

**Report to the Cabinet Member for Children and Schools**  
**Report submitted by: Executive Director of Children and Young People**  
**Date: 11 January 2013**

**Part I**

Electoral Division affected:  
Preston Central South

**Moor Park Business and Enterprise School: Proposal to Expand the School  
by Adding a Sixth Form**  
(Appendices 'A' to 'C' refer)

Contact for further information:  
Lynn Mappin, (01772) 531951, Directorate for Children and Young People,  
[lynn.mappin@lancashire.gov.uk](mailto:lynn.mappin@lancashire.gov.uk)

## **Executive Summary**

This report aims to provide sufficient information on:

- the proposal to expand Moor Park Business and Enterprise School by adding a sixth form;
- factors that the decision maker must take into consideration when determining the proposal and commentary on how the proposal meets these factors; and
- the responses received during the statutory notice period

in order for the decision maker to make a determination in respect of the proposal.

Between 14 May 2012 and 25 June 2012 the Governing Body of Moor Park Business and Enterprise School consulted on a proposal to expand the school by adding a sixth form with effect from 1 September 2013. After considering the consultation outcome and agreeing to proceed with the proposal, the Governing Body published a Statutory Notice on 24 October 2012. In accordance with the statutory process for school expansion proposals, the Notice invited representations (objections or comments) within the statutory four week Notice period, i.e. from 24 October 2012 to 21 November 2012.

Under the statutory school expansion procedure, a decision should now be taken about the proposal. If the authority fails to decide the proposal within two months from the end of the representation period, the proposal and any representations about the proposal must be passed to the schools adjudicator for decision.

The constitutional arrangements of the County Council provide for the decision to be taken by the Cabinet Member for Children and Schools.

This is deemed to be a Key Decision and Standing Order 25 has been complied with.

## **Recommendation**

The Cabinet Member for Children and Schools is recommended to:

- (i) Consider the information in this report;
- (ii) Approve the proposal to expand Moor Park Business and Enterprise School by adding a sixth form with effect from 1 September 2013; and
- (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**

In 2009, Moor Park School changed status from a community school to become a foundation school. In February 2011, Moor Park School was inspected by Ofsted and was awarded a grade of 'outstanding'.

This proposal has been made and consulted upon by the Governing Body of Moor Park School. The document entitled 'Our Vision' set out at Appendix 'A' outlines the reasons for the proposal and the Governing Body's vision for the school. The school aims to ensure that students in the proposed sixth form are able to realise their potential and achieve their goals through the provision of post-16 courses that lead to 'A' level and equivalent qualifications. The personal needs of each student will be catered for by tailored programmes and personal tutors who will provide support, information, advice and guidance.

The proposal includes a soft federation with Ashton Community Science College and, from 1 September 2013, it is proposed that the schools together will offer 140 sixth form places on the first of a two year course (280 in total once fully operational). Moor Park School expects to have approximately 60 students in each of years 12 and 13, with the majority of students in the sixth form coming from Moor Park and around 10 per year being admitted from other schools. The 'A' level offer at Moor Park is intended to complement the vocational offer at Ashton Community Science College and provide a wide ranging and local offer for young people in Preston.

Department for Education guidance 'Expanding a maintained mainstream school by enlargement or adding a sixth form' contains a strong presumption of approval for proposals to add a sixth form from high performing schools. However, the decision should be informed by additional factors such as the need for local collaboration; the viability of existing post-16 providers in the area and the improvement of standards at the school that is proposing to add the sixth form.

Following a period of consultation on the proposal, on 27 June 2012, the Governing Body of Moor Park School agreed to the publication of a statutory notice proposing to enlarge the school by adding a sixth form.

The statutory notice period has now expired and the proposal falls to the authority to determine. The proposal is now at stage 4 of the 5 stage statutory process. This is summarised below:

<b>Stage</b>	<b>Statutory requirement</b>	<b>Dates</b>
1	Initial consultation on the proposal	14 May 2012 to 25 June 2012
2	Publication of a Statutory Notice	24 October 2012
3	Representations on the Proposal	By 21 November 2012
<b>4</b>	<b>Decision *</b>	<b>11 January 2013</b>
5	Implementation date: if the decision is to proceed with the proposal.	1 September 2013

\* If the local authority is responsible for a decision on the proposal and fails to take it within two months from the end of the representation period (stage 3 ) the proposal must be passed to the schools adjudicator for decision.

Full details of the school expansion proposal to be considered are set out in Appendix 'B'. The information contains the published notice, the complete proposal, and the stage 1 consultation document.

### **Representations**

No written representations (objections or comments) have been received during the representation period.

### **Consultations**

Full details of the consultation process are set out in Appendix 'B' (section 11).

### **Checks on receipt of Statutory Proposals**

Before judging the merits of a statutory proposal, DfE Guidance 'Expanding a maintained mainstream school by enlargement or adding a sixth form' advises (at 4.7) that there are four key issues which the decision maker should consider:

- Is any information missing?
- Does the published notice comply with statutory requirements?
- Has statutory consultation been carried out prior to the publication of the notice?
- Are the proposals 'related' to other published proposals (and should therefore be considered together)?

There is no information missing. The information is provided in the published notice and complete proposal at Appendix 'B'.

The published notice complies with statutory requirements.

Statutory consultation was carried out prior to the publication of the notice, detailed in Appendix 'B'.

The proposal is not 'related' to any other published proposals.

### **Factors that the Decision Maker must take into consideration when determining a proposal to add post-16 provision**

#### **Standards of education and need for places**

DfE guidance states that there should be a strong presumption in favour of the approval of proposals for new post-16 provision where the school meets the DfE criteria for 'high performing'. This presumption will apply to proposals submitted to the decision maker within two years from the date a school is informed of its Ofsted inspection results. However, the decision should be informed by additional factors:

- the need for local collaboration;
- the viability of existing post-16 providers in the local area; and

- the improvement of standards at the school that is proposing to add post-16 provision.

Only in exceptional circumstances would these factors lead decision makers not to approve a proposal from a high performing ('presumption') school. Exceptional circumstances would include:

- if there is specific evidence that a new sixth form was of a scale that it would directly affect the viability of another neighbouring, high quality institution that itself was not large in comparison to other institutions of that type;
- where there are a number of 'presumption' schools in the same area at the same time; or
- where there is clear evidence that the scale of the aggregate number of additional 16-18 places far exceeds local need and affordability and is therefore clearly poor value for money.

DfE guidance further states that the decision maker will need to take account of the pattern of post-16 provision in the area and the implications of approving new provision. The existence of surplus capacity in neighbouring schools or colleges that are not high performing should not be a reason to reject a post-16 presumption proposal, as it is the responsibility of the LA to consider decommissioning poor quality provision as well as commissioning high quality provision.

### **Comment**

The OFSTED report in February 2011 graded the school as outstanding; therefore the proposal has a strong presumption for approval, subject to consideration of the factors outlined above.

There is a wide range of provision for post-16 education in the Preston area within 5 miles of Moor Park School. There are five schools and colleges that offer 'A' level and equivalent qualifications, four of which are between one and two miles of Moor Park. Of the four that deliver 'A' levels they each offer between 20 and 38 'A' level subjects.

The diversity of the schools and colleges range from two large sixth form colleges and further education colleges with well over 2,000 students each; one medium sized (approximately 200 students) school sixth form; to two small (fewer than 100 students) school sixth forms.

Three of these schools and colleges when last inspected by Ofsted were rated outstanding overall.

Ashton Community Science College (one of the small sixth forms) was rated 'outstanding' by Ofsted. As the proposer intends to collaborate with Ashton College and its offer is complementary rather than competing, Ashton's viability should not be threatened by the proposal. The other school with a small sixth form was rated 'satisfactory' by Ofsted which does not qualify as 'high performing' in the context of DfE guidance.

Overall Y11 pupil numbers in the Preston area are forecast to decrease by 195 over the next three years which is a reduction of 15% on the current cohort.

The vast majority (97%) of Year 11 pupils who left Moor Park School in 2010/11 progressed into employment, education and training. Very few Lancashire young people not in education, employment or training (NEET) are awaiting level 3 placements. For this reason, and the fact that Year 11 numbers are falling in Preston, it is the local authority's assumption that if the intended number of sixth form places at Moor Park School is filled, student numbers at other local level 3 providers will fall.

### **Funding and land**

The Decision Maker should be satisfied that any land, premises or capital required to implement the proposals will be available. Furthermore, there is a strong presumption for approval where the school meets the DfE criteria for high performing and does not require capital support.

### **Comment**

The Governing Body of Moor Park School confirms that it has the necessary capital funds to implement the proposals in full within the school's current site boundary. The proposals can be implemented without impacting on accommodation required for pupils aged 11 – 16 or having a negative impact on the admission number at Y7.

There is a signed statement to this effect at Appendix 'C' together with information that states that the delivery of the proposals will enhance accommodation for pupils aged 11 – 16 and an intention to increase the admission number at Y7 once the alteration to premises has been completed.

### **Every child matters**

The decision maker should consider how proposals will help every child and young person be healthy; stay safe; enjoy and achieve; make a positive contribution; and achieve economic well-being.

### **Comment**

The statutory proposal is to provide local sixth form provision, in the main, for pupils that had been previously attending Moor Park School. The proposal, including the collaboration with Ashton Community Science College, is intended to provide young people with more choice of high quality post-16 provision in the Preston area.

### **Travel and accessibility**

The proposed changes should be accessible and should not adversely impact on disadvantaged groups.

### **Comment**

Most of the young people will have been attending Moor Park School previously and others will apply of their own free will from amongst a range of providers in Preston, taking into account the locality of the provision.

### **Special Educational Needs Provision**

The guidelines for consideration relate mainly to a full system review of SEN provision within a LA.

#### **Comment**

Not applicable.

### **Views of interested parties**

These should be taken into account.

#### **Comment**

The views of interested parties, made during stage 1 of the consultation, are included in Appendix 'B' to this report. The vast majority of respondents were in favour of the proposals (87.5%) and 12.5% were against the proposal. Six of those who objected were parents and carers and three were from other 16 – 19 providers. However, there were no written representations to the statutory notice.

The Cabinet Member for Children and Schools may:

- Reject the proposal
- Approve the proposal as published
- Approve the proposal with limited modifications
- Approve the proposal with specific conditions

### **Conclusion**

DfE guidance states that the Decision Maker should only turn down proposals to add post-16 provision from schools eligible for the sixth form presumption if there is compelling and objective evidence that the expansion would undermine the viability of an existing high quality post-16 provider or providers. The fact that an existing school or college with large numbers of post-16 students might recruit a smaller number of students aged 16-19 is not, of itself, sufficient to meet this condition, where the “presumption” school can show that there is reasonable demand from students to attend the school after age 16. Whilst there may already be adequate post-16 opportunities within the Preston area and some providers have raised concerns during stage 1 consultation around duplication of provision, there is no compelling and objective evidence that the expansion would undermine the viability of an existing high quality post-16 provider or providers. It is, therefore, recommended that the proposal should be approved as published.

## **Implications:**

This item has the following implications, as indicated:

### **Risk management**

#### **Legal**

DfE Guidance 'Expanding a maintained mainstream school by enlargement or adding a sixth form' which has been referred to throughout this report contains both statutory and non-statutory guidance. The guidance in relation to consideration of sixth form proposals is statutory and, as such, the decision maker is under a duty to have regard to that guidance. If the guidance is not duly regarded and the proposal is refused, the Governing Body could request a referral of the decision to the schools adjudicator, which the local authority must comply with, and the schools adjudicator could overturn the decision.

#### **Financial**

The Governing Body has confirmed that it is able to fully fund the capital development required and that there will be no impact on the local authority, now or in the future, for additional capital funding as a direct consequence of the implementation of proposal.

The Education Funding Agency directly funds post-16 providers on a formulaic basis driven, in the main, by student numbers and type of course. The breadth of the curriculum offer at Moor Park School will be dependent on student numbers which, as with any new provision, is untested at this stage.

#### **Land and Property**

If the implementation of the proposal requires an extension to the existing footprint of the school then any development would be subject to all necessary approvals such as Section 77 of the School Standards and Framework Act 1998 and planning consent.

#### **Equality and Diversity**

School Organisation Regulations prescribe the consultation that is required around each individual school organisation proposal and significant capital investment. In the case of this proposal access to, and choice of, local post 16 education will be improved.

S. 149 of the Equality Act 2010 sets out the equality duty that public authorities must comply with. The proposal is to expand provision which will not disadvantage any group and will benefit, in the main, pupils at the school.

## List of Background Papers

Paper	Date	Contact/Directorate/Tel
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N/A

Reason for inclusion in Part II, if appropriate

N/A