

Report to the Cabinet Member for Children, Young People and Schools
Report submitted by: Director of Education, Schools and Care
Date Wednesday, 8 March 2017

Part I

Electoral Division affected:
Fylde East; Fylde South;
Fylde West;

**The Future of Lytham St Annes Technology and Performing Arts College's
Post 16 Provision**

(Appendices 'A' to 'C' refer)

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Executive Summary

On 1 December 2016, the Governing Body of Lytham St Annes Technology and Performing Arts College (LSATPAC) began a statutory consultation on the proposal to discontinue its post 16 sixth form provision, by permanently lowering its age range from 11-18 years to 11-16 years, with effect from 31 August 2018. The consultation on this proposal took place from 1 December 2016 to 20 January 2017.

As part of the statutory process, a decision should now be taken about the proposal and this will be done by Lancashire County Council, who is the decision maker. If the Authority does not make a decision within two months from the end of the consultation period, the proposal and any representations about the proposal must be passed to the schools adjudicator for a decision.

This is deemed to be a key decision and the provisions of Standing Order No. 25 have been compiled with.

Recommendation

The Cabinet Member for Children, Young People and Schools is recommended to:

- (i) consider the information in this report.
- (ii) approve the proposal of the Governing Body of Lytham St Annes Technology and Performing Arts College (LSATPAC), as detailed in the statutory notice, to discontinue its post 16 sixth form provision at by permanently lowering its age range from 11-18 years to 11-16 years, with effect from 31 August 2018. The proposal is based on concerns about the long term financial viability of the whole school and is linked to the reducing number of students in the sixth form.

(iii) approve that an appropriate statutory decision letter be sent out, as specified under legal requirements, to give the reasons for the decision to those who are to be informed of them.

Background and Advice

Following the publication of a statutory notice and proposal on 1 December 2016, and the ensuing representation period which ran from 1 December 2016 to 20 January 2017, the local Authority is now at stage 3 of the statutory process, as defined by The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, and this is set out in the table below:

Stage	Description	Timescale
Stage 1	Publication of Statutory Notice and Proposal	1 December 2016
Stage 2	Representation (formal consultation)	1 December 2016 to 20 January 2017
Stage 3	Decision	March 2017
Stage 4	Implementation	31 August 2018

The statutory notice, accompanying proposal and the Equality Impact Assessment can be found at Appendices 'A' to 'C'.

Factors Relevant to all Types of Proposal

The Department for Education's (DfE) statutory guidance for decision-makers deciding prescribed alteration and establishment and discontinuance proposals, published in April 2016, sets out a number of factors which must be taken into consideration for all types of proposal. These factors are set out below, along with a supporting comment:

Related proposals

DfE guidance: Any proposal that is 'related' to another proposal must be considered together. A proposal should be regarded as 'related' if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal.

Comment: This is a stand-alone proposal and is not reliant on the outcome or implementation of another proposal.

Conditional approval

DfE guidance: Decision-makers may give conditional approval for a proposal subject to certain prescribed events.

Comment: It is not anticipated that the decision-maker will set any conditions in relation to the approval of this proposal.

Publishing decisions

DfE guidance: All decisions (rejected and approved – with or without modification) must give reasons for such a decision being made. **Within one week** of making a decision, the decision-maker should arrange (via the proposer where necessary) for the decision and the reasons behind it to be published on the website where the original proposal was published. The decision-maker must also arrange for the organisations listed to be notified of the decision and reasons: the governing body/proposers (as appropriate); the trustees of the school (if any); the local Church of England diocese; the local Roman Catholic diocese; any other organisation that they think is appropriate; and the Secretary of State (in school opening and closure cases only).

Comment: Arrangements are in place to ensure that the decision will be communicated to interested parties within one week of the decision being made. This will be done by sending a letter to specific individuals or organisations, such as those stated in the guidance and the Education Funding Agency. As the proposer, the school will also place the decision on its website, where the original proposal was published.

Consideration of consultation and representation period

DfE guidance: The decision-maker will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. If the proposer has failed to meet the statutory requirements, a proposal may be deemed invalid and therefore should be rejected. The decision-maker must consider **ALL** the views submitted, including all support for, objections to and comments on the proposal.

Comment: The consultation document proposed to discontinue the post 16 sixth form provision at Lytham St Annes Technology and Performing Arts College (LSATPAC) by permanently lowering its age range from 11-18 years to 11-16 years, with effect from 31 August 2018 and asked for views on the proposal. The consultation on this proposal took place from 1 December 2016 to 20 January 2017. Full details of the consultation process are set out in Appendix 'A'.

The consultation period ran for longer than the minimum 4 week period to account for the Christmas holiday period, ensuring that anyone wishing to respond had adequate time to do so. By the close of the consultation period on 20 January 2017, 49 responses had been received. Of these responses, the vast majority objected to the proposal as follows:

Support	Neither agree nor disagree	Object
1	1	47

Of the responses, 48 were received by email and one was an individual letter.

The responses came from the following categories of people with an interest in the school as indicated on/determined from their response:

- 13 (26.5%) from parents/carers of pupils currently attending the sixth form at the school;
- 7 (14.3%) from parents/carers of pupils wishing to attend the sixth form at the school;
- 2 (4.1%) from members of staff at the school;
- 24 (49.0%) from others*;
- 3 (6.1%) from members of the local community.

*The others are made up of: 1 grandparent; 12 former pupils; 2 former staff members; 1 former member of the community; 1 response from the Fylde branch of the NUT; and the remainder provided no information.

All responses received have been placed on Councillor-First and a summary is set out below.

Support

The response received in support of the proposal to discontinue the post 16 sixth form provision at Lytham St Annes Technology and Performing Arts College (LSATPAC) by permanently lowering its age range from 11-18 years to 11-16 years gave the following reasons:

- Concerned about the cost of the sixth form and impact on the 11-16 part of the school;
- Concerned about the poor English Baccalaureate results at the school; and
- No concerns about travel to alternative providers

Neither agrees nor disagrees

The response received which neither agreed nor disagreed posed a question about who is responsible for the deficit in the school's budget. The response contained no further comments on the proposal.

Objections

47 (96%) of individual respondents objected to the proposal to permanently lower the age range of the school. The reasons were varied, though four concerns were predominant:

- The availability of post 16 provision and location of alternative providers;
- The funding and financial issues being faced by the school;
- The nature of the consultation process; and
- The future increase in cohort size and amount of house building in the area.

The main themes are outlined in further detail below.

Alternative Providers

Almost 70% of responses included a comment on where young people from the area will access post 16 provision, if the decision is taken to permanently lower the age range of the school to 11-16 years. The main concerns relate to transport and the additional cost and time of accessing an alternative provider via public transport, and the lack of state funded academic post 16 provision in the district. A number of respondents raised concerns about the impact on young people having to travel to alternative providers, leaving less time for homework or hobbies, and whether these changes would result in fewer young people participating in post 16 education. No concerns were raised about the quality or provision offer at the alternative providers suggested, the issues are more focused on the time and cost of public transport to access this provision.

Response:

The closest alternative post 16 providers measured by a car journey from the school are:

St Mary's Catholic Academy	7 miles
Blackpool Sixth Form College	8 miles
Baines School	8.5 miles
Carr Hill High School and Sixth Form	9.5 miles
Blackpool and Fylde College	10 miles
Cardinal Newman College	15 miles

Of the possible alternative providers, three are school sixth forms located less than 10 miles from the school and all of which have had their sixth form provision rated as Good by Ofsted. There is also a sixth form college located less than 10 miles from the school which has been rated as Outstanding by Ofsted. The other two colleges have also been rated as Outstanding by Ofsted. All of these providers offer a wide range of A-level provision.

It should be noted that Carr Hill High School and Sixth Form is within the Fylde district and that this is a state funded institution, with a sixth form which offers A-level provision. Carr Hill High School and Sixth Form receives funding from the Education Funding Agency (EFA) for its post 16 provision in the same way as LSATPAC is funded.

Whilst the information above makes reference to car journeys, it is acknowledged that young people accessing post 16 provision are more likely to be travelling by bus. From reviewing the bus journeys from Lytham to the alternative providers, in the main, there are regular buses (between two and four an hour) which would allow young people to travel to one of the providers shown above. It is noted that a single journey to one of these providers takes between 30 minutes and one hour 30 minutes. The Square in Lytham has been used as the start and end point of the journeys. Further information about bus journeys to alternative providers is included in the Equality Impact Assessment at Appendix 'C'.

The Fylde district is not dissimilar to some other parts of the County in terms of travelling distance, for example Garstang to Cardinal Newman College is 11.5 miles and Tarleton to Runshaw College is 8.2 miles.

From reviewing the participation data for the 2015/16 academic year, it can be seen that of all the young people from the Fylde district, the sixth form at the school is the 6th most popular choice, with more young people choosing to go to other providers. In terms of where young people from Fylde are accessing post 16 provision which is funded by the Education Funding Agency (EFA), the breakdown is as follows: 28.0% chose to go to Cardinal Newman College; 22.7% chose Blackpool and Fylde College; 16.1% chose Blackpool Sixth Form College; 10.6% chose Carr Hill High School and Sixth Form; 8.2% chose Preston's College; and 6.4% chose the school. The remaining young people chose to study at a range of 21 other providers. All of the providers mentioned here are suggested as alternative providers should the decision be made to permanently lower the school's age range from 11-18 years to 11-16 years. It can be seen from this information that the highest proportion of young people chose to go to the provider which is furthest away from the school.

Most of the above providers offer subsidised travel passes or there are bus routes from Lytham to their locations. Should young people experience an increase in travel costs which may prevent them from participating, they may be eligible to access financial support through the 16-19 Bursary Fund, which colleges and school sixth forms receive from the EFA.

Funding and Financial Issues

Almost 33% of responses included comments on the financial position being faced by the school and calls additional funding to be provided to address this situation. Specific concerns related to the funding model for Lytham Sixth Form; whether the school can access additional grants; that closing the sixth form is a short term fix and the remainder of the school will continue to decline; increase the amount of provision on offer; and the national funding model is flawed.

Response:

The Governing Body of the school developed the proposal due to concerns about the long term financial viability of the whole school. They believe that this proposal will make a significant contribution to the financial recovery of the school, which would otherwise have to be addressed solely through the 11-16 part of the school.

Currently losses are being made on the sixth form provision which is funded by the EFA. There is no additional funding available from the EFA to address this situation.

This means that funding for pre16 pupils is potentially supporting some elements of the sixth form's losses and means that, if the sixth form provision was not discontinued, it would be likely to impact and disadvantage education provision for pre 16 pupils.

The Governing Body believe that the school is financially viable providing that losses from the sixth form do not continue, and that this proposal will make a significant contribution to the financial recovery of the school. If the proposal is not approved,

recovery of the sixth form's losses have to be addressed solely through the 11-16 element of the school.

In line with DfE guidance, the local authority requires schools to have a balanced budget. With a budget deficit of £700,000, the Governing Body are required to present a recovery plan to remove the deficit by the 2018-19 financial year, as per DfE guidance.

The Governing Body decided that they could not do this and continue to offer sixth form education. The school makes a significant subsidy to the sixth form from the 11-16 part of the school, totalling £400,000, and this is no longer affordable. The figures quoted here are from the school's proposal, they are not figures from the local authority.

The sixth form is funded in a different way to the 11-16 part of the school. Funding for post 16 students comes from the EFA, not the local Authority. The EFA produces its funding allocations using a nationally derived formula, which is consistent across all providers in the country. The key element of the funding allocation is the student numbers, which is multiplied by a standard national funding rate. Additional funding factors are applied to the funding calculation to reflect the nature of the provision offer at the school, the prior attainment of the students, how well the school retains the students in the sixth form, and whether the students are from a disadvantaged area. These are all based on a nationally consistent formula and they reflect the specific nature of the school, the provision it offers and the students it attracts. The number of students in the sixth form have been reducing year on year, meaning that the funding the school receives from the EFA has also been reducing. The table below shows the student number and funding allocations they have received from the EFA over the past few years:

	2012/13	2013/14	2014/15	2015/16	2016/17
Student Numbers	312	299	222	174	107
Funding	£1,345,819	£1,353,508	£965,383	£735,545	£477,355

In September 2015, the school entered into a partnership with Blackpool and Fylde College (the college) which saw the delivery of provision split between the two providers, but under the combined name of Lytham Sixth Form. Young people undertaking A-level provision would be enrolled at the school and those undertaking vocational provision would be enrolled at the college. The providers are only funded for the students enrolled with them. This resulted in fewer students at the school, as those doing vocational provision were enrolled at the college rather than the school, and this in turn led a reduction in funding from the EFA. The figures quoted in the table above reflect the number of students the school is funded for. The school is only able to access post 16 funding through the EFA's funding model and, with a significantly reducing allocation, it is not able to provide sixth form provision within the funding allocation available.

The school has already taken steps to make the sixth form more efficient, for example reducing the curriculum offer to ensure that class sizes are viable and moving from a 4 A-level model to a 3 A-level model, but the financial gains are not enough to address the significant budget deficit being faced by the school.

The Department for Education's (DfE) statutory guidance, Making 'Prescribed Alterations' to Maintained Schools, sets out a number of guidelines which should be considered for proposals to open new sixth form provision. One of this is as follows: The proposed sixth form is financially viable (there is evidence of financial resilience should student numbers fall and the proposal will not impact negatively on 11-16 education or cross-subsidisation of funding).

Consultation Process

22% of responses made reference to the consultation process. Of the issues raised, the main one is around the meeting held by the school on 13 December 2016. The responses raised concerns about how the meeting was advertised, the timing of the meeting and the number of people who attended.

Response:

The statutory representation period took place from 1 December 2016 to 20 January 2017, which is longer than the minimum four week period suggested within DfE guidance 'School Organisation: Maintained Schools: Guidance for Proposers and Decision Makers' published in April 2016, to account for the Christmas holiday period. This consisted of a statutory public notice being issued in the local newspaper and displayed in the school reception, in local libraries and in the reception of Fylde District Council. The full proposal document, which can be found at Appendix B, was also made available on the school's website from the date the consultation period began and a hard copy could be obtained from the school if requested. This was held within the News section of the website and has never been removed. However, on receipt of a number of responses that the proposal was difficult to find or not available, the school placed the consultation documents in their own specific part of the website's homepage. The documents have been available on the school's website throughout the consultation period.

The process undertaken by the school is in line with the statutory requirements. The public notice was published in the local newspaper, starting the representation period, which was extended to just over 7 weeks to allow for the Christmas holiday period, and the proposal document covers all of the information required by the statutory guidance. The school notified a wide range of stakeholders and partners about the consultation, including local Councillors and MPs, local primary and feeder schools, local colleges, unions and staff. The school contacted parents and students by email or text message on the first day of the consultation to inform them of the proposal. The Statutory Public Notice can be found at Appendix A.

The school held a meeting on 13 December 2016 for the proposal to be considered. This was stated in the proposal document and any interested parties were invited to attend. Whilst the statutory guidance states that 'there is a strong expectation that schools and LAs will consult interested parties in developing their proposal prior to publication', there is no statutory requirement to do so. There is no statutory requirement to hold a consultation event for a proposal of this nature. All interested parties have been able to comment on the proposal over an extended consultation period, at the end of which 49 responses had been received.

Future Cohort Size

20% of responses raised concerns about the increasing cohort of young people in the district and the impact the amount of housebuilding will have on the numbers wishing to access post 16 provision in the near future.

Response:

The table below shows the number of 16-18 year olds from the Fylde district accessing the top six providers outlined on page 6 of this report. These numbers are then compared to the size of the 16-18yr old cohort in the Fylde district to see the proportion of Fylde young people at each provider:

Number of young people from Fylde accessing these providers	2012/13	2013/14	2014/15	2015/16
Cardinal Newman College	326	299	319	384
Blackpool and Fylde College	280	263	258	311
Blackpool Sixth Form College	166	236	266	221
Carr Hill High School and Sixth Form	162	200	178	146
Preston's College	126	91	105	113
Lytham St Annes Technology and Performing Arts College	289	210	167	88
Fylde Population Projection of 16-18yr olds	2012	2013	2014	2015
	2,464	2,425	2,429	2,429
% of population projection at these providers				
Cardinal Newman College	13.2%	12.3%	13.1%	15.8%
Blackpool and Fylde College	11.4%	10.8%	10.6%	12.8%
Blackpool Sixth Form College	6.7%	9.7%	11.0%	9.1%
Carr Hill High School and Sixth Form	6.6%	8.2%	7.3%	6.0%
Preston's College	5.1%	3.8%	4.3%	4.7%
Lytham St Annes Technology and Performing Arts College	11.7%	8.7%	6.9%	3.6%

As can be seen from the table above, the school is not maintaining its share of a cohort which has seen a relatively small decline since 2012 and has been stable for three years. Based on the population projections, the school has seen its share of the cohort reduce from 11.7% in 2012/13 to 3.6% in the past four years.

Whilst overall participation by young people from Fylde has been relatively stable in recent years, the numbers choosing to access provision from outside of the district has been increasing, showing that young people are willing and able to access alternative providers.

Education standards and diversity of provision

DfE guidance: Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents; raise local standards and narrow attainment gaps.

Comment: With regard to the post 16 provision available in the district, the only other provider is Carr Hill High School and Sixth Form, which is located 9.5 miles away from the school. This school was inspected in October 2012 and was rated by Ofsted as 'Good'. A bus journey to this school would take around 30 minutes each way and there are two buses an hour to and from Lytham.

The table below provides further information on the alternative providers from areas surrounding the Fylde district. As you can see, all of the post 16 provision has been rated as either 'Good' or 'Outstanding' by OfSTED. In terms of the distances, these are based on the schools postcode and not where young people live. It is likely that a number of young people live closer to these alternative providers than the distances below would suggest. As mentioned above, the Fylde district is not dissimilar to some other parts of the County in terms of travelling distance, for example Garstang to Cardinal Newman College is 11.5 miles and Tarleton to Runshaw College is 8.2 miles.

Provider	Distance from LSA	OfSTED	A-Level Offer	Other Comments
St Mary's Catholic Academy	7 miles	November 2011 Overall – Good Sixth form – Good	Numerous A levels on offer	School website shows there is a bus route from Lytham
Blackpool Sixth Form College	8 miles	June 2009 Effectiveness of provision – Outstanding	Over 50 A level and BTEC courses	Transport/bus options with subsidised prices
Blackpool and Fylde College	10 miles	October 2013 Outstanding	Do not offer A level provision	Bursary Fund policy shows financial support for travel costs may be available for those living more than 1.5 miles away. College bus service covers Fylde area
Baines School	8.5 miles	May 2015 Overall – Requires Improvement Sixth Form – Good	Wide range of A levels	No transport information available
Carr Hill High School and Sixth Form	9.5 miles	October 2012 Overall - Good	A level offer as well as technical, vocational and other courses	Reference to Bursary Fund support for bus passes
Cardinal Newman College	15 miles	June 2009 Overall - Outstanding	Wide range of A levels and BTECs	Subsidised travel passes are available and reference to Bursary Funding to support this

A school-led system with every school an academy

DfE guidance: The 2016 White Paper, Education Excellence Everywhere, sets out the department's aim that by the end of 2020, all schools will be academies or in the process of becoming academies. The decision-maker should, therefore, take into account the extent to which the proposal is consistent with this policy.

Comment: Whilst alignment with the Education Excellence Everywhere has been considered, the creation of/conversion to an academy is not appropriate as this proposal is not related to the establishment of a new school or school sixth form.

Demand v need

DfE guidance: The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents' aspirations for a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places.

Comment: This proposal is related to removing sixth form capacity at the school, rather than being linked to the creation of new school places.

In the 2016/17 academic year, there are 90 students in the sixth form at the school. Of these, 43 are in Year 12 and 47 are in Year 13. This is fewer students than the previous academic year and this will result in a further reduction to the funding allocation the school receives from the EFA.

As outlined above, the school's sixth form provision is the 6th most popular choice, with young people from the Fylde district choosing to go to five more institutions to access their post 16 provision.

School size

DfE guidance: Decision-makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the LA's budget of the need to provide additional funding to a small school to compensate for its size.

Comment: The table below shows the student number and funding allocations the school has received from the Education Funding Agency (EFA) over the past few years:

	2012/13	2013/14	2014/15	2015/16	2016/17
Student Numbers	312	299	222	174	107
Funding	£1,345,819	£1,353,508	£965,383	£735,545	£477,355

As can be seen from the table above, since 2012/13 there are 205 fewer students accessing the sixth form and the school is receiving £868,464 less funding as a result.

The school has seen a reduction in student numbers over a number of years and has seen a further reduction this year with only 90 students accessing its sixth form provision. Students accessing provision through the Blackpool and Fylde College part of Lytham Sixth Form are not included within the student numbers for the school and they do not receive any funding for these.

The average EFA student number allocations for the school sixth forms and academies in Lancashire were 225 students in 2013/14, 236 in 2014/15, 225 in 2015/16 and 217 in 2016/17. This shows that the school's student numbers are notably below the average level, with students choosing to access alternative providers.

In addition to the DfE's guideline around new sixth forms being financially viable and not impacting negatively on 11-16 education, another guideline is that the proposed sixth form will provide places for a minimum of 200 students. As can be seen from the numbers above, the number of young people accessing sixth form provision at the school is notably below this level. The reducing number of students in the sixth form means that it is not financially viable and keeping the sixth form open is taking funding away from the 11-16 part of the school.

The reducing size of the sixth form is no longer financially viable as a stand-alone part of the school and this is adding significant pressure the school's overall budget. To secure the financial recovery of the school, the Governing Body decided that they would not be able to do this whilst the funding for the 11-16 part of the school was being used to support the sixth form.

Proposed admission arrangements

DfE guidance: In assessing demand, the decision-maker should consider all expected admission applications, not only from the area of the LA in which the school is situated.

Before approving a proposal that is likely to affect admissions to the school the decision-maker should confirm that the admission arrangements of the school are compliant with the School Admissions Code.

Comment: Should this proposal be approved, the school will no longer admit 16-18 year old students and its admission policy will be amended to reflect this. The admissions team within Lancashire County Council will be made aware of this outcome to ensure that the correct information is available on our website.

In the 2015/16 academic year, the school recruited six students from the Blackpool local authority area. Should this proposal be approved, colleagues from Blackpool Council will be made aware of this.

National curriculum

DfE guidance: All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community.

Comment: As this proposal relates to the sixth form element of the school, there is no link to the national curriculum. The national curriculum does not apply to key stage 5/post 16 provision.

Equal opportunity issues

DfE guidance: The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to: eliminate discrimination; advance equality of opportunity; and foster good relations.

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

Comment: Please refer to the Equality Impact Assessment at Appendix 'C'.

With regard to the impact on specific groups of young people, there was only one comment received in the consultation and this related to the impact of extra travel for someone with special educational needs.

Community cohesion

DfE guidance: Schools have a part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging, through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different sections within the community.

Comment: Please refer to the Equality Impact Assessment at Appendix 'C'.

Travel and accessibility

DfE guidance: Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

Comment: Please refer to the Equality Impact Assessment at Appendix 'C'.

Funding

DfE guidance: The decision-maker should be satisfied that any land, premises or necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement. A proposal **cannot** be approved conditionally upon funding being made available.

Comment: No land, premises or funding are required to implement this proposal.

Funding for 16-18 year olds comes from the Education Funding Agency (EFA), not the local authority. If approved, there will be no such students at the school from 1 September 2018, therefore the impact will be that the school will no longer receive a funding allocation from the EFA. This will not affect the funding for the 11-16 year olds at the school. School premises and playing fields

DfE guidance: Under the School Premises Regulations all schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

Comment: There will be no adverse impact on the school's playing fields as a result of this proposal.

Conclusions

The consultation process has highlighted a range of concerns around the impacts of permanently lowering the age range at Lytham St Annes Technology and Performing Arts College from 11-18 years to 11-16 years. In the main, these relate to the cost and time involved in accessing alternative providers; whether a financial solution can be found; the nature of the consultation process; and the likely increase in the cohort, linked to housing developments in the area.

However, concerns remain about the financial viability of the whole school. It is unlikely that the school would be able to produce a balanced budget and continue to provide sixth form provision. Funding for pre16 pupils is potentially supporting some elements of the sixth form's losses and means that, if the age range of the school was not lowered, it would be likely to impact and disadvantage education provision for pre 16 pupils. Therefore, the Governing Body must take action to ensure that the 11-16 part of the school is financially viable and a balanced budget, as required by the DfE, can be agreed.

If the decision taken to permanently lower the age range of the school from 11-18 years to 11-16 years, the school will work with all pupils in the remaining part of the school to provide them with high quality, impartial advice and guidance on the different options available to them once they leave school, in line with their statutory duty.

Implications:

This item has the following implications, as indicated:

Risk management

Under section 15ZA of the Education Act 1996, local authorities have a statutory duty to secure sufficient and suitable education and training provision to meet the reasonable needs of all young people in their area by influencing and shaping provision through local partnerships and by identifying gaps, enabling new provision and developing the market. The young people covered by this statutory duty are those aged 16-19 and those aged 19-24 who have either a learning difficulty assessment (LDA) or an Education, Health and Care Plan (EHCP).

Further to this, the DfE's statutory guidance, Participation of young people in education, employment or training, published in September 2016 states that local authorities have broad duties to encourage, enable and assist young people to participate in education or training. This guidance also states that young people in England are required to continue in education or training until at least their 18th birthday.

Local authorities must promote the effective participation in education and training of 16 and 17 year olds in their area with a view to ensuring that those persons fulfil the duty to participate in education or training. A key element of this is identifying the young people in their area who are covered by the duty to participate and encouraging them to find a suitable education or training place. The three primary ways for a young person to participate are:

- full-time study in a school, college or with a training provider;
- full-time work or volunteering (20 hours or more) combined with part-time education or training leading to relevant regulated qualifications; or
- an apprenticeship; traineeship or supported internship.

A suitable offer will be of a place on a specific course in school, college, with an independent provider, or apprenticeship; include both the training element and a job or work placement where this is a condition of the young person taking up the place; be appropriate to the young person's individual needs; and include an agreed start date.

Due to the availability of provision at alternative providers within travelling distance not dissimilar to other parts of the county, it is felt that, should this proposal be approved, young people will be able to access provision which meets their needs.

Financial Implications

Should the outcome of the consultation be to remove the sixth form provision at the school, there would not be an adverse financial impact on the local authority in terms of post 16 funding as this is provided by the EFA and the authority merely makes the payments on its behalf.

In line with DfE guidance, the local authority requires schools to have a balanced budget. The Governing Body believe that the school is financially viable providing that losses from the sixth form do not continue and that this proposal will make a significant contribution to the financial recovery of the school. If the proposal is not approved, recovery of the sixth form's losses have to be addressed solely through

the 11-16 element of the school. The overall financial position of the school would be improved through the removal of the sixth form, which is not financially viable at present.

List of Background Papers

Paper	Date	Contact/Tel
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