879	21716
06/07	2877	2807	3019	8703	3071	3124	3257	3283	12735	21438
07/08	2877	2897	2827	8601	3039	3091	3144	3277	12551	21152

	Y7	Y8	Y9	Y10	Y11	T	Vlth	T	T
04/05	3670	3830	3730	3748	3561	18539	1909	20348	42496
05/06	3675	3666	3826	3726	3744	18637	1904	20541	42257
06/07	3556	3671	3662	3822	3722	18433	1920	20353	41791
07/08	3580	3552	3667	3658	3818	18275	1932	20207	41359

NB: Sixth form numbers are based on the position in September rather than January.

Comment

The above figures show the position if 2004/05 figures (actual) are put in as a base for future numbers. Future Primary numbers have +20 pupils added per year group per year and Secondary numbers have -4 built in to them per year group per year.

As stated earlier, the averages as pupils have moved through the schools for 2003/04 to 2004/05 have shown a change to the above.

Primary was +6 per year per year group and in Secondary it was -18. Both sets of figures could, therefore, now be seen as overestimated. If Primary (+6) and Secondary (-18) are put into the estimates, then total numbers on roll for each sector could be:-

NOR 07/08

Primary	20998
Secondary	<u>20081</u>
Total	<b>41079</b>

This total would be 212 less than that predicted in the full plan. However, it should also be noted that birth figures for 2002/03 (feeding into 2007/08 Reception) are now available and show 2914 births. This would provide an estimated entry of around 2934 which would be 57 higher than that shown in the full plan.

## **Section 9    Primary Schools**

Tables 6 – 17 in the SOP show the development of numbers for the 12 planning areas. A comparison of the predicted numbers on roll for 2004/05 compared to the actual numbers for each area is shown below:-

		Predicted No on Roll 04/05	Actual No on Roll 04/05	Difference
Table 6	Aston/Aughton	1526	1583	+57
Table 7	Bramley/Wickersley	1795	1843	+48
Table 8	Brinsworth/Catcliffe	1469	1492	+23
Table 9	Dalton/Thrybergh	1095	1057	-38
Table 10	Dinnington	1793	1768	-25
Table 11	Maltby	1931	1872	-59
Table 12	North & West	3270	3234	-36
Table 13	Rawmarsh	1652	1634	-18
Table 14	South & East	3347	3334	-13
Table 15	Swinton	1240	1217	-23
Table 16	Wales/Thurcroft	1401	1419	+18
Table 17	Wath	1642	1695	+53
<b>Total</b>		<b>22161</b>	<b>22148</b>	<b>-13</b>

It is important to note, however, that the predicted numbers are based on births, plus the possible outcome of parental preference. They do not take account of changes in housing. Those changes are highlighted in the commentary and in Appendix 7 (page 80) of the SOP.

The specific references in Appendix 7 in relation to the above relate to:-

<u>Area</u>	<u>No of houses</u>
Cortonwood Colliery, Brampton (Wath)	530
Sunnyside, Bramley (Bramley/Wickersley)	772
Sheffield Road, Fence { Aston/Aughton }	492
Mansfield Road, Aston { Aston/Aughton }	199
East of Stockwell Avenue, Wales (Wales/Thurcroft)	432

The commentaries for each of the areas with a plus figure in the above table give details of the additional housing and signal a likely increase in the number on roll compared to the base figures.

## **Section 10 (page 47)    Secondary Schools**

This section of the SOP highlights the fact that the assessed surplus is low. Only Kimberworth Comprehensive had 25%+ surplus places, but the school closed in 2004. The prediction for the period of the Plan was for total numbers on roll (Table 4) to fall between 2002/03 and 2007/08 by a very small amount following increases up to 2005/06.



The number on roll did increase in 2003/04 and has done so again in 2004/05. The actual figure was 20448, which was just 37 less than predicted.

The prediction for Numbers on Roll and Capacity for Secondary Schools in 2007/08 have altered very little as a consequence. The final figures for Table 20 would now show the following:-

<u>No on Roll 2007/08</u>	<u>Capacity following PFI Changes</u>	<u>Surplus (DfES)</u>	<u>Surplus Actual</u>
20081	20938	921 (4.4%)	857 (4.1%)

### **Section 11 (page 55) - Special Education Provision**

Table 21 of the SOP gives details of the Special School provision in Rotherham. At the time of production of the SOP, proposals for statutory changes at 5 of the 7 Special Schools were being considered. The proposals were all agreed by the School Organisation Committee (SOC) and these are outlined as follows:-

<u>School</u>	<u>Age Range</u>	<u>Provision</u>	<u>Recognised Accommodation No</u>
Abbey	from 5 – 16	MLD	135
	to 7 – 16	Moderate/Complex Learning Difficulties	100
Green Arbour	from 5 – 16	MLD (Aut)	140
	to 7 – 16	Moderate/Complex and Language & Communication Difficulties	100
Hilltop	from 2 – 19	SLD	98
	to 2 – 19	SLD	80
Kelford	from 2 – 19	SLD	108
	to 2 – 19	SLD	80
Milton	from 5 – 16	MLD	115
	to 7 – 16	Moderate/Complex Learning Difficulties	100

All of the above changes are being phased in to ensure that no pupil loses a place already taken up. For Hilltop and Kelford the changes will be fully effective by September 2007, whilst for Abbey, Green Arbour and Milton the changes will be fully in place by September 2005.

### **Table 22 (page 56)**

This table gives details of Additional Integrated Unit Provision attached to Mainstream Schools. A proposal to add a dedicated unit to cater for the needs of 15-20 pupils in Key Stage 3/ 4 who have mild to moderate autistic spectrum disorder at Swinton Community School, A Maths & Computing College has been approved.

Two further proposals – to discontinue the EBD (Primary) unit at Rawmarsh Sandhill and to add an EBD (Primary) unit at Wales Primary were determined by the LEA.

It should be noted that this paper is simply an update to the information contained within the previously published School Organisation Plan 2003/04 – 2007/08. No further specific conclusions are drawn concerning the need to add or remove school places. Actual figures are shown to be broadly in line with initial forecasts in the Plan, with only very minor deviations, which are outlined where appropriate.

If you wish to make any comment or seek further information on this update, then please contact Martin Harrop on 01709 822415.

**From:** Josephine.BELL@dfes.gsi.gov.uk  
**Sent:** 22 February 2005 10:24  
**To:** Martin.Harrop@rotherham.gov.uk  
**Cc:** Josephine.BELL@dfes.gsi.gov.uk  
**Subject:** RE: RE: Proposed amendments to School Organisation Regulations - Consultation

Your correspondence has been allocated the reference number 2005/0005036

Martin

Sorry for the delay in getting back to you.

There are a number of reasons why the Department has made specific provision for a nursery school representative as opposed to an early years' representative. We reviewed the membership of the schools group following the introduction of the requirement for nursery schools to have governing bodies, in particular whether they should have representation on a par with special schools and middle schools. Following consultation on revised regulations in June 2004, and discussions with colleagues in early years policy team, it was decided that nursery schools should be represented on a par with special schools. Also Ministers believe nursery school members will be important contributors to any discussion on the impact on standards of any proposals relating to early years provision, in a similar way that special school representatives' contribute to proposals relating to SEN provision in mainstream schools.

Again, apologies for the delay in getting back to you.

Regards

Jo

SCHOOL ORGANISATION TEAM  
SCHOOL ADMISSIONS ORGANISATION AND GOVERNANCE DIVISION  
01325 391277  
josephine.bell@dfes.gsi.gov.uk  
<http://www.dfes.gov.uk/index.htm>

<b>ROTHERHAM BOROUGH COUNCIL – REPORT TO MEMBERS</b>
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<b>1.</b>	<b>Meeting:</b>	<b>ECALS Cabinet Member and Advisers</b>
<b>2.</b>	<b>Date:</b>	<b>24<sup>th</sup> May, 2005</b>
<b>3.</b>	<b>Title:</b>	<b>Report concerning DfES consultations on School Organisation issues (no specific wards)</b>
<b>4.</b>	<b>Programme Area:</b>	<b>ECALS</b>

**5. Summary:** This report details the outcome of the consultation on:

- i) The streamlined route to foundation status and
- ii) The expansion of popular and successful schools.

It also highlights matters included within the draft revised DfES' Procedural Guidance for School Organisation Committees document. Consultation on the latter is taking place up to 10<sup>th</sup> June 2005.

**6. Recommendations: That:**

- i) **The report on the consultations be received**
- ii) **Consideration be given to any response regarding the consultation on the draft revised DfES Procedural Guidance for School Organisation Committees document.**
- iii) **This report be forwarded to the School Organisation Committee for information.**

**7. Proposals and Details:**

- i) The DfES has now issued the Government's response to the consultation on the streamlined route to foundation status and the expansion of popular and successful schools.

Foundation Schools

Ministers have decided to implement the streamlined route, but have decided that governing bodies should consult prior to publishing statutory proposals.

Ministers have decided to defer implementation of the proposed changes to the number of foundation governors that may be appointed in a foundation school. Further consultation is likely to take place on this.

Expansion of popular and successful schools

Ministers have decided to implement in full these proposals even though responses were generally opposed to them.

- ii) Draft Revised Procedural Guidance for School Organisation Committees

The DfES is planning to revise its guidance document and to introduce this with effect from 1st July 2005. Consultation is taking place up to 10th June.

This will replace the current Guidance to Decision Makers Sections 6 and 7. It combines the two sections and adds, as appropriate, in order to reflect some previous significant judgements and recent changes to legislation, including references to the streamlined procedures on change of category to foundation schools (as discussed above).

In Part A of the proposed document there are new or updated paragraphs on:-

Proposals to be considered by two SOCs (unlikely to apply in Rotherham).  
Delayed SOC consideration – Reference to the Adjudicator (now includes for a six week period only, where proposals have been published by a governing body in respect of an enlargement or the addition of a sixth-form).

Right of Appeal to the Adjudicator (includes for the right of appeal to the adjudicator for rejected proposals in respect of enlargement/addition of sixth forms, enlargement of a popular primary school and proposals for a new foundation/voluntary school where the promoters are not members of the SOC).

Secondary School Competitions – The Education Bill 2005 (new and further guidance is awaited).

Secondary School – Change of Category to Foundation (sets out the new procedures and makes it clear that the SOC has no role to play in deciding these proposals).

Transitional Exemption Order – Role of SOC (relates to single-sex schools only).

Part B deals with the constitution and conduct of business. Much of the guidance remains unchanged, but there are some points which the SOC may wish to consider:

#### Chair and Vice Chair

The draft guidance now states 'The Department recommends that the Cabinet Member for Education is not appointed as the Chair of the SOC, to avoid any public concern about the SOC's independence of the LEA'.

#### Conduct of Meetings

Presumably in relation to what the DfES sees as a reduced role for the SOC (now that there is no requirement for a School Organisation Plan), the draft guidance states that 'Regulations do not require an LEA official to be present at SOC meetings. If the Secretary or Chair considers that an LEA response to a question may be needed during a meeting they could invite a written response or invite LEA officials to attend and give oral advice, but they should consider whether they need to offer an opportunity for other parties to comment'.

#### Annex 1 – SOC Constitution – Schools Group Appointments

This is now updated to include the new requirements for a nursery school representative.

8. **Finance:** There are no financial implications in respect of the recommendations.
9. **Risks and Uncertainties:** There is nothing specific to report in this regard.
10. **Policy and Performance Agenda Implications:** The new regulations on School Organisation issues could have some consequences, but the recommendations contained within this report have no implications on the policy and performance agenda.
11. **Background Papers and Consultation:** See previous report on the 'DfES Five Year Strategy: Consultation on Proposals for Foundation Schools, Expanding Popular and Successful Schools and Adding Sixth Forms (ECaLS Cabinet Member, 14<sup>th</sup> December 2004).  
DfES Five Year Strategy  
Current Guidance to Decision Makers  
Draft Guidance on Statutory Proposals Decision Makers Guidance – Section 6, School Organisation Committees issued 1<sup>st</sup> April 2005.

**Contact Name:** *Martin Harrop*,  
Position: *PO Forward Planning*  
Telephone: 01709 (82) 2415  
e-mail: [martin.harrop@rotherham.gov.uk](mailto:martin.harrop@rotherham.gov.uk)

**From:** Emma.MORLEY@dfes.gsi.gov.uk  
**Sent:** 05 July 2005 13:40  
**To:** Emma.MORLEY@dfes.gsi.gov.uk  
**Subject:** School Organisation - Foundation Schools, Secondary School Expansion and Decision Makers Guidance

Dear Colleague,

I am e-mailing you on three School Organisation matters.

1) Foundation Schools

Please find attached a letter from Stephen Crowne, Director of School Resources Group, DfES and copies of the new regulations that allow a streamlined process for community and voluntary controlled secondary schools to change category to foundation, and all secondary schools to appoint up to four sponsor governors. The new regulations are being laid on 8 July and will come into force on 1 August. Guidance for governors will be available on the School Organisation website shortly <http://www.dfes.gov.uk/schoolorg>

The purpose of the attached letter is to consult you on new proposals to extend the streamlined route to primary schools. The letter and other attachments can also be downloaded from the Consultations website at [www.dfes.gov.uk/consultations](http://www.dfes.gov.uk/consultations).

2) Expansion of Successful and Popular Schools

The regulations to introduce the fast track process for the expansion of secondary schools are also being laid on 8 July and will come into force on 1 August and are attached. Revised guidance to decision makers will be put on the School Organisation website for 1 August.

The guidance on securing capital for statutory proposals for the expansion of successful and popular secondary schools is being revised and will shortly be made available on the School Capital TeacherNet Website at <http://www.teachernet.gov.uk/management/resourcesfinanceandbuilding/funding/>.

3) Decision Makers Procedural Guidance

Further to Chris Crathorne's letter of 1 April, please also note that the revised procedural guidance for School Organisation Committees (Decision Maker's Guidance - Section 6) will now come into force on 1 August (i.e. rather than 1 July as originally planned). This will ensure that the guidance includes the new arrangements for changing school category to foundation and the fast track expansion provisions.

The draft guidance is being amended slightly in response to some comments and the final version will be e-mailed to SOCs, and launched on the School Organisation Website before 1 August.

If you have any questions please let me know.

Regards

Emma Morley  
School Admissions, Organisation and Governance Division  
38 Podium  
Mowden Hall  
Staindrop Road  
Darlington  
(01325) 391184  
<http://www.governornet.co.uk>  
<http://www.dfes.gov.uk/schoolorg/>



Stephen Crowne  
Director of School Resources Group

Room 5R25  
Sanctuary Buildings  
Great Smith Street  
Westminster  
London SW1P 3BT

Direct Line: 020 7925 5938  
Direct fax: 020 7925 5099  
[stephen.crowne@dfes.gsi.gov.uk](mailto:stephen.crowne@dfes.gsi.gov.uk)

5 July 2005

Dear Colleague

## FOUNDATION SCHOOLS

As you may recall, the Department consulted last autumn on proposals in the Government's five-year strategy to streamline the process for community and voluntary controlled secondary schools to change category to foundation. I wrote to consultees on 1 April setting out the Government's response to the consultation and explaining that regulations would be laid giving effect to the proposals, with some modifications. I can now confirm that those regulations will be laid on 8 July and will come into force on 1 August. Regulations will also be laid to allow the governing bodies of all secondary schools to appoint up to four sponsor governors. Copies of the amending regulations are attached.

The five-year strategy set out the Government's plans for reformed system of strong, autonomous schools and a modernised role for local authorities acting as commissioners, rather than direct providers, of services for children and learners in their areas. In this reformed system, local authorities will act as the champions of parents and pupils. With local stakeholders, they will develop a strategic vision for meeting the needs of children and learners in their areas, and then support individual schools and networks independently to deliver that vision.

The primary chapter of the five-year strategy made clear that the Government's principles for reform applied to all schools, and explained how primary schools would also enjoy more freedom, with a lighter-touch role for the local authority. Some respondents to the consultation suggested that the streamlined route to foundation status should, accordingly, be made available to primary schools. The Government's election manifesto stated: "We will allow successful primary schools, like secondary schools, to become foundation schools by a simple vote of their governing body following consultation with their parents." **The purpose of this letter is to consult you on proposals for implementing this commitment**, as set out at **Annex A** to this letter.

Foundation status offers community and VC schools a route to practical autonomy.

Foundation schools have formal ownership of their assets and their governing bodies are the direct employers of the school's staff; are their own admission authority; and have the power to publish statutory proposals for other changes. Foundation and VA schools – which have the same freedoms - exercise their autonomy within a framework of fair admissions and fair funding. Just under a third of secondary and a quarter of primary schools – around 5,150 schools in total - are already foundation or VA schools. Foundation and VA schools combined constitute a majority of secondary schools in several areas. In those areas the local authority and schools will already be working in a way which prefigures the reformed system outlined in the five-year strategy.

A number of respondents to the consultation relating to secondary schools expressed concerns about the impact of an increase in the number of foundation schools on local authorities' strategic planning role and on collaboration between schools. A summary of the consultation responses is available on the DfES website at: <http://www.dfes.gov.uk/consultations/>. I recognise that consultees are likely to have similar questions about the implications of these new proposals for the delivery of the Every Child Matters agenda, and particularly extended services, in primary schools. In the Department's view, increased autonomy for schools will help to build their capacity to deliver extended services and to engage positively with the local authority and other stakeholders. We would welcome suggestions about whether the procedure for acquiring foundation status should reflect schools' wider role. For example, governing bodies might be required when publishing their proposals to change category to include a statement about how they intend to support the delivery of the Every Child Matters and extended schools agenda. In particular, this statement might include details of provision to be made on the school's premises including, for example, childcare activities for children (including sports and homework clubs), community activities, adult learning, and access to healthcare. The governors would then be expected to use their best endeavours to secure that provision if they determined to implement their proposals.

All comments on the proposals in this letter, and any questions about the consultation exercise, should be sent by e-mail to [Primary-Foundation.CONULTATION@dfes.gsi.gov.uk](mailto:Primary-Foundation.CONULTATION@dfes.gsi.gov.uk) or posted to Emma Morley at DfES, 38 Podium, Mowden Hall, Staindrop Road, Darlington DL3 9BG. The deadline for responses is **Tuesday 8 November 2005**. A full list of consultees is attached at **Annex B**.

Yours sincerely

A handwritten signature in black ink, reading "Stephen Crowne". The signature is written in a cursive style and is positioned above a solid horizontal line that extends across the width of the signature.

**STEPHEN CROWNE**

### **Consultation on extending the streamlined route for schools to acquire foundation status to primary schools**

The Government proposes to make further amendments to the Education (Change of Category of Maintained Schools) (England) Regulations 2000 to bring community and voluntary controlled primary schools within the scope of the streamlined process available to secondary schools. The key principle underlying the streamlined process is that the governors of individual schools are best placed to decide whether a change of category is in the best interest of their school and the wider community, taking account of the views of parents and other stakeholders.

At present, the governing body of a primary school intending to change category must publish proposals setting out their intentions, having first consulted locally. The proposals must include prescribed information. Once proposals have been published, there is a six week period during which interested parties may make representations. At the end of this period the proposals fall to the SOC to decide. If the SOC does not decide the proposals within a further two months, or cannot reach a unanimous decision on them, they are referred to the Adjudicator for decision.

The Government proposes to streamline the process for community and voluntary controlled primary schools to change category to foundation so that it is identical to the process being introduced for secondary schools. The effects of this would be as follows:

- the period during which representations may be made about the proposals would be reduced to four weeks;
- the amount of prescribed information that the governors must publish would be significantly reduced; and
- the governing body would be able to determine their own proposals, and their determination would be final.

As for secondary schools, the Government proposes that the streamlined route should not be available to primary schools which are subject to section 15, or sections 17 and 51, of the School Standards and Framework Act 1998.

A primary school which did not have a religious character could not acquire a religious character in the course of changing category. Similarly, a primary school with a religious character could not change its religious character.

The Government is not proposing any changes to the governance arrangements for foundation schools.

## List of consultees

•	Advisory Centre for Education (ACE)
•	Agency for Jewish Education
•	Association of Muslim Schools (UK)
•	Association of Teachers and Lecturers (ATL)
•	Board of Deputies of British Jews
•	British Humanist Association
•	Campaign for State Education
•	Catholic Education Service and all Roman Catholic Dioceses
•	Church of England Board of Education and all Church of England Dioceses
•	Churches Together in England
•	Confederation of Education and Children's Services Managers (CONFED)
•	Foundation and Aided Schools National Association (FASNA)
•	Greek Orthodox Church
•	GMB
•	General Teaching Council (GTC)
•	Local Government Employers' Organisation
•	British Humanist Association
•	Human Scale Education
•	Information for School and College Governors (ISCG)
•	All Local Education Authorities in England
•	Local Government Association (LGA)
•	Learning and Skills Council (National)
•	The Methodist Church
•	National Association of School Governors (NASG)
•	National Association of Head Teachers (NAHT)
•	National Secular Society
•	National Governors Council (NGC)
•	National Association of Schoolmaster Union of Women Teachers (NASUWT)
•	National Union of Teachers (NUT)
•	National Employers' Organisation for School Teachers (NEOST)
•	Office of Schools Adjudicator (OSA)
•	Professional Association of Teachers (PAT)
•	School Organisation Committees
•	Seventh-Day Adventist Church
•	Secondary Heads Association (SHA)
•	Network of Sikh Organisations
•	Quakers – Society of Friends
•	Steiner Waldorf Fellowship

•	Transport and General Workers Union (TGWU)
•	Teacher Training Agency (TTA)
•	Unison

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 STATUTORY INSTRUMENTS
 

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2005 No. 1801

**EDUCATION, ENGLAND**
**The Education (School Organisation Proposals) (England)  
(Amendment) Regulations 2005**

<i>Made</i> - - - -	<i>2nd July 2005</i>
<i>Laid before Parliament</i>	<i>11th July 2005</i>
<i>Coming into force</i> - -	<i>1st August 2005</i>

In exercise of the powers conferred upon the Secretary of State by section 28 of, and paragraph 5 of Schedule 4 and paragraphs 2, 3 and 5 of Schedule 6 to the School Standards and Framework Act 1998(a) the Secretary of State for Education and Skills hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as the Education (School Organisation Proposals) (England) (Amendment) Regulations 2005 and shall come into force on the 1st of August 2005.
2. These Regulations apply in relation to England only.

**Amendment of the Education (School Organisation Proposals) (England) Regulations 1999**

3. The Education (School Organisation Proposals) (England) Regulations 1999(b) shall be further amended as follows.

4. In regulation 2 (Interpretation) after the definition of “capacity guidance” insert the definition—

““excepted expansion” means, in respect of secondary schools except grammar schools, a prescribed alteration falling within paragraphs 1, 2, 11 or 12 of Schedule 1;”

5. In regulation 7 (Objections to proposals) after sub-paragraph (2)(b)(ii) add

“,or

(iii) the proposals are published under section 28 and are in respect of an excepted expansion.”

6. After regulation 7, insert the following regulation—

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(a) 1998 c.31. Section 28(2)(b) was amended by section 73 of the Education Act 2002 (c.32) and Schedule 6, by paragraphs 2 and 3 of Schedule 10 to the Education Act 2002 (c.32). By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I. 1999/672) the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England.

(b) S.I. 1999/2213; relevant amending instruments are S.I. 2000/2198, 2003/1229.

**“Attendance at school organisation committee meeting**

**7A.**—(1) Within two weeks of the date on which a school organisation committee have received proposals in respect of an excepted expansion sent to them in accordance with section 28(6), that committee shall inform the governing body of the school which is the subject of the proposals, of the date, time and location of the meeting at which the determination of those proposals will occur.

(2) In cases where proposals have been published under section 28 (whether by a local education authority or by a governing body) and are in respect of an excepted expansion, up to but not more than 2 representatives of the governing body of the school which is the subject of the proposals shall be entitled to attend the meeting referred to in paragraph (1) and make representations about the proposals to the members prior to the school organisation committee voting on those proposals.”

**7.** In regulation 10 (Period after the expiry of which proposals must be referred to the adjudicator if requested)—

(a) in paragraph (2), for “paragraph (6)”, substitute “paragraphs (2A) and (6)”;

(b) after paragraph (2) add the following paragraph—

“(2A) In the case of proposals in respect of an excepted expansion, all references to “two months” in paragraph (2) shall be read as references to “six weeks”.”;

(c) in paragraph (3) for “paragraph (6)”, substitute “paragraphs (3A) and (6)”;

(d) after paragraph (3), add the following paragraph—

“(3A) In the case of proposals in respect of an excepted expansion, all references to “two months” in paragraph (3) shall be read as references to “six weeks”.”.

**8.** In regulation 10C—

(a) in paragraph (1) for “popular school but not a grammar school” substitute—

“(a) a secondary school which is not a grammar school; or

(b) a popular primary school.”;

(b) in paragraph (2) , after “2” add “,3,” and for “or 12” substitute “,12 or 13”;

(c) for sub-paragraph (4)(b) substitute the following—

“(b) a primary school is a “popular primary school” if the number of first preferences of parents for places at the school exceeds the admission number for the relevant age group in the current school year by more than 10%.”;

(d) for sub-paragraph 4(c) substitute the following—

“(c) “first preferences” for a school are applications made during the normal admissions round which are ranked by parents on an area’s common application form as their first preference of school; and”;

(e) for sub-paragraph 4(d) substitute the following—

“(d) admission number” means the number of pupils in any relevant age group as determined by the admission authority in accordance with sections 89 and 89A of the Act.”;

(f) omit sub-paragraph 4(e);

(g) after paragraph (4) insert the following—

“(5) The relevant school organisation committee shall inform—

(a) the representative or representatives of the governing body, who attend a school organisation committee meeting pursuant to regulation 7A, at the start of the meeting; or

(b) where there are no representatives, the governing body at the time of notification pursuant to regulation 12,

of their entitlement under paragraph 3(6C) of Schedule 6.”

2nd July 2005

*Jacqui Smith*  
Minister of State  
Department for Education and Skills

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Education (School Organisation Proposals) (England) Regulations 1999 (No 2213) (“the Principal Regulations”).

These amendments supplement the amendments made to the Principal Regulations by the Education (School Organisation Proposals) (England) (Amendment) Regulations 2000 (S.I.2000/2198) and by the Education (School Organisation Proposals) (England) (Amendment) Regulations 2003 (S.I.2003/1229).

Regulation 4 defines an “excepted expansion” (this covers both physical enlargements and increases in the number of pupils).

Regulation 5 has the effect of reducing the period for objections and comments in respect of an excepted expansion to be sent to the local education authority or the relevant school organisation committee from six weeks to one month and where the proposals were published by a local education authority, the period for copies of these representations together with any of the authority’s observations on them to be sent to the school organisation committee from one month to two weeks.

Regulation 6 inserts a new regulation 7A into the Principal Regulations, the effect of which is to provide that school organisation committees should, within two weeks of receiving the proposals, inform governing bodies of schools which are the subject of proposals for excepted expansions of the details of the meeting at which the determination of the proposals will occur within two weeks of receiving the proposals. Up to 2 representatives of that governing body shall be entitled to attend that meeting and make representations.

Regulation 7 reduces the period after which a school organisation committee must refer proposals to the adjudicator from two months to six weeks, if requested to do so by those bringing forward the proposals.

Regulation 8 amends regulation 10C of the Principal Regulations so that this provision now applies to all secondary schools (but not grammar schools) as well as to popular primary schools (which is defined), and further provides that such an opportunity to have proposals referred to the adjudicator shall be made known by a school organisation committee to the representatives of the relevant governing body or to the governing body itself.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.



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STATUTORY INSTRUMENTS

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**2005 No. 1730**

**EDUCATION, ENGLAND**

**The School Governance (Constitution, Federations and New Schools) (England) (Amendment) Regulations 2005**

<i>Made</i> - - - -	<i>29th June 2005</i>
<i>Laid before Parliament</i>	<i>8th July 2005</i>
<i>Coming into force</i> - -	<i>1st August 2005</i>

The Secretary of State for Education and Skills, in exercise of the powers conferred upon the Secretary of State by sections 19(2), (3), (8), 24, 34(5), (6) and 210(7) of the Education Act 2002(a) and sections 72(1) and 138(7) of the School Standards and Framework Act 1998(b) hereby makes the following Regulations:

**Citation and commencement**

1. These Regulations may be cited as The School Governance (Constitution, Federations and New Schools) (England) (Amendment) Regulations 2005 and shall come into force on 1<sup>st</sup> August 2005.

**Amendment of the School Governance (Constitution) (England) Regulations 2003**

2. In the School Governance (Constitution) (England) Regulations 2003(c)—

- (a) in regulations 13(2), 14(2), 15(2), 16(2)(a) after the words “up to two sponsor governors” there shall be inserted the words “or, where the school is a secondary school(d), up to four sponsor governors”;
- (b) in regulation 16(2)(b) after the words “up to two” in brackets there shall be inserted the words “or, where the school is a secondary school, up to four”;
- (c) in regulation 29(1)(j) for the words “which has” there shall be substituted the words “designated under section 69(3) of the 1998 Act as having”; and
- (d) in paragraph 2 of Schedule 5 after the words “not exceeding two” there shall be inserted the words “or four, as the case may be,”.

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(a) 2002 c.32; by virtue of the definition of “regulations” in section 212(1), these Regulations made by the Secretary of State apply only in relation to England.  
(b) 1998 c.31; by virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (SI 1999/672) the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England; section 72 is amended by paragraph 106 of Schedule 21 to the 2002 Act.  
(c) SI 2003/348.  
(d) Within the meaning of section 5 of the Education Act 1996 (c.56).

**Amendment of The School Governance (Federations) (England) Regulations 2004**

3. In The School Governance (Federations) (England) Regulations 2004(a)—
- (a) in regulations 22(2), 23(2), 24(2), 25(2)(b), 26(2) and 27(3) after the words “up to two sponsor governors” there shall be inserted the words “or, where the federation contains secondary schools(b) only, up to four sponsor governors”;
  - (b) in regulation 25(2)(a) after the words “up to two” in brackets there shall be inserted the words “or, where the federation contains secondary schools only, up to four”;
  - (c) in paragraph 9(2) of Schedule 1 after the words “up to two” in brackets there shall be inserted the words “or, where the federation contains secondary schools only, up to four”;
  - (d) in paragraph 12 of Schedule 1 after the words “temporary sponsor governors” there shall be inserted the words “or, where the federation contains new secondary schools only, up to four temporary sponsor governors”;
  - (e) in paragraph 2 of Schedule 6 after the words “not exceeding two” there shall be inserted the words “or four, as the case may be.”

**Amendment of the New Schools (General) (England) Regulations 2003**

4. In the New Schools (General) (England) Regulations 2003(c)—
- (a) in regulation 16(2) for the words “one or two” there shall be substituted the words “up to two or four (as the case may be)”;
  - (b) in regulations 19(2), 20(2), 21(2)(a) and 22(2) after the words “temporary sponsor governors” there shall be inserted the words “or, where the proposed school is to be a secondary school(d), up to four temporary sponsor governors”;
  - (c) in regulation 21(2)(b) after the words “up to two” in brackets there shall be inserted the words “or, where the school is to be a secondary school, up to four”.

*Jacqui Smith*

Minister of State

Department for Education and Skills

29th June 2005

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make amendments to three sets of regulations relating to school governance. The Regulations come into force on 15<sup>th</sup> July 2005.

Regulation 2(a) amends the School Governance (Constitution) (England) Regulations 2003 to allow the governing bodies of secondary schools to appoint up to four sponsor governors (rather than two).

Regulation 2(c) makes a minor amendment to regulation 29(1)(j) of the School Governance (Constitution) (England) Regulations 2003 to clarify the original intention of the provision.

The other paragraphs of regulation 2 set out various consequential amendments to the School Governance (Constitution) (England) Regulations 2003.

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(a) SI 2004/2042.

(b) Within the meaning of section 5 of the Education Act 1996 (c.56).

(c) SI 2003/1558.

(d) Within the meaning of section 5 of the Education Act 1996 (c.56).

Regulation 3 provides for amendments to The School Governance (Federations) (England) Regulations 2004 in order to ensure consistency with the governance principles of the School Governance (Constitution) (England) Regulations 2003.

Regulation 4 provides for amendments to the New Schools (General) (England) Regulations 2003 in order to ensure consistency with the governance principles of the School Governance (Constitution) (England) Regulations 2003.

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 STATUTORY INSTRUMENTS
 

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**2005 No. 1731****EDUCATION, ENGLAND**
**The Education (Change of Category of Maintained Schools)  
 (Amendment) (England) Regulations 2005**

<i>Made</i> - - - -	<i>29th June 2005</i>
<i>Laid before Parliament</i>	<i>8th July 2005</i>
<i>Coming into force</i> - -	<i>1st August 2005</i>

In exercise of the powers conferred on the Secretary of State, by sections 138(7) and 144 of, and paragraphs 2 and 5 of Schedule 8 to the School Standards and Framework Act 1998(a) the Secretary of State for Education and Skills makes the following Regulations:

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Education (Change of Category of Maintained Schools) (Amendment) (England) Regulations 2005 and shall come into force on 1<sup>st</sup> August 2005.

(2) In these Regulations—

“the Principal Regulations” means the Education (Change of Category of Maintained Schools) (England) Regulations 2000(b); and

“the 1998 Act” means the School Standards and Framework Act 1998.

**Amendment of the Principal Regulations**

2. The Principal Regulations shall be further amended as follows.

3. In regulation 2(1)—

(1) after the definition “the Act” there shall be inserted the definition ““the alternative modified Schedule 6 to the Act” means that Schedule as it has effect with modifications by virtue of Schedule 2A to these Regulations”;

(2) in the definition of “the implementation date”, after the words “modified Schedule 6 to the Act” in the second place it appears there shall be inserted “or the date determined by the governing body under the alternative modified Schedule 6 to the Act”;

(3) at the end of the definition of “proposals” there shall be added “or by a governing body under paragraph 5 of the alternative modified Schedule 6 to the Act.”

4. In regulation 4(1), for “Where” there shall be substituted “Except where paragraph (3) applies, where- ”.

5. After regulation 4(2) there shall be inserted—

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(a) 1998 c.31. By virtue of the National Assembly for Wales (Transfer of Functions) Order 1999 (S.I.1999/672) the powers conferred by these provisions are exercisable by the Secretary of State only in relation to England.

(b) S.I. 2000/2195 as amended by S.I. 2003/2136.

“(3) Subject to paragraph (5), where a governing body propose under paragraph 2 of Schedule 8 to the Act that either a community secondary, or a voluntary controlled secondary school should become a foundation secondary school, sections 28(3), 28(5), 28(6) and 28(8) of and Part I of Schedule 6 to the Act shall apply to the proposals published under paragraph 2 of Schedule 8 of the Act and shall do so with the modifications set out in Schedule 2A.

(4) The provisions of section 28 of and Part I of Schedule 6 to the Act so applied are set out as modified in Schedule 2B.

(5) If at the time when the proposals are published, sections 15 or 17 of, or section 51 of or Schedule 15 to the Act apply to the school, paragraph (3) shall not apply and accordingly paragraph (1) shall apply.”

6. In regulation 11(2) in sub-paragraph (b), after the words “modified Schedule 6 to the Act,” insert—

“or on the date the governing body determine to implement proposals under paragraph 4 of the alternative modified Schedule 6 to the Act”.

7. After Schedule 2, there shall be inserted the following Schedules—

“ Regulation 4(3)

## SCHEDULE 2A

### PROVISIONS OF SECTION 28 OF, AND SCHEDULE 6 TO THE ACT HAVING EFFECT IN RELATION TO PROPOSALS MENTIONED IN REGULATION 4(3)

The subsections of section 28 of, and the paragraphs in Part 1 of Schedule 6 to, the Act specified in the left hand column of the table below shall have effect in relation to proposals mentioned in regulation 4 with the modifications specified in the right hand column of the table.

<i>Provision</i>	<i>Modification</i>
Section 28(3)	<p>That subsection shall have the effect as if—</p> <ul style="list-style-type: none"> <li>(a) for “under this section” there were substituted “under paragraph 2 of Schedule 8”; and</li> <li>(b) for sub-paragraphs (a) and (b) and the words “as may be prescribed.” there were substituted— <ul style="list-style-type: none"> <li>“(a) contain the following information— <ul style="list-style-type: none"> <li>(i) the name of the school for which the governing body are publishing the proposal;</li> <li>(ii) the proposed implementation date;</li> <li>(iii) the relevant contact name (if any) and address of the school’s governing body to where any objections or comments may be sent and the date by which they should be sent;</li> <li>(iv) a statement that it is proposed to change the category of the school (stating the current category of school) to a foundation school;</li> <li>(v) a statement that the school will— <ul style="list-style-type: none"> <li>(aa) have or continue to have a foundation established otherwise than under this Act and if it will, the identity of that foundation, or</li> <li>(bb) belong or continue to belong to a group of</li> </ul> </li> </ul> </li> </ul> </li> </ul>

	<p>schools for which a foundation body acts and if it does, the identity of that body and the identity of the other schools in the group for which the body performs or will perform the functions set out in section 21(4), or</p> <p>(cc) be a foundation school not falling within either of sub-paragraphs (v)(aa) or (bb) above;</p> <p>(vi) details of any trusts on which the school premises are held or it is proposed will be held or any proposed trusts on which it is proposed the school premises will be held;</p> <p>(vii) details of the body or authority to whom, on the date on which it is proposed that the school change category, it is proposed that land should be transferred in accordance with regulations made under paragraph 5 of Schedule 8;</p> <p>(viii)</p> <p>(aa) the name of any person who is entitled to appoint the foundation governors and, if there is more than one such person, the basis upon which such appointments are made,</p> <p>(bb) details of any foundation governorship to be held ex officio by the holder of a named office, and</p> <p>(cc) the name of any person who is entitled to request the removal of any ex officio foundation governor and to appoint any substitute governor;</p> <p>(ix) where the school is to be a foundation school which has a religious character, a description of the religious ethos of the school; and</p> <p>(b) shall be published—</p> <p>(i) by being posted in a conspicuous place in the area served by the school;</p> <p>(ii) in at least one newspaper circulating in the area served by the school; and</p> <p>(iii) by being posted at or near the main entrance to the school, or if there is more than one main entrance, all of them.”</p>
Section 28(5)	That subsection shall have the effect as if for “under this section” there were substituted “under paragraph 2 of Schedule 8”, and for the words “relevant body or promoters” in each of the places these words occur there were substituted “governing body”.
Section 28(6)	That subsection shall have effect as if the following were substituted— “(6) The governing body shall send at the time of publication a copy of the published proposals to the Secretary of State and to the local education authority.”
Section 28(8)	That subsection shall have effect as if the following were substituted— “(8) Schedule 6 as modified shall have effect in relation to the procedure for dealing with proposals under paragraph 2 of Schedule 8.”

<p>Schedule 6 Paragraph 1</p>	<p>That paragraph shall have effect as if—</p> <p>(a) in sub-paragraph (1) for “section 28, 29 or 31” there were substituted “paragraph 2 of Schedule 8” and the words “or proposed school” were omitted; and</p> <p>(b) sub-paragraph (2) were omitted.</p>
<p>Schedule 6 Paragraph 2</p>	<p>That paragraph shall have effect as if —</p> <p>(a) in sub-paragraph (1) for “section 28, 29 or 31” there were substituted “paragraph 2 of Schedule 8”;</p> <p>(b) for sub-paragraph (2) there were substituted—</p> <p>“(2) Any objections or comments made under this paragraph shall be sent to the name (if any) and address of the governing body given in the notice published under section 28(3) within 4 weeks from the date of the publication of the proposals.”</p> <p>(c) sub-paragraph (3) were omitted.</p>
<p>Schedule 6 Paragraph 4</p>	<p>That paragraph shall have effect as if—</p> <p>(a) in the heading, for “LEA” there were substituted “governing body”.</p> <p>(b) for sub-paragraph (1) there were substituted—</p> <p>“(1) Where any proposals have been published by a governing body under paragraph 2 of Schedule 8 then (subject to sub-paragraph (2)) that governing body shall after considering all objections and comments which are received on or before the period referred to in paragraph 2(2), determine whether the proposals shall be implemented.”</p> <p>(c) for sub-paragraph (2) there were substituted—</p> <p>“(2) Any determination under sub-paragraph (1) must be made within the period of six months beginning with the date of publication of the proposals, and the governing body shall notify the Secretary of State and the local education authority of any determination made by them under sub-paragraph (1).”</p> <p>(d) sub-paragraphs (3), (4), (4A) and (5) were omitted.</p>
<p>Schedule 6 Paragraph 5</p>	<p>That paragraph shall have effect as if it were omitted and the following were substituted—</p> <p>“5.—(1) Where the governing body have determined under paragraph 4 to implement any proposals published under paragraph 2 of Schedule 8, then (subject to sub-paragraph (2)), the proposals shall be implemented, in the form in which they were so determined in accordance with regulations made under paragraph 5 of Schedule 8.</p> <p>(2) The governing body may modify the implementation date in respect of the proposals after consulting the relevant local education authority.” ”</p>

**8. In Schedule 6—**

(1) in paragraph 3(1) before the words “to implement any such proposals”, insert—

“or a governing body have determined under paragraph 4 of the alternative modified Schedule 6 to the Act.”

(2) in paragraph 8(2) for the words “the governing body” there shall be substituted the following—

“(a) the trustees of the school, to be held by them on trust for the purposes of the school; or

(b) if the school has no trustees, the governing body.”

(3) In paragraph 10(1), at the end there shall be added—

“or a governing body have determined under paragraph 4 of the alternative modified Schedule 6 to the Act to implement any such proposals.”

(4) In paragraph 10(2) for the words “the governing body” there shall be substituted the following—

“(a) the trustees of the school, to be held by them on trust for the purposes of the school; or

(b) if the school has no trustees, the governing body.”

(5) In paragraph 16(3)—

(a) in sub-paragraph (e) the word “or” shall be omitted;

(b) at the end of sub-paragraph (f) for the full stop, there shall be substituted “; or”; and

(c) after sub-paragraph (f), there shall be added—

“(g) if the governing body decide not to implement proposals initiated pursuant to regulation 4(3).”

(6) In paragraph 17(3) after the words “are approved”, there shall be substituted—

“or have been determined by the governing body (as the case may be)”.

(7) in paragraph 18(2)(a) after the words “are approved”, there shall be substituted—

“or have been determined by a governing body (as the case may be)”.

### **Transitional Provisions**

**9.** Regulations 1 to 8 shall not have effect in relation to any proposals published under paragraph 2 of Schedule 8 to the 1998 Act before 15<sup>th</sup> July 2005.

### **Revocation**

**10.** Regulation 20(3) of the Principal Regulations is revoked.

## **SCHEDULE 2B**

Regulation 4(4)

### **PROVISIONS OF SECTION 28 OF, AND PART 1 TO, SCHEDULE 6 TO THE ACT APPLIED BY SCHEDULE 2A, AS MODIFIED**

“Section 28

(3) Proposals under paragraph 2 of Schedule 8 shall—

(a) contain the following information—

(i) the name of the school for which the governing body are publishing the proposal;

(ii) the proposed implementation date;

(iii) the relevant contact name (if any) and address of the school’s governing body to where any objections or comments may be sent and the date by which they should be sent;

(iv) a statement that it is proposed to change the category of the school (stating the current category of school) to a foundation school;

(v) a statement that the school will—



- (aa) have or continue to have a foundation established otherwise than under this Act and if it will, the identity of that foundation, or
  - (bb) belong or continue to belong to a group of schools for which a foundation body acts and if it does, the identity of that body and the identity of the other schools in the group for which the body performs or will perform the functions set out in 21(4), or
  - (cc) be a foundation school not falling within either of sub-paragraphs (v)(aa) or (bb) above;
- (vi) details of any trusts on which the school premises are held or it is proposed will be held or any proposed trusts on which it is proposed the school premises will be held;
  - (vii) details of the body or authority to whom, on the date on which it is proposed that the school change category, it is proposed that land should be transferred in accordance with regulations made under paragraph 5 of Schedule 8 ;
- (viii)
    - (aa) the name of any person who is entitled to appoint the foundation governors and, if there is more than one such person, the basis upon which such appointments are made,
    - (bb) details of any foundation governorship to be held ex officio by the holder of a named office, and
    - (cc) the name of any person who is entitled to request the removal of any ex officio foundation governor and to appoint any substitute governor;
  - (ix) where the school is to be a foundation school which has a religious character, a description of the religious ethos of the school; and
- (b) shall be published—
    - (i) by being posted in a conspicuous place in the area served by the school;
    - (ii) in at least one newspaper circulating in the area served by the school; and
    - (iii) by being posted at or near the main entrance to the school or, if there is more than one main entrance, all of them.

(5) Before publishing any proposals under paragraph 2 of Schedule 8, the governing body shall consult such persons as appear to them to be appropriate; and in discharging their duty under this subsection the governing body shall have regard to any guidance given from time to time by the Secretary of State.

(6) The governing body shall send at the time of publication a copy of the published proposals to the Secretary of State and to the local education authority.

(8) Schedule 6 as modified shall have effect in relation to the procedure for dealing with proposals under paragraph 2 of Schedule 8.”

## “Schedule 6

### **Application of Part 1**

**1.—**(1) This Part of this Schedule applies to proposals published under paragraph 2 of Schedule 8 which relate to a school in England.

### **Objections**

**2.—**(1) Any person may make objections to or comments on any proposals published under paragraph 2 of Schedule 8.

(2) Any objections or comments made under this paragraph shall be sent to the name (if any) and address of the governing body given in the notice published under section 28(3) within 4 weeks from the date of the publication of the proposals.

**Determination by governing body whether to implement proposals**

4.—(1) Where any proposals have been published by a governing body under paragraph 2 of Schedule 8 then (subject to sub-paragraph (2)) that governing body shall after considering all objections and comments which are received on or before the date referred to in paragraph 2(2), determine whether the proposals shall be implemented.

(2) Any determination under sub-paragraph (1) must be made within the period of six months beginning with the date of publication of the proposals; and the governing body shall notify the Secretary of State and the local education authority of any determination made by them under sub-paragraph (1).

**Requirement to implement proposals**

5.—(1) Where the governing body have determined under paragraph 4 to implement any proposals published under paragraph 2 of Schedule 8, then (subject to sub-paragraph (2)), the proposals shall be implemented, in the form in which they were so determined in accordance with regulations made under paragraph 5 of Schedule 8.

(2) The governing body may modify the implementation date in respect of the proposals after consulting the relevant local education authority.”

29th June 2005

*Jacqui Smith*  
Minister of State  
Department for Education and Skills

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations amend the Education (Change of Category of Maintained) (England) Regulations 2000 (No 2195) (“the Principal Regulations”) to provide for alternative procedures for the determination of proposals for certain community or voluntary schools to change category to foundation.

Regulations 3 and 4 and 6 make minor amendments to the Principal Regulations in connection with the amendments made in regulation 5.

Regulation 5 amends regulation 4 of the Principal Regulations so as to provide that where a governing body propose that either a community secondary or a voluntary controlled secondary school should become a foundation secondary school, sections 28(3), 28(5), 28(6) and 28(8) of and Part 1 of Schedule 6 to the School Standards and Framework Act 1998 (the “Act”) as modified in the new Schedule 2A (see below) shall apply, except where sections 15, 17 of and section 51 of and Schedule 15 to the Act (all of which deal primarily with failing schools) apply to a school.

Regulation 7 inserts a new Schedule 2A to the Principal Regulations which will apply in accordance with the changes made to regulation 4 of the Principal Regulations and makes modifications to sections 28(3), 28(5), 28(6) and 28(8) of and Part 1 of Schedule 6 to the Act.

Regulation 8 makes minor amendments to Schedule 6 to the Principal Regulations in consequence of the amendments made in regulation 5. It also amends paragraphs 8 and 10 of Schedule 6 in order to make these paragraphs consistent with other transfer of land provisions of Schedule 6.

Regulation 9 sets out the transitional provisions in relation to these Regulations.

Regulation 10 revokes regulation 20(3) of the Principal Regulations which is no longer needed.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the cost of business.