

Report to the Cabinet Member for Children, Young People and Schools
Report submitted by: Director of Education, Schools and Care
Date: 7 December 2016

Part I

Electoral Divisions affected:
Preston Central North;
Preston Central South;
Preston City; Preston East;
Preston North; Preston
North East; Preston North
West; Preston Rural;
Preston South East; and
Preston West;

The Future of Ashton Community Science College's Post 16 Provision (Appendices 'A' to 'C' refer)

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Executive Summary

On 14 September 2016, the Cabinet Member for Children, Young People and Schools agreed to a statutory consultation on the proposal to discontinue the post 16 sixth form provision at Ashton Community Science College (ACSC), by permanently lowering its age range from 11-18 years to 11-16 years, with effect from 31 August 2017. The consultation on this proposal took place from 26 September to 24 October 2016.

As part of the statutory process, a decision should now be taken about the proposal. 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 complied 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, as detailed in the statutory notice, to discontinue the post 16 sixth form provision at Ashton Community Science College (ACSC), by permanently lowering its age range from 11-18 years to 11-16 years, with effect from 31 August 2017; 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

Following the publication of a statutory notice on 26 September 2016 and the ensuing representation period which ran from 26 September to 24 October 2016, 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	26 th September 2016
Stage 2	Representation (formal consultation)	26 th September to 24 th October 2016
Stage 3	Decision	7 December 2016
Stage 4	Implementation	31 st August 2017

The statutory notice, accompanying proposal and the Equality Analysis 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 via the school organisation website, where the original proposal was published, and also by sending a letter to specific individuals or organisations, such as those stated in the guidance, local councillors and OfSTED.

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 Ashton Community Science College (ACSC) by permanently lowering its age range from 11-18 years to 11-16 years, with effect from 31 August 2017 and asked for views on the proposal. Full details of the consultation process are set out in Appendix 'A'.

By the close of the consultation period on 24 October 2016, no responses had been received.

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: As outlined in the proposal, OfSTED determined that the sixth form at ACSC requires improvement. A significant proportion of students do not achieve as well as they could, attendance needs to be improved, and overall attainment is low. In addition to this, ACSC was only delivering post 16 provision in two curriculum areas, which is not a diverse range of provision.

Whilst young people will not be able to access post 16 provision at ACSC if this proposal is approved, some or all of the courses offered by ACSC are available at a number of other post 16 institutions in the local area. These providers are Cardinal Newman College, Preston's College, Moor Park High School and Sixth Form and Carr Hill High School and Sixth Form Centre. All of these have been rated by OfSTED as 'Good' or 'Outstanding' and they are within 3-6 miles of ACSC and, between them, they offer a wide range of provision.

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.

During the 2015/16 academic year, there were only 32 students in the sixth form at ACSC. When determining the level of interest from young people for the 2016/17 academic year, the school held an open evening in December 2015. Despite promoting this event, there were no attendees. The school has not received any interest from any young people wishing to enrol at the sixth form in 2016/17. There are currently no students accessing sixth form provision at the school. Therefore, it is reasonable to assume that there is no demand for post 16 provision at ACSC.

Should any students from ACSC wish to progress into post 16 education or training, there is capacity at the alternative local providers listed above.

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 allocations ACSC has received from the Education Funding Agency (EFA) since it opened its sixth form in September 2010:

	2010/11	2011/12	2012/13	2013/14	2014/15	2015/16
Student Numbers	30	75	42	55	77	66

The average EFA student number allocation 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. ACSC's student numbers are significantly below the average level.

The DfE's statutory guidance, Making 'Prescribed Alterations' to Maintained Schools, published in April 2016, sets out a number of guidelines which should be considered for proposals to open new sixth form provision, and one of these is that the proposed sixth form will provide places for a minimum of 200 students. As can be seen from the numbers above, the sixth form at ACSC is significantly below this level. There is a concern that the small number of students in the sixth form at ACSC mean that it is not financially viable, and keeping the sixth form open does not demonstrate value for money.

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, ACSC 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.

The school has not recruited any 16-18 year olds students from outside of the Lancashire local authority area.

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 Analysis at Appendix 'C'.

No equal opportunities issues have been raised during the representation period, and this proposal does not discriminate against any specific groups of young people.

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 Analysis at Appendix 'C'.

There have been no responses from the local community during the representation period. Therefore, it is not expected that there will be an adverse impact on the community.

Travel and accessibility

DfE guidance: Decision-makers should satisfy themselves that accessibility planning has been properly taken into account, and that 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 Analysis 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). If approved, there will be no such students at the school in the future, 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: If approved, this proposal will mean that the school no longer needs to accommodate a sixth form, thereby creating additional capacity for the 11-16 year old provision. Should this be the case, LCC officers will discuss with the school how this additional capacity could be utilised in future years.

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

Consultations

The statutory representation period took place over a four week period, from 26th September to 24th October 2016, as suggested within DfE guidance 'School Organisation: Maintained Schools: Guidance for Proposers and Decision Makers' published in April 2016. This consisted of a statutory public notice being issued in the local newspaper and copies of the public notice being displayed on the school gates, in the school reception and also in local libraries and in the reception of

Preston City Council's main office. Copies of the full proposal were also made available.

The public notice and the statutory proposal were sent to a wide range of stakeholders, including County Councillors, the Preston Children's Partnership Board, parish councils and union representatives. LCC also published the information on the School Organisation Review section of its website. In addition to this, the school informed all students and parents through their newsletter and included a link to the information on the LCC website on the school website.

No responses were received during the representation period.

Conclusions

As can be seen from the information above, the consultation process has not highlighted any issues or concerns with the proposal and, therefore, the proposal remains unchanged.

The DfE's statutory guidance, 'Making 'Prescribed Alterations' to Maintained Schools', sets out the following guidelines which should be considered for proposals to open new sixth form provision:

- School to be rated as Good or Outstanding by OfSTED.
- The quality of pre-16 education must be good or outstanding.
- The proposed sixth form will provide places for a minimum of 200 students.
- The proposed sixth form will, either directly or through partnership, offer a minimum of 15 A level subjects.
- There is a clear demand for the new sixth form (including evidence of a shortage of post 16 places and a consideration of the quality of L3 provision in the area).
- 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).

As can be seen from the information provided, ACSC would not meet the current criteria for adding a sixth form. ACSC's current provision is significantly different from these requirements in the following areas:

- The minimum number of students – the minimum required under the DfE guidelines is 200 places and ACSC has 32 students.
- The required range of subjects – the offer for new provision is a minimum of 15 A level subjects. ACSC only offers provision in two subject areas.
- The need for a clear demand for the provision – the information in this report shows that students have little or no interest in progressing to ACSC's sixth form and that the provision on offer is available at other local post 16 providers.
- For the sixth form to be financially viable – there is a concern that running courses for a small number of students is not financially viable.

As the number of 16-19 year olds attending ACSC is minimal, and the other post 16 providers in the local area offer the same courses as part of their provision, the local authority does not believe that there will be an adverse impact on participation should ACSC not offer sixth form provision in the future.

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).

As the number of 16-19 year olds attending ACSC is minimal, and the other post 16 providers in the local area offer the same courses as part of their provision, the local authority does not believe that there will be an adverse impact on participation should ACSC not offer sixth form provision in the future.

Financial

Should the decision to remove the sixth form provision at ACSC be approved, 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.

The overall financial position of the school would be improved through the removal of small courses which are not financially viable.

List of Background Papers

Paper	Date	Contact
Report to the Cabinet Member for Children, Young People and Schools – 'The Future of Ashton Community Science College's Post 16 Provision'	14 September 2016	Joanne Mansfield, Democratic Services Tel: 01772 534284