

## Protocol for joint working on statutory proposals between the local authority, governing bodies and Diocese.

### 1. Introduction

The local authority's 'Protocol and procedures for consulting on provision planning reviews' gives details of the process the local authority will follow when consulting on school organisation proposals.

Governing bodies may publish statutory proposals as follows:

<b>Governors of foundation and voluntary schools</b>	<b>Governors of community schools</b>
<ul style="list-style-type: none"> <li>• close the school</li> <li>• enlarge the premises</li> <li>• change the upper or lower age limit</li> <li>• add to, remove or change the type of SEN</li> <li>• change of gender</li> <li>• introduction, alteration or ending of boarding provision</li> <li>• transfer of school to a new site</li> <li>• discontinue the use of a site</li> <li>• change the category of the school</li> <li>• proposals to be relieved of the duty to implement previously approved proposals published by the governing body</li> </ul>	<ul style="list-style-type: none"> <li>• enlarge the premises</li> <li>• change the upper age limit to provide sixth form education</li> <li>• change the category of the school</li> <li>• proposals to be relieved of the duty to implement previously approved proposals published by the governing body</li> </ul>

Diocese may make proposals to establish a new school without a competition.

When a governing body makes proposals the local authority will work with them if requested to ensure the consultation is conducted legally and according to guidance and there is consistency in practice. The local authority will also assist when the Diocese make proposals if requested.

Whenever local authority assistance is requested a named officer will be allocated and there will be an initial meeting to confirm responsibilities and timescales. These responsibilities will usually be those detailed in sections 2 and 3 below.

## 2. School organisation proposals

### Stage 1: Consultation

Governing Body or Diocese	Local authority
<ul style="list-style-type: none"> <li>• produce and distribute consultation document</li> <li>• collect responses to consultation</li> <li>• minute meetings with staff, governors, pupils, parents and the community.</li> <li>• at the end of consultation period make the decision whether to continue to stage 2 of the consultation process</li> </ul>	<ul style="list-style-type: none"> <li>• advise on content of consultation document</li> <li>• provide list of consultees</li> <li>• place consultation information on the Council website</li> <li>• provide appropriate officers to attend meetings with staff, governors, parents and the community</li> </ul>

### Stage 2: Publication

Governing body or diocese	Local authority
<ul style="list-style-type: none"> <li>• complete the statutory notice and full proposals (with appropriate appendices)</li> <li>• arrange publication of the statutory notice in the press</li> <li>• arrange for the notice to appear at the school gates and in the community</li> <li>• distribute the full proposal and notice to statutory consultees and anyone else who requests a copy</li> <li>• fund the publication of the notices</li> </ul>	<ul style="list-style-type: none"> <li>• provide a template for statutory notice and full proposal and give advice on what is needed for completion</li> <li>• arrange checking of the legal content of the notice with DFE school organisation unit and the council's legal services</li> <li>• advise on publication and distribution of the notice and full proposals</li> <li>• arrange for the proposals to appear on the Council website</li> </ul>

### Stage 3: Representation

Governing body or diocese	Local authority
<ul style="list-style-type: none"> <li>• no action</li> </ul> <p>It is a statutory requirement that all responses to the statutory notices at stage 3 should be addressed to the local authority.</p>	<ul style="list-style-type: none"> <li>• collate and analyse responses received</li> <li>• provide a copy of the results of consultation to the governing body and diocese</li> </ul>

**Stage 4: Decision**

<b>Governing body or diocese</b>	<b>Local authority</b>
<ul style="list-style-type: none"> <li>no action</li> </ul> <p>The local authority is responsible for making decisions on school organisation proposals in its capacity as commissioner of school places.</p>	<ul style="list-style-type: none"> <li>make the decision on the proposals, or if the local authority does not make the decision within 2 months of the end of the representation period, refer the proposals to the Schools Adjudicator for a decision</li> <li>provide a copy of the committee report to the governing body/diocese in advance of publication</li> <li>inform the governing body or diocese and other statutory parties of the decision</li> </ul>

**Stage 5: Implementation**

It is the responsibility of the proposer to implement the decision.

**3. Foundation/trust proposals**

This section does not apply to voluntary aided schools. Voluntary aided schools already have a religious foundation so cannot seek foundation/trust status.

Only individual governing bodies can make proposals to change the category of a school and acquire trust status.

**Stage 1: Consideration of change to foundation/trust**

<b>Governing Body</b>	<b>Local authority</b>
<ul style="list-style-type: none"> <li>inform the local authority that consideration of a change to foundation status is to be discussed</li> <li>meet to consider a change to foundation status</li> </ul>	<ul style="list-style-type: none"> <li>once informed the local authority cannot dispose of any property which is used for the purposes of the school until the proposals are decided or withdrawn.</li> </ul>

**Stage 2: Consultation**

<b>Governing Body</b>	<b>Local authority</b>
<ul style="list-style-type: none"> <li>produce and distribute the consultation document</li> <li>collect responses to consultation</li> </ul>	<ul style="list-style-type: none"> <li>advise on the content of the consultation document and provide a template for this purpose</li> </ul>

<ul style="list-style-type: none"> <li>• minute meetings with staff, pupils and parents</li> <li>• at the end of the consultation period, make the decision whether to continue to stage 2 of the consultation process</li> </ul>	<ul style="list-style-type: none"> <li>• provide a list of consultees</li> </ul>
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**Stage 3: Publication**

<b>Governing body</b>	<b>Local authority</b>
<ul style="list-style-type: none"> <li>• complete the statutory notice and full proposals (with appropriate appendices)</li> <li>• arrange publication of the statutory notice in the press</li> <li>• arrange for the notice to appear at the school gates and in the community</li> <li>• distribute the full proposals and notice to statutory consultees and anyone else who requests a copy</li> </ul>	<ul style="list-style-type: none"> <li>• provide template for the statutory notice and full proposals and give advice on what is needed for completion</li> <li>• arrange checking of the legal content of the notice with the DFE school organisation unit and the council's legal services</li> <li>• advise on the publication and distribution of the notice and full proposals</li> <li>• fund publication of the notices</li> </ul>

**Stage 3: Representation**

<b>Governing body</b>	<b>Local authority</b>
<ul style="list-style-type: none"> <li>• collate and analyse responses received</li> </ul>	<ul style="list-style-type: none"> <li>• no action</li> </ul>

**Stage 5: Decision**

<b>Governing body</b>	<b>Local authority</b>
<ul style="list-style-type: none"> <li>• must make the decision within 6 months of the date of publication of the proposals</li> <li>• inform the local authority and the Secretary of State of the decision</li> <li>• if the decision is not made within 6 months, or the local authority has referred the proposals to the Schools Adjudicator, the governing body must refer the proposals to the adjudicator for a decision</li> </ul>	<ul style="list-style-type: none"> <li>• no action</li> </ul>

**Stage 6: For voluntary aided schools only – possible referral to the Schools Adjudicator**

**Stage 7: Implementation**

It is the responsibility of the governing body to implement the decision.