

# Protocol and procedures for conducting provision planning reviews

## 1 Introduction

### 1.1 Scope of the protocol

This protocol relates to local authority proposals for maintained schools. Other proposers, such as governing bodies of voluntary and foundation schools, follow a similar route and all proposers must adhere to the statutory five stage consultation process.

### 1.2 Aim of the protocol

The local authority is responsible for planning school places. The aim of this protocol is to establish procedures which engage all interested parties at the appropriate stages in the review process and to ensure that:

- information from all sources is collected;
- partners understand the local authority's strategic role in this area; and
- consultation complies with the law and DFE guidance.

This protocol may need to be curtailed or modified if the local authority were to conduct a whole borough review of provision.

## 2 Pre-consultation

At the pre-consultation stage the local authority will endeavour to obtain a consensus view, the outcome being one proposal to take forward to statutory consultation.

### 2.1 Identifying schools for review and information gathering

Primary schools will be identified for review by the:

- Decision Making model for primary schools
- Primary Capital Programme

Secondary schools will be identified for review through the Building Schools for the Future Programme.

#### 2.1.1 Additional information

If necessary, further information will be gathered from:

- Environmental Services – on new housing developments and the Unitary Development Plan for the area;

- Wigan and Leigh Housing – on social housing;
- the Health Trust – to provide most recent information on births;
- Children and Young People’s Services Transformation Service – for information on standards etc;
- Early Years team – for information on early years provision across all sectors;
- partners – for example external funding agencies, voluntary and private sector bodies;
- Business Support Services Children and Young People’s Services Division – for financial advice on school budgetary situations;
- Business Support Services Property Services Division – on Council owned land availability and early feasibilities on extended provision;
- asset management information on school condition, suitability and sufficiency;
- other local authorities, where appropriate, about cross-border movements of pupils and availability of places in neighbouring schools; and
- the Learning and Skills Council for 14-19 provision.

## **2.2 Initial meetings**

### **2.2.1 Meetings with all schools involved**

We will arrange a collective meeting for chairs and headteachers of all schools included in the review to:

- explain the review process;
- identify the issues that the local authority needs to address;
- provide proposals to alter provision that address the issues;
- provide a provisional timetable for the various stages in the review;
- explain the local authority’s strategic role;
- check the accuracy of the information gathered; and
- give schools the opportunity to present alternative options for the proposals.

### **2.2.2 Meeting with ward members**

The meeting with ward members will:

- inform members of the review and the relevant facts; and
- give an early opportunity to incorporate member’s views.

### **2.2.3 Meeting with diocesan bodies**

We will consult diocesan officers representing the schools in the area and provide them with the relevant facts. They will be asked for an initial informal view and to report back a formal view from their Diocesan Board later in the process

### 2.3 Agreeing the firm proposals

#### 2.3.1 Children and Young People's Panel and Cabinet

A report detailing:

- all relevant information;
- proposed options; and
- the recommended proposal

will be considered by Children and Young People's Panel and Cabinet.

Cabinet will be invited to decide whether to give permission to start consultation.

In certain circumstances, the local authority may wish to consult informally on more than one proposal before deciding which proposal should be taken to statutory consultation.

If part of the proposal is to establish a new school, it will usually be necessary to hold a competition.

If the firm proposal is to establish a new school by competition, the following statutory process does not apply, as the consultation is on the specification of the new school and the consideration of bids from proposers only. Details of this process can be found at appendix 3 of Wigan's Strategy for School Places and Buildings.

#### 2.3.2 Informing schools

All schools will be informed of the firm proposal and the timetable for the statutory consultation stage as soon as possible after the Cabinet meeting.

## 3 Statutory consultation

There is a statutory five stage consultation process for all proposals except the establishment of a new school by competition.

The stages below reflect legislation, regulations and DFE guidance.

### 3.1 Stage 1: Consultation

This will usually be conducted over a period of between 6 to 8 weeks during term time.

Consultation documents will be issued to all interested parties (listed at Appendix A). Written consultation responses will be requested.

Consultation documents will contain the:

- proposal(s);
- reasons for the proposal(s);
- details of the consultation process; and

- relevant timescales.

The consultation documents will clearly explain when and how to make views known.

Separate meetings will be held with the:

- governing bodies; and
- staff

of schools immediately concerned.

We will also consult with pupils.

Open consultation meetings for parents and members of the public will also be held in the area.

Notes will be taken of all consultation meetings.

The consultation gives all interested parties the opportunity to make comments on the proposal(s). These will be presented to Cabinet in the results of consultation report. The local authority will not enter into correspondence on individual responses.

### **3.1.1 Children and Young People's Panel and Cabinet.**

Results of the consultation will be reported.

Cabinet will determine whether the proposals should be published.

If new options emerge as a result of the consultation and members wish to amend the proposal, a second round of stage 1 consultation must be held.

### **3.1.2 Report back to schools**

The schools concerned will be informed of Cabinet's decision.

## **3.2 Stage 2: Publication**

There are two aspects to publication which must take place within twelve months of the conclusion of the stage 1 consultation period. These are:

- statutory notice(s); and
- complete proposals.

The notice is for a statutory period of four or six weeks, depending on the type of proposal (see 3.3 below).

The complete proposal must contain information prescribed in the school organisation guidance.

The full proposal will be published on the council website and sent to those listed in appendix A and anyone else who requests it.

### 3.3 Stage 3: Representation

Objections or comments must be made in writing to the local authority and will be acknowledged.

Only written objections received within the prescribed timescale, that is:

- 4 weeks for expansion proposals to add a 6th form to or enlarge the capacity of an existing school; or
- 6 weeks for all other types of proposal

will be presented to Cabinet for consideration when taking the final decision.

E-mails are acceptable.

### 3.4 Stage 4: Decision

The decision maker will be the local authority unless:

- the local authority is the proposer of a new school; or
- Cabinet fails to make a decision within two months of the end of the representation period (statutory consultation stage 3)

in which case the schools adjudicator will decide the proposal.

Statutory guidance prescribes the factors that decision makers must take into consideration. These include the:

- effects on standards and school improvement;
- type of schools, including diversity of provision;
- school characteristics, for example size, admission arrangements and specialisms;
- need for places;
- specific age provision issues, for example early years or 14-19;
- funding and land; and
- special educational needs, where relevant.

We will inform the schools involved of the decision following the Cabinet meeting or as soon as we receive notification from the schools adjudicator.

The following can appeal against the decision:

- local Church of England Diocese
- Bishop of the local Roman Catholic Diocese
- the governing body of a voluntary or foundation school proposed for closure
- the Learning and Skills Council where the proposal relates to pupils age 14 and over.

There is no right of appeal where proposals are decided under S19 Part 2 of the Education and Inspections Act 2006 alterations of schools.

### **3.5 Stage 5: Implementation**

There is a statutory duty to implement any proposals which the local authority or schools adjudicator has approved.

## **4 Linked proposals**

Where proposals are related, for example when a new school will replace a school proposed for closure, the consultation and notices for both proposals are linked.

**Stage 1 consultation**

**Consultation documents will be sent to:**

- the families of all pupils at all schools concerned
- the governors of all schools involved
- the staff of all schools involved
- any other local authority likely to be affected
- the governing bodies and staff at any other school likely to be affected
- the families of pupils at any other school likely to be affected, including primary schools for secondary school proposals as appropriate
- trade unions and professional associations
- all elected members
- the diocesan authorities
- private and voluntary early years providers (if early years proposals)
- Early Years and Childcare Strategic Management Group (if early years proposals)
- the member of parliament for the area
- any other interested parties, such as those using the school premises.

**Copies of consultation documents will also be placed at:**

- local libraries
- town halls

**Stage 2: Publication**

**Statutory notices will be:**

- placed at all school(s) named in the notice(s)
- displayed at the local library and post offices or other local place of interest
- published in a local newspaper

**Copies of the full proposals will be sent to:**

- the governing bodies of all schools involved
- any other local authority affected
- the diocesan authorities
- where the school is a voluntary or foundation, the trustees or foundation body
- the Secretary of State
- any person who requests a copy.