

Report to the Cabinet

Meeting to be held on Thursday, 8 March 2018

Report of the Head of Learning and Skills Service

Part I

Electoral Divisions affected:
Cleveleys East; Cleveleys
South & Carleton; Fleetwood
East; Fleetwood West &
Cleveleys West; Fylde West;
Poulton le Fylde; Thornton &
Hambleton; Wyre Rural
Central; and Wyre Rural East

The Future of Baines School's Post 16 Provision

(Appendices 'A' to 'D' refer)

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Executive Summary

On 7 December 2017, the governing body of Baines School 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 2019. The consultation on this proposal took place from 7 December 2017 to 19 January 2018.

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 complied with.

Recommendation

The Cabinet is recommended to:

- (i) Consider the information in this report.

- (ii) Approve the proposal of the governing body of Baines School, as detailed in the statutory notice, 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 2019. 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 7 December 2017, and the ensuing representation period which ran from 7 December 2017 to 19 January 2018, 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	7 December 2017
Stage 2	Representation (formal consultation)	7 December 2017 to 19 January 2018
Stage 3	Decision	March 2019
Stage 4	Implementation	31 August 2019

The statutory notice, accompanying proposal, factors for consideration and the Equality Analysis can be found at Appendices 'A' to 'D'.

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, and supporting comments, are set out in Appendix 'C'.

Conclusions

As can be seen from Appendix 'C', only five responses were received during the consultation period. However, these responses did highlight some concerns around the impact of permanently lowering the age range at Baines School, from 11-18 years to 11-16 years. In the main, these relate to accessing alternative providers; the performance of the school overall; the nature of the consultation process; the management and governance of the school; whether a financial solution can be found; and the potential increase in the cohort, linked to housing developments in the area. Further detail on these issues is set out in Appendix 'C'.

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, Baines School would not meet the current criteria for adding a sixth form. Baines School'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 Baines School has 57 students in 2017/18
- The required range of subjects – the offer for new provision is a minimum of 15 A level subjects. In the last full academic year, students at the school undertook courses in 10 sector subject areas
- The need for a clear demand for the provision – as this report shows, there is little interest from students in progressing to the school's sixth form and that the same courses, as well as a range of other subjects and options, are 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. The school has confirmed that only eight out its 43 classes cover their basic staffing costs and make a financial contribution to the running of the wider school. In addition and in line with DfE guidance, the local authority requires schools to have a balanced budget. The school is forecasting to have a budget deficit in the region of £736,000 by 2019-20 so it can no longer afford to subsidise the running of the sixth form from its 11-16 budget. This cross-subsidy amounts to c£220,000 in this current financial year.

Therefore, the governors have concluded that their proposal to permanently lower their age range will contribute significantly to addressing their financial deficit. The governing body decided to 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.

As the number of 16-19 year olds attending Baines School is minimal and reducing, and the other post 16 providers in the local area offer all of the courses as part of their provision, the local authority does not believe that there will be an adverse impact on participation should the school not offer sixth form provision in the future. However, as the 16-18 year old population in the district grows, the local authority may be faced with an issue in the future in relation to there being sufficient and suitable post 16 education and training places available in the area.

Financial

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 ESFA and the authority merely makes the payments on its behalf. However, this may be balanced to some extent by the potential for the school to use the capacity currently in use for sixth form students' to accommodate additional mainstream pupils, in response to increasing demand from pupils yielded by new housing.

In line with DfE guidance, the local authority requires schools to have a balanced budget. The governing body believes 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 overall 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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None

Reason for inclusion in Part II, if appropriate

N/A