

# Public Document Pack



**Service Director – Legal, Governance and  
Commissioning**

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Monday 8 July 2019

## Notice of Meeting

Dear Member

### Cabinet

The **Cabinet** will meet in the **Council Chamber - Town Hall, Huddersfield** at **4.00 pm** on **Tuesday 16 July 2019**.

This meeting will be live webcast. To access the webcast please go to the Council's website at the time of the meeting and follow the instructions on the page.

The items which will be discussed are described in the agenda and there are reports attached which give more details.

A handwritten signature in black ink, appearing to read "Julie Muscroft", on a light background.

**Julie Muscroft**

**Service Director – Legal, Governance and Commissioning**

Kirklees Council advocates openness and transparency as part of its democratic processes. Anyone wishing to record (film or audio) the public parts of the meeting should inform the Chair/Clerk of their intentions prior to the meeting.

## **The Cabinet members are:-**

### **Member**

Councillor Shabir Pandor  
Councillor Carole Pattison

Councillor Rob Walker  
Councillor Viv Kendrick

Councillor Musarrat Khan  
Councillor Naheed Mather  
Councillor Peter McBride

Councillor Cathy Scott  
Councillor Graham Turner

### **Responsible For:**

Leader of the Council  
Cabinet Member for Learning, Aspiration and Communities  
Cabinet Member for Culture and Environment  
Cabinet Member - Children (Statutory responsibility for Children)  
Cabinet Member - Health and Social Care  
Cabinet Member - Greener Kirklees  
Deputy Leader and Cabinet Member for Regeneration  
Cabinet Member - Housing and Democracy  
Cabinet Member - Corporate

# Agenda

## Reports or Explanatory Notes Attached

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### Pages

#### 1:     **Membership of the Committee**

To receive apologies for absence of Members who are unable to attend this meeting.

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#### 2:     **Interests**

1 - 2

The Councillors will be asked to say if there are any items on the Agenda in which they have disclosable pecuniary interests, which would prevent them from participating in any discussion of the items or participating in any vote upon the items, or any other interests.

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#### 3:     **Admission of the Public**

Most debates take place in public. This only changes when there is a need to consider certain issues, for instance, commercially sensitive information or details concerning an individual. You will be told at this point whether there are any items on the Agenda which are to be discussed in private.

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#### 4:     **Deputations/Petitions**

The Cabinet will receive any petitions and hear any deputations from members of the public. A deputation is where up to five people can attend the meeting and make a presentation on some particular issue of concern. A member of the public can also hand in a petition at the meeting but that petition should relate to something on which the body has powers and responsibilities.

In accordance with Council Procedure Rule 10 (2), Members of the Public should provide at least 24 hours' notice of presenting a deputation.

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## **5: Public Question Time**

The Cabinet will hear any questions from the general public.

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## **6: Member Question Time**

To receive questions from Councillors.

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## **7: 2019/20 to 2023/24 Council Capital Plan - Proposed allocation of capital funding from the Directorate for Children's Learning & Early Support baseline sections of the Capital Plan**

3 - 10

This report will identify potential schools' projects, for Member approval, to be funded from the 2019/20 to 2023/24 Learning and Early Support Special Provision grant and Basic Need baseline sections of the Capital Plan.

Ward: Dewsbury East, Dewsbury South, Greenhead, Newsome, Holme Valley North.

Portfolio: Learning & Aspiration and Corporate.

Contact: David Martin - Head of Corporate Landlord & Capital - Economy and Skills and Mandy Cameron – Head of Education Safeguarding and Inclusion - Learning and Early Support. Tel: 01484 221000.

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## **8: Future options for Almondbury Community School - Final Decision Report**

11 - 190

The report sets out the outcomes from the representations received in response to the published statutory proposal to change the upper age range of Almondbury Community School by changing the age range of the school from age 3 –16 years to age 3 – 11 years.

Ward: Almondbury.

Portfolio: Schools and Aspiration and Children's Services.

Contact: Jo-Anne Sanders Service Director, Learning and Early Support, and Martin Wilby Senior Strategic Manager - Education Places and Access. Tel: 01484 221000

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KIRKLEES COUNCIL				
COUNCIL/CABINET/COMMITTEE MEETINGS ETC				
DECLARATION OF INTERESTS				
Name of Councillor				
Item in which you have an interest	Type of interest (eg a disclosable pecuniary interest or an "Other Interest")	Does the nature of the interest require you to withdraw from the meeting while the item in which you have an interest is under consideration? [Y/N]	Brief description of your interest	

Signed: ..... Dated: .....

## NOTES

### Disclosable Pecuniary Interests

If you have any of the following pecuniary interests, they are your disclosable pecuniary interests under the new national rules. Any reference to spouse or civil partner includes any person with whom you are living as husband or wife, or as if they were your civil partner.

Any employment, office, trade, profession or vocation carried on for profit or gain, which you, or your spouse or civil partner, undertakes.

Any payment or provision of any other financial benefit (other than from your council or authority) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses.

Any contract which is made between you, or your spouse or your civil partner (or a body in which you, or your spouse or your civil partner, has a beneficial interest) and your council or authority -

- under which goods or services are to be provided or works are to be executed; and
- which has not been fully discharged.

Any beneficial interest in land which you, or your spouse or your civil partner, have and which is within the area of your council or authority.

Any licence (alone or jointly with others) which you, or your spouse or your civil partner, holds to occupy land in the area of your council or authority for a month or longer.

Any tenancy where (to your knowledge) - the landlord is your council or authority; and the tenant is a body in which you, or your spouse or your civil partner, has a beneficial interest.

Any beneficial interest which you, or your spouse or your civil partner has in securities of a body where -

- (a) that body (to your knowledge) has a place of business or land in the area of your council or authority; and  
(b) either -

the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or  
if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which you, or your spouse or your civil partner, has a beneficial interest exceeds one hundredth of the total issued share capital of that class.



**Name:** Cabinet  
**Date:** 16 July 2019

**Title of Report:** 2019/20 to 2023/24 Council Capital Plan - Proposed allocation of capital funding from the Directorate for Children's Learning & Early Support baseline sections of the Capital Plan.

**Purpose of report:**

This report will identify potential schools' projects, for Member approval, to be funded from the 2019/20 to 2023/24 Learning and Early Support Special Provision grant and Basic Need baseline sections of the Capital Plan.

<b>Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?</b>	Yes – this will result in capital expenditure significantly in excess of £250K
<b>Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private report)</a>?</b>	Yes
<b>The Decision - Is it eligible for "call in" by <a href="#">Scrutiny</a>?</b>	Yes
<b>Date signed off by <u>Strategic Director</u> &amp; name</b>  <b>Date signed off by the Service Director - Finance?</b>  <b>Date signed off by the Service Director - Legal, Governance and Commissioning?</b>	Karl Battersby - 08/07/2019  Eamonn Croston - 05/07/2019  Julie Muscroft - 05/07/2019
<b>Cabinet member <a href="#">portfolio</a></b>	Learning & Aspiration - Cllr Carol Pattison Corporate - Cllr Graham Turner

**Electoral wards affected:** Dewsbury East, Dewsbury South, Greenhead, Newsome, Holme Valley North

**Ward councillors consulted:** No

**Public or private:** Public

**Has GDPR been considered?** There are no GDPR implications arising from this report.

## **1. Summary**

- 1.1 This report will give an update on specific school based Special Educational Needs and Disability (SEND) capital projects, identified to be funded from the Learning & Early Support Special Provision government grant baseline section of the Council's Capital Plan. This report, asks that Members approve the allocation of further top-up SEND funding, announced by the Department for Education (DfE) in May and December 2018.
- 1.2 In addition, Members will be asked to approve the allocation of the capital required to fund new modular accommodation at Brambles Primary Academy and Hanging Heaton CE (VC) J&I Schools from the 2019/20 Learning & Early Support Basic Need baseline budget for New Pupil Places.
- 1.3 Members will also be asked to delegate authority to officers to manage the delivery of the proposed works within the respective project and programme budget envelopes.

## **2. Information required to take a decision**

### *(a) Special Provision Grant*

- 2.1 The DfE first announced the Special Provision fund on 4th March 2017 to support Local Authorities (LAs) to make capital investment in provision for pupils with SEND. £1.056m was allocated to Kirklees Council to be split equally over three years from 2018/19 to 2020/21 at a rate of £352k per annum.
- 2.2 On 29th May 2018, the DfE announced a £50m top-up across all LAs resulting in an additional allocation of £246k to Kirklees. A further £100m top-up was announced in December 2018 with another £492k for Kirklees, bringing the total capital grant available for the Council to £1.794m
- 2.3 As part of the conditions of the grant, all LAs were required by the DfE to carry out a high quality collaborative review of their high needs provision for children and young people in their local area with complex SEND by 31 March 2018. A detailed programme for expenditure of the grant was required as an output of the review.
- 2.4 On 20 March 2018 Cabinet approved the allocation of the Special Provision grant available at that time to three specific schemes that had been identified by the High Needs Review as the most efficient way of using the capital. These were schemes at Ravenshall School, Honley High School and Newsome High School. After the initial feasibility studies were undertaken, it was found that the estimated costs exceeded the notional budget allocated by Cabinet. However, the additional funding allocated by the DfE obviated the need to consider reductions in the aspirations or objectives of the projects.
- 2.5 In September 2018, work began on a detailed design and development process for all three projects. This report provides a final update on the funding and detail of each proposed scheme as outlined below:



*(i) Ravenshall School*

- 2.6 Ravenshall School caters for pupils with complex needs. The majority of pupils have complex learning difficulties combined with other special educational needs such as behavioral difficulties or Autistic Spectrum Disorders (ASD). A number of students have more complex learning needs including sensory and physical impairments and specific learning difficulties.
- 2.7 Continued incremental growth has meant that the current accommodation and facilities are being stretched to their capacity. The objective of the initial proposals was not to increase the overall number of places in the school, rather to reduce class size so as to enable the school to meet the more complex needs of children identified through the High Needs Review data. The construction of an extension to provide additional classroom space was the initial preferred solution along with improving storage accommodation for pupil's mobility equipment and alleviating overcrowding during lunchtime in the dining hall.
- 2.8 Through consultation with the school and the Council's SEND Assessment and Commissioning Team (SENDACT), the project has evolved and now comprises of a two classroom extension and breakout space. The new accommodation will be timetabled so as to be accessible to all pupils. The courtyard adjacent to the dining hall will be roofed over so as to increase seating capacity. A new room will be created out of an adjacent external space walled on three sides next to the main entrance to provide storage accommodation.
- 2.9 The revised project has been estimated at **£525k** inclusive of all professional fees. As Ravenshall is part of the Council's Public Private Partnership (PPP) 2 contract with Pinnacle, the proposed capital works will be delivered through this contractual process. It is anticipated that the project will start on site in May 2020 and will be completed by November 2020.

*(ii) Newsome High School*

- 2.10 Newsome High School is a mainstream school for pupils aged 11-16. The school has around 85 SEND pupils, which represents about 15% of the total Number on Roll (NOR), slightly higher than the national average. There are well-established dedicated Hearing Impairment and Physical Impairment specialist provisions at the school, which are located separately on the ground floor, with both provisions offering fixed term and transitional places. The original proposal was to undertake improvements in teaching spaces, the creation of accessible WCs and storage solutions, with the school keen on a dedicated Alternative Provision (AP) unit.
- 2.11 Through consultation with the school and the Council's SENDACT Service, the project has evolved and the current proposal involves the conversion of two under-utilised Design Technology classrooms to a dedicated 'Front of House' for SEND students that will offer both social and teaching spaces. The existing hygiene accommodation will be doubled in size to ensure that pupils have high quality sanitary provision available during break periods. The upgrading of office accommodation will mean that staff will be able to easily carry out confidential work. The physiotherapy

room will no longer have to be a multifunctional space and can instead focus on each pupil's physical needs in an appropriately private setting.

- 2.12 The revised project has been estimated at **£450k** inclusive of all professional fees. As Newsome is currently a maintained school, it is intended that the project will be delivered through the Council's wholly owned Arms-Length Management Organisation Kirklees Neighbourhood Housing (KNH) Property Services, with an expected start of site in summer 2019, and completion programmed for October 2019. The Council can award contracts to KNH without competition relying on the "Teckal" exemption in the Public Contracts Regulations.

(iii) Honley High School

- 2.13 Honley High School is a large mainstream High School. The school has a total SEND population of 250, of which 20 are within their Specialist Provision for Children and Young People with Communication and Interaction Needs. This represents a SEND cohort of 19% which is slightly higher than the national average. The Specialist Provision caters for those students with ASD who benefit from the additionality of dedicated staff, space and facilities that enable them to succeed in a mainstream school.
- 2.14 At present, the school has dedicated Specialist Provision rooms and students also use a room which is notionally part of the SEND/Inclusion portfolio, causing capacity issues. The preferred solution was to create a designated space that provided the flexibility for small group work, 1:1 support and break out space specifically for Specialist Provision which would ensure a clear focus on meeting the very significant and specific social and communication needs of these students.
- 2.15 The original focus of this project has not changed but extensive exploration and assessment of options has had to occur as Honley High is at capacity, with no spare or underutilised space. This has necessitated dialogue with various school departments in order to understand the potential curriculum implications of proposed room changes. The agreed scheme involves a careful and well thought through reconfiguration of space to create a new series of rooms allocated to Specialist Provision in a single area that has its own discrete access but is nonetheless integrated in with the mainstream school. In addition, a perimeter fence will be provided to protect students from traffic on the adjacent main road and permit SEND students to freely circulate and access the specialist provision.
- 2.16 The project at Honley High has been estimated at **£550k** inclusive of all professional fees. As this school is part of the Council's Public Private Partnership (PPP) 1 contract with Kirklees Schools Services Limited, the proposed capital works will be delivered through this contractual process. It is anticipated that the project will start on site in October 2019 and will complete in January 2020.

*(b) Basic Need Funding*

- 2.17 The LA has a statutory duty to secure sufficient supply of good quality school places and is provided with a Basic Need capital grant from the DfE to fund the required new pupil places. The Council's Five Year Capital Plan was approved by Council on 13<sup>th</sup>

February 2019 and allocated £500k per annum in the Learning and Early Support baseline from the grant to fund small scale basic need schemes. The following proposals relate to small scale changes for 2019/20:

*(i) Hanging Heaton CE (VC) J&I School - Replacement Modular Building*

- 2.18 At present, this school has a single temporary classroom sized for 30 pupils as part of its overall teaching provision on site. Due to the age and condition of the existing building, it is in need of urgent replacement. If this classroom is not replaced the school will have insufficient space to meet its planned admission number intake for September 2019. It is proposed that a new modular classroom capable of housing 30 pupils is purchased to replace the existing temporary unit, which will be demolished and removed from site. This will need to occur during the six week summer holiday in 2019 in order to be ready for the new school intake in September 2019. The tendered cost for this project is **£132k** including demolition and all professional fees.

*(ii) Brambles Primary Academy School - New Modular Accommodation*

- 2.19 Since September 2018 this 420 place (Two Form Entry) school has been housed in temporary modular accommodation in the grounds of Highfields Adult Day Centre, awaiting the construction of the new build school to be located on an adjacent playing field at Clare Hill, Edgerton. Ongoing delays with the pre-construction phase of the new build school means that an additional two classrooms for up to 60 pupils plus ancillary accommodation are required for September 2019. The tendered cost for this project is **£356k**. This accommodation will be re-used at another school once it is no longer required as the temporary home of Brambles Primary Academy.

*(c) Financial Delegations*

- 2.20 In order to aid the implementation of the above programme of work being funded from the Special Provision and Basic Need capital grants, Members are requested to delegate authority, in accordance with the Council's Financial Procedure Rules 3.16 dated June 2019, to the Service Director for Economy and Skills to manage the implementation of the identified works within the respective agreed total programme budgets.
- 2.21 The delegated powers would include the authority to transfer resources between schemes and within the overall programme budget to enable the successful delivery of individual projects. Any virements would be reported retrospectively to Cabinet in accordance with Financial Procedure Rule 3.18.

**3. Implications for the Council**

**3.1 Early Intervention and Prevention (EIP)**

The SEND proposals will be part of a wider development programme to ensure that our specialist schools and settings are able to meet the needs of children and young people with SEND locally and in a timely fashion.

### **3.2 Economic Resilience (ER)**

The proposals will provide more flexible accommodation to the identified schools and allow them to further personalise the curriculum offer for their pupils to ensure that they are able to make progress in all areas of the curriculum and transition successfully into adult life.

### **3.3 Improving outcomes for Children**

The proposals aim is to improve the condition, suitability and/or quantity of space available at each identified school which will facilitate a higher level of personalisation of the curriculum to meet all the needs of the pupils who attend, leading to improved outcomes.

### **3.4 Reducing demand of services**

The aim of the SEND proposals is to ensure that wherever possible, the majority of our children and young people with SEND can attend a local provision with the appropriate level of specialist support, thereby reducing the need for specialist provision outside of Kirklees, and enabling those pupils to remain within their local community.

### **3.5 Financial**

All the projects identified in this report will be funded from capital grant provided by central government and therefore there are no revenue borrowing implications. The running costs of the individual provisions will be met through the Dedicated Schools Grant allocated in accordance with DfE rules.

## **4. Consultees and their opinions**

- 4.1 The High Needs Review was subject to extensive public and Member consultation and the outcomes were approved by Cabinet at meetings in February and March 2018. The new school for Brambles Primary Academy was subject to local member consultation and two planning applications – outline and full – during 2017 and 2018 and the provision of the modular accommodation has also been subject to the planning process during 2018 and 2019. The modular classroom for Hanging Heaton has also been subject to a previous planning process.

## **5. Next Steps**

- 5.1 Subject to approval of the proposed schemes, officers from the Economy and Skills Service will ensure that the projects concerned are developed, designed, procured and implemented in accordance with the Council's Financial and Contracts Procedure Rules.

## **6. Officer Recommendation and reasons**

Members are requested to:

- (a) Note the additional capital grant being provided by the DfE for Special Provision projects as detailed in paragraph 2.2 of this report;
- (b) Approve the proposed capital allocations for the stated projects at Ravenshall School, Newsome High and Honley High, which will funded from the Learning & Early Support Special Provision grant baseline section of the Capital Plan and authorise the projects to be designed, procured and implemented within the overall programme budget of £1.794m;
- (c) Approve the capital allocations for the specific modular projects at Brambles Primary Academy and Hanging Heaton CE (VC) J&I School, to be funded from the Learning & Early Support Basic Need grant baseline section of the Capital Plan, thereby enabling the projects concerned to be implemented on site;
- (d) Consider and approve the request for delegated powers as detailed in paragraphs 2.20 and 2.21 of this report to the Service Director for Economy and Skills.

By approving these proposals the LA will meet its statutory need to provide high quality school places for all pupils and will improve outcomes for pupils with SEND.

## **7. Cabinet portfolio holder's recommendations**

The Portfolio Holder for Learning and Aspiration supports the additional resources being provided for SEND pupils and the investment in new classroom provision needed to ensure that the LA meets its statutory duty to provide high quality additional school places and recommends that Cabinet:

- (a) Notes the additional capital grant being provided by the DfE for Special Provision projects as detailed in paragraph 2.2 of this report;
- (b) Approves the proposed capital allocations for the stated projects at Ravenshall School, Newsome High and Honley High, which will funded from the Learning & Early Support Special Provision grant baseline section of the Capital Plan and authorise the projects to designed, procured and implemented within the overall programme budget of £1.794m;
- (c) Approves the capital allocations for the specific modular projects at Brambles Primary Academy and Hanging Heaton CE (VC) J&I School, to be funded from the Learning & Early Support Basic Need grant baseline section of the Capital Plan, thereby enabling the projects concerned to be implemented on site;

- (d) Consider and approve the request for delegated powers as detailed in paragraphs 2.20 and 2.21 of this report to the Service Director for Economy and Skills

## **8. Contact officers**

David Martin - Head of Corporate Landlord & Capital - Economy and Skills  
Tel: 01484 221000 - Email: [david.martin@kirklees.gov.uk](mailto:david.martin@kirklees.gov.uk)

Mandy Cameron - Head of Education Safeguarding and Inclusion - Learning and Early Support - Tel: 01484 221000 - Email: [mandy.cameron@kirklees.gov.uk](mailto:mandy.cameron@kirklees.gov.uk)

## **9. Background papers and history of decisions**

20 February 2018 Cabinet Report – Summary of findings from the Special Educational Needs and/or Disability (SEND) High Needs Strategic Review

20 March 2018 Cabinet Report – Recommendations from the Special Education Needs and/or Disability (SEND) High Needs Strategic Review – Specialist Provision Capital Fund

11 December 2018 Cabinet Report – 2018/19 – 2020/21 Council Capital Plan – Proposed allocation of capital funding from Directorate for Children's Learning & Early Support baseline sections of the Capital Plan

Council 13 February 2019: Five Year Capital Plan

Brambles Primary Academy – Modular Accommodation – Application 2019/91268 – Approved 14<sup>th</sup> June 2019

## **10. Service Director Responsible**

Angela Blake - Service Director - Economy & Skills - Tel: 01484 221000 -Email: [angela.blake@kirklees.gov.uk](mailto:angela.blake@kirklees.gov.uk)

Jo-Anne Sanders - Service Director - Learning and Early Support - Tel: 01484 221000  
Email: [jo-anne.sanders@kirklees.gov.uk](mailto:jo-anne.sanders@kirklees.gov.uk)

# Agenda Item 8:

**Name of meeting: Cabinet**

**Date: 16<sup>th</sup> July 2019**

**Title of report: Future options for Almondbury Community School – Final Decision Report**

**Purpose of report: The report sets out the outcomes from the representations received in response to the published statutory proposal to change the upper age range of Almondbury Community School by changing the age range of the school from age 3 –16 years to age 3 – 11 years.**

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Yes
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	Yes
The Decision - Is it eligible for call in by Scrutiny?	Yes
Date signed off by <u>Strategic Director</u> & name	Mel Meggs 8 <sup>th</sup> July 2019
Is it also signed off by the Service Director (Finance)?	Eamonn Croston 8 <sup>th</sup> July 2019
Is it also signed off by the Service Director for Legal Governance and Commissioning?	Julie Muscroft (John Chapman) 8 <sup>th</sup> July 2019
Cabinet member <a href="#">portfolio</a>	Cllr Carole Pattison– Schools and Aspiration Cllr Viv Kendrick – Children's Services

**Electoral wards affected: Almondbury**

**Ward councillors consulted: Yes**

**Public or private: Public**

**Has GDPR been considered? Yes**

Kirklees Council's absolute priority in bringing forward these proposals is to help children and young people fulfil their potential. It wants all children to have the best start in life and to benefit from excellent standards of care and education, both now and in the future.

The Council recognises there is uncertainty for many families. If the changes is approved, all affected families will continue to be offered personal support so that transitions are smooth and any disruption is minimal.

Almondbury Community School is, like all of Kirklees schools, a vital part of the local community in which it resides. The Council recognises this and the passion its staff, pupils and parents have for it. It is vitally important for local children to experience a broad curriculum in a setting which is secure and sustainable for the long term. The

Council knows this can have a major impact on young people achieving their desired outcomes, enhancing their opportunities in life. This has been its intention from the start of this process. It wants what is best for Kirklees' children so they are guaranteed the best start in life. Sometimes this entails taking difficult decisions that some may not approve of. The following paper details the Council's proposal to enable this.

## **1. Purpose of the report**

### **1.1. Secondary education**

- To advise Members on the outcome of the statutory process on the proposal to change the age range of Almondbury Community School from age 3 –16 years to age 3 – 11 years on 1<sup>st</sup> September 2020.

At the Cabinet meeting on 29th May 2019 the '*Future options for Almondbury Community School – Outcome Report*' Cabinet approved officers to move to the next stage of a statutory process which was to publish the statutory notice and proposal. The Local Authority (LA) are making one prescribed alteration that is to change the upper age range of the school, thereby removing the secondary phase of the school.

- To advise Members of the conclusions of the School Organisation Advisory Group (SOAG) regarding the proposal.
- To advise members of the officer conclusions that there are projected to be sufficient secondary school places to meet the likely pupil demand for school places in Huddersfield South East and South West over the next ten years without the need for the permanent secondary places at Almondbury Community School.
- To advise that Members make the decision to approve the statutory proposal to change the age range of Almondbury Community School.

### **1.2. Primary education**

- To advise Members that a 210 place mainstream primary school for the Almondbury community should be retained.

At the Cabinet meeting on 29th May 2019 the '*Future options for Almondbury Community School – Outcome Report*' Cabinet approved officers to move to the next stage of a statutory process.

A prescribed alteration is not required to enable changes to the planned admission number (PAN) of the primary phase from 60 (KS1) and 110 (KS2) to 30 (starting from September 2020) across both Key Stage 1 and Key Stage 2, thereby resulting in 210 places across Reception to Year 6 (to be phased in over time).

DfE Guidance explains 'If an admission authority of a mainstream school wishes to increase or decrease PAN, (The LA in the case of community and voluntary controlled (VC) schools)...this would be classed as an admissions change, not a prescribed alteration.' In line with the School Admissions code, the LA may propose a variation in PAN where they consider such changes to be necessary in



view of a major change in circumstances. Such proposals must be referred to the Schools Adjudicator for approval.

- To remind Members that as Almondbury Community School is a school with an Ofsted judgement of Special Measures, there is a requirement for the school to become an academy, sponsored by a Multi Academy Trust. An Academy Order was issued by the Regional School's Commissioner on the 16<sup>th</sup> May 2019.
- To advise Members that the retention of a Primary School as a sponsored academy is subject to a due diligence process. As outlined in the report of 29<sup>th</sup> May, in the letter accompanying the academy order from the Regional Schools Commissioner *'The Secretary of State has the power to revoke this Academy Order. This would usually only happen in exceptional circumstances, predominantly where following due diligence a school is judged to be financially unviable. Where this is the case, the expectation is that the local authority will take steps to close the school.'*

## 2. The statutory process regarding the statutory proposal

School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, require a statutory process be followed, set out by law when making certain changes to a Local Authority Maintained school.

The Department for Education (DfE) publish guidance for such changes, *'Making significant changes ('prescribed alterations') to maintained schools: Statutory guidance for proposers and decision-makers - October 2018)* and is included at appendix 1.

The regulations state that because Almondbury Community School is a community school, Kirklees Council is able to propose the change, and, as long as published proposals are determined within 2 months of the end of a statutory representation period, the Council is the decision maker.

The DfE guidance explains that as the proposer the LA must follow the four stage statutory process set out below;

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal/notice)		
Stage 2	Representation (formal consultation)	Must be 4 weeks	As set out in the 'Prescribed Alterations' regulations
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator	Any appeal to the adjudicator must be made within 4 weeks of the decision

Stage 4	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker
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The DfE guidance states that *‘Although there is no longer a statutory ‘pre-publication’ consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations.’*

This report reviews the performance of the first two stages of the statutory process to confirm that they have been carried out in full compliance with the legislation and relevant Department for Education (DfE) guidance. The proposals are presented for the consideration of Cabinet as decision makers so that they can then determine the related proposals.

When Kirklees Council Cabinet, as decision maker is considering the proposal it has to have regard to the guidance issued by the DfE, *‘School Organisation. Making significant changes (‘prescribed alterations’) to maintained schools. Statutory guidance for proposers and decision-makers October 2018’*.

### **2.1. Non-Statutory Consultation**

On **19 March 2019** (and following an Ofsted inspection at the school) Kirklees Council Cabinet authorised officers to undertake a non-statutory consultation about future options for Almondbury Community School in the context of the wider basic need for school places across Huddersfield South East and South West. The rationale for undertaking the non-statutory consultation was because;

- Numbers on roll at Almondbury Community School have been for a number of years, consistently lower than the number of available places, currently in most year groups Almondbury Community School is undersubscribed between 40-60%.
- As the funding for schools is predominantly driven by the numbers of pupils on roll, this has resulted in lower rates of income which has contributed to some significant challenges in balancing a budget. This in turn impacts on the breadth of curriculum and educational offer that can be provided in Key Stage 3 and 4 and the outcomes for pupil attainment.
- On the 11 February 2019, following an inspection in December 2018, Almondbury Community School was judged by Ofsted as requiring Special Measures. The Secretary of State for Education has a duty under Section 4(A1) of the Academies Act 2010, (as inserted by the Education and Adoption Act 2016), to intervene where a school is eligible for intervention and make an Academy order to allow it to become a sponsored academy as part of a Multi Academy Trust (MAT). The Secretary of State’s powers in this area are exercised by Regional School Commissioners (RSC).
- Finding a Multi Academy Trust sponsor for Almondbury Community School in its current form ie serving pupils from Nursery through to Key Stage 4, would be very difficult when due diligence processes are undertaken. This is due to

very low pupil numbers and the associated budget challenges this creates in enabling a sustainable educational offer both now, and into the future. This takes into account the future child population requiring school places, the number of available places in the Huddersfield South East and South West area and any future impact of likely house building.

- There are opportunities to provide enough high quality, inclusive school places for children in the area in a different way.

**2.1.1.** In line with the decision taken at Cabinet on the 19th March, the following proposals were developed to enable a non-statutory consultation to take place. The proposals that were consulted upon were to;

- Change the age range of the school from age 3 –16 years to age 3 – 11 years (to be implemented from September 2020).
- Change the planned admission number of the primary phase from 60 (KS1) and 110 (KS2) to 30 (starting from September 2020) in both Key Stage 1 and Key Stage 2, thereby resulting in 210 places across Reception to Year 6 (to be phased in over time).
- Admit no new pupils into year 7 from September 2020.

**2.1.2.** The proposals acknowledged that this would also require the Council to;

- Work with neighbouring schools (King James's School and Newsome High School) to realign the existing Almondbury Community School secondary Priority Admission Area (PAA) so that future children have priority for their secondary education in one of the neighbouring secondary schools.
- Explore the opportunity to work with King James's School to create 30 additional planned places from September 2020 (so that over time there are an additional 150 secondary places at the school i.e. 5 year groups x 30 places). To achieve this there would need to be capital investment in the school buildings.
- Work with the Regional Schools Commissioner who would secure an Academy sponsor for Almondbury Community School as a future primary school.
- Consolidate Almondbury Community School as a future primary school into the current KS1 building on Fernside Avenue.

**2.1.3.** At a meeting on **29<sup>th</sup> May 2019** Kirklees Council Cabinet received detailed feedback from the non-statutory consultation. As part of the consultation 358 responses were received as well as a petition with 1254 entries 'against closure of Almondbury Community School' / 'Save our school and jobs from closing'. The consultation process did not elicit additional factors that had not been thoroughly considered prior to making the proposals put forward for non-statutory consultation. The current available number of school places exceeds the current and future pupil population, and even taking into account future housing growth, this would not result in an alternative option that could secure the financial viability and educational sustainability of Almondbury Community School in its current form. Taking account of the current position faced by the school, the consultation responses, officer commentary to key themes

raised as part of the non-statutory consultation members approved that officers to publish the statutory proposal and notice and allow the requisite representation period for Almondbury Community School.

## **2.2. Publication and arrangements for representations as part of the statutory consultation period.**

On the 7<sup>th</sup> June 2019, a statutory notice (appendix 2) was published in the Huddersfield Examiner. Links to the statutory notice and statutory proposal (appendix 3) were also sent to staff and families of pupils from the school. The statutory notice was posted at the main entrances to the school on 7th June 2019. From the publication date of 7th June 2019 the full proposal was available on the Kirklees Council website at: [www.kirklees.gov.uk/schoolorganisation](http://www.kirklees.gov.uk/schoolorganisation) and was available upon request as a paper copy. Any person was able to object to or comment on the proposal by sending such objections or comments in writing to the Director for Children's Services using a Freepost address or by emailing [school.organisation@kirklees.gov.uk](mailto:school.organisation@kirklees.gov.uk). On 4th July 2019, after the statutory 4 week period, the representation period ended. During the representation/statutory consultation period the Council received 51 responses.

## **2.3. Decision: The role of the Kirklees School Organisation Advisory Group (SOAG)**

The Local Authority is the primary decision maker for school re-organisation proposals and under Kirklees arrangements, the Cabinet of Kirklees Council is the decision making body. Under School Organisation Regulations, if the Cabinet of Kirklees Council is unable to make a decision within 2 months of the end of the statutory representation period, then the decision passes to the Schools Adjudicator.

The Kirklees School Organisation Advisory Group (SOAG) was established by Cabinet on 12<sup>th</sup> September 2007 to advise the Cabinet on school organisation decision-making matters. The constitution and purpose of SOAG is attached at appendix 4. SOAG exists to provide advice to Cabinet on compliance with the required statutory process, but Cabinet is the decision maker.

### **2.3.1. Review of the statutory process to change the upper age range at Almondbury Community School by change the age range of the school from age 3 –16 years to age 3 – 11 years**

Kirklees SOAG met on 5<sup>th</sup> July 2019 to consider the statutory process and to formulate advice for the Cabinet as decision makers about compliance of the process. A note of the meeting is attached at appendix 5.

### **2.3.2. Statutory process check by SOAG**

The details relating to the statutory process for the statutory proposals are set out in relevant check sheets (attached at appendix 6). The processes that were followed in relation to the proposal were checked with appropriate evidence that each point had been completed.

### **2.3.3. SOAG conclusions about the process**

The statutory notice, statutory proposals and statutory processes are compliant with requirements published by the DfE guidance and within the required decision making time limits;

- Non statutory consultation has been carried out.
- The published statutory notice complies with statutory requirements.
- The proposals are not related to any proposals published by the EFA. The proposals are valid and are able to be decided by Kirklees Council Cabinet.
- The statutory four week period has been allowed for representation.
- The decision have been brought to cabinet on 16 July 2019, which is within two months after the end of the statutory four week representation period which ended on the 4 July 2019.

The SOAG did recognise that whilst there had been the opportunity for pupils to respond to the non-statutory consultation and that some pupils had done so, it did wish to recommend that any similar non-statutory consultations in the future should plan for arrangements to be made in order to specifically engage pupils in the consultation process. This recommendation to not change the SOAG advice about compliance of this process.

### **2.3.4. Factors to be considered in making the decision about the statutory proposal.**

In order to support decision making by Cabinet, a range of factors have been considered. These factors are derived from the guidance issued by the DfE: '*School Organisation. Making significant changes ('prescribed alterations') to maintained schools. Statutory guidance for proposers and decision-makers October 2018*'. Factors can vary depending upon the nature and type of proposal. The full list of factors is presented in appendix 7, accompanied by officer responses to the relevant factors for these proposals.

### **2.3.5. Type of decision**

The decision maker can make one of four types of decision for the statutory proposals once it is satisfied that 'the appropriate fair and open local consultation and representation period has been carried out and that the proposer has given full consideration to all the responses received' (DfE Guidance);

- *Reject the proposal;*
- *Approve the proposal without modification;*
- *Approve the proposal with modifications, having consulted the LA and/or GB ( as appropriate): or*
- *Approve the proposal with or without modification, - subject to certain conditions (such as the granting of planning permission) being met.*

Following the SOAG review, officers recommend, subject to the consideration of any further matters raised at the decision-making meeting, that the statutory proposals for Almondbury Community School are able to be considered for a final decision.

### **3. Information required to take a decision**

#### **3.1. Changing the age range of Almondbury Community School from 3 -16 years to 3-11 years - Factors to be considered in making the decisions about the related statutory proposals.**

In order to support decision making by Cabinet, a range of factors have been considered. These factors are derived from the guidance issued by the DfE: *'School Organisation. Making significant changes ('prescribed alterations') to maintained schools. Statutory guidance for proposers and decision-makers October 2018'*. Factors can vary depending upon the nature and type of proposal. The full list of factors alongside the representations and representation themes associated with each decision making factor are presented in appendix 7

The relevant decision making factors are listed below alongside the representation themes and the rationale for the proposals which address the reasons for decision making. There is however crossover between some decision making factors and equally some representations and the rationale for the proposal. This approach to presentation by no means should constrict a holistic view of the information required to make a decision as outlined in 2.3.5 above.

##### **3.1.1. Consideration of consultation and representation period**

Representation themes:

- Representation states that they Oppose/ Object to the proposal
- Representation states that the proposal has created uncertainty and want clarity and support during the process
- Representation states that this proposal is causing disruption again at Almondbury Community School
- Representations have questioned the consultation and decision making process for this proposal.
- Representation states that local residents were not informed of the proposal
- Representation states that the proposal would disadvantage families who have children in the all though school.
- Representation states that the proposal is having a negative impact on mental health for pupils at the school
- Representation states that the proposal is not child centred
- Representation states that the LA should support the school
- Representation states that the proposal is a result of the negative media attention.

Rationale for the proposals:

School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, require a statutory process be followed set out by law when making certain changes to a Local Authority Maintained school. The Department for Education (DfE) publish Guidance for such changes, 'Making significant changes ('prescribed alterations') to maintained schools: Statutory

guidance for proposers and decision-makers - October 2018). The regulations state that because Almondbury Community School is a Community school, Kirklees Council can propose these changes, and, as long as published proposals are determined within 2 months of the end of a statutory representation period, the Council is the decision maker.

The DfE Guidance explains that as the proposer the LA must follow the four stage statutory process set out below;

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal/notice)		
Stage 2	Representation (formal consultation)	Must be 4 weeks	As set out in the 'Prescribed Alterations' regulations
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator	Any appeal to the adjudicator must be made within 4 weeks of the decision
Stage 4	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications agreed by the decision- maker

The DfE Guidance states that 'Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations.

A four week non-statutory consultation took place between 27 March 2019 and 23 April 2019, to seek the views of parents/carers, school staff, professionals, ward members, wider community stakeholders and other interested parties.

The non-statutory consultation was very important and valuable in understanding the views and anxieties of those affected by the proposals. School re-organisation is emotive for all those involved, including parents, pupils and staff.

The purpose of non-statutory consultation is to allow interested parties to give their views and to generate possible alternatives for consideration. Consultation is not a referendum on a proposal. Decision Makers are required to make a strategic decision on behalf of all families now and into the future.

During the consultation process there were no additional factors that had not been thoroughly considered prior to making the proposals in relation to the available number of school places which exceeds the current and future pupil population. Even when taking into account future housing growth, this would not result in an alternative option that may secure the financial viability and educational sustainability of Almondbury Community School in its current form.

Considerable effort went in to ensuring that the consultation could engage with as many of those affected by the proposals as possible. Individuals and groups were encouraged to feedback their views. The views of everyone were considered against the rationale underpinning the proposals. This consultation outcome report explains clearly how the views expressed in the consultation have been evaluated and taken into account. Cabinet report on 29th May 2019: [Future options for Almondbury Community School – Outcome Report](#)

On 29th May 2019 Cabinet agreed for LA officers should start the next stage of the process and publish the statutory notice/proposals. On 4th June 2019 a statutory notice was published in the Huddersfield Examiner and a statutory proposal was published on the [School Organisation and Planning](#) website.

- All parents/carers at the school were notified about the proposals.
- Emails with links to the statutory notice and proposal were sent to;
  - Staff at Almondbury Community School
  - Heads of neighbouring school
  - Trade Unions
  - Ward members
  - The local Church of England diocese;
  - The local Roman Catholic diocese

In total there were 51 representations received during representation stage. All representations have been considered and made available in this report with the intention of aiding decision makers.

It is important to acknowledge the praise and passion parents have for Almondbury Community School and its staff, as shown through responses to the non-statutory consultation and in the representation period. However, the school remains in a difficult position regarding the number of pupils in the secondary stage and the impact this has on viability and quality of the education offer due to the limitations of only being able to offer a very narrow curriculum choice. The recent Ofsted judgement of Special Measures means the school is eligible for intervention, and the usual course of action for it to become an Academy, sponsored by a Multi Academy Trust. For Almondbury Community School this is not likely to be possible under the current form of the school, due to viability and lack of foreseeable opportunities for this position to change.

Parents understandably want more answers and certainty about the future. Some of these answers and certainty cannot come until after a decision has been made about the future of the school. Only working together with



individual families and following the careful planning for transitional arrangements will all the answers become available.

### **3.1.2. Education standards and diversity of provision**

Representation themes:

- Representation states the proposal would affect the children's grades at the school
- Representation states concern staffing levels at the school.
- Representation states that the GCSE syllabus would be different at different schools
- Representation states difficult for children to settle in a new school.
- Representation states that staff were leaving the school because of the proposal.
- Representation states that staff were badly treated by the LA
- Representation asking if other options have been explored
- Representation states that other secondary schools in the area could not accommodate the extra children
- Representations stated that King James's School is full and cannot accommodate the extra pupils
- Representation questioned if this proposal is dependent on King James's extension
- Representation suggesting that King James's have a dual site
- Representations state that Newsome High School was judged by Ofsted to be 'inadequate'
- Representations state that the proposal will not support quality of teaching
- Representation states that if the proposal is agreed they would take their child out of the school and home educate their child
- Representation states that the proposal is short sighted and places will be needed in the future
- Representation states that the proposal does not give information about school curriculum
- Representation states that the proposal to change the catchment area is not clear

Rationale for the proposals:

This proposal is intended to improve outcomes for children. By taking a strategic approach Kirklees Council wants to ensure that sufficient secondary school places are available in Huddersfield South East and South West and maximise opportunities to;

- Offer high quality and inclusive education and diversity of provision to all

- Provide a breadth of curriculum offer that enables young people to have access to the widest opportunities to fulfil their aspirations and ambitions
- Be financially viable and therefore have future security
- Promote equality of opportunity
- Strengthen community cohesion
- Use sustainable travel and transport for school

In setting out the information in the report that went to Cabinet on 19th March 2019 the options that were available to the Council for their decision making were;

A. The Local Authority proposing a full closure of Almondbury Community School

B. The Local Authority proposing to retain Almondbury Community School, but remove and phase out the secondary provision (Key Stage 3 and 4), consolidate the school as a 210 place primary provision (with Nursery) in the current Key Stage 1 building on Fernside Avenue and seek an Academy Sponsor (in partnership with, and approved by the RSC).

Officers recommend that option B is taken forward in order to retain necessary Key Stage 1 and 2 places for Almondbury, and the wider Huddersfield South East area.

By making a change to the upper age range, and removing the secondary phase of the school would enable the primary phase to become a sponsored academy, thereby retaining provision locally.

The 29<sup>th</sup> March Cabinet report made reference to the options to retain the school in its current format but concluded it was not a credible option. This is because of the current and future child population who require/will require a secondary school place compared to the number of available secondary school places is much lower. This effects the school budget which is not viable and therefore the ability to convert to an Academy in the current format.

Dialogue with officials at the Regional School Commissioner office confirmed that a due diligence exercise would be required. 'Where a maintained school is judged inadequate by Ofsted the RSC is under a duty to make an academy order. Before the RSCs exercise this duty, they may consider the viability of the school.' Given the low pupil numbers and the associated budget challenges, passing due diligence processes and finding an Academy Sponsor would have been highly unlikely. The Regional Schools Commissioner is able to direct the Local Authority to close a school in circumstances such as these.

The limited breadth of the curriculum which can be offered because of the current pupil numbers in the secondary stage at Almondbury Community School is unfair to the children. It adversely affects their performance and their pathways and future opportunity. This situation therefore does not appropriately support educational outcomes and diversity of provision which can be offered by other local schools now and into the future.

Intensive support and improvement activity is already being provided to Almondbury Community School to ensure the best possible educational outcomes for existing pupils in these challenging circumstances. Experienced school leadership has been brokered and an Interim Executive Board is governing the school. For the pupils currently on roll it is imperative that this would continue to be available to ensure the planning for transition is appropriately resourced.

### 3.1.2.1. Sufficient places

Almondbury Community School is in the secondary planning area of 'Huddersfield South & East and Kirkheaton'. The adjacent secondary planning area of 'Huddersfield South West (Newsome only)' is particularly relevant in the assessment of sufficient secondary places. The schools and number of available places per year group are detailed in the table below;

Planning Area	School Name	Y7 PAN 2019/20 by school
Huddersfield South & East and Kirkheaton	Almondbury Community School	120
	King James's School	186
	Netherhall Learning Campus High School	131
	Total	437
Huddersfield South West	Newsome High School and Sports College	183
	Total (Newsome only)	183
Overall number of places available each year group across both planning areas		620

PAN – Planned Admission Number

The table below shows the child population resident in the 2 planning areas in each year group for Year 7 to Year 11 and future Year 7 cohorts from September 2019 to September 2026, based on NHS population data February 2018.

Pupils resident in	Future secondary school age pupils							Secondary school age					
	Y7 2026	Y7 2025	Y7 2024	Y7 2023	Y7 2022	Y7 2021	Y7 2020	Y7 2019	Y7 2018	Y8 2018	Y9 2018	Y10 2018	Y11 2018
Planning area													
Huddersfield South East and Kirkheaton	473	436	490	501	492	519	478	499	488	554	463	450	467
Huddersfield South West (Newsome only)	148	122	131	149	136	147	135	153	110	140	113	129	126
Total pupils resident across both planning areas	621	558	621	650	628	666	613	652	598	694	576	579	602

Across these secondary planning areas, a significant number of children are accessing school places outside the area where they live;

- On average around a quarter of secondary age pupils are attending schools outside the planning areas (i.e. on average 160 pupils per year group)

Therefore, this impacts upon the number of children who are on roll at the schools in the planning area, meaning some schools have unfilled places. Given the size of schools in surrounding areas, future child population cohorts and longstanding patterns of parental choice this position is not expected to change significantly.

At present, a total of approximately 300 pupils attend the secondary phase of Almondbury Community School (which covers Year 7 to Year 11) and this means half of the available places are not taken.

In summary, approval of this proposal would result in 500 secondary places being offered in these planning areas. With on average 160 pupils accessing school places outside the area there would be sufficient places to accommodate the expected future population cohorts which average 622 per year between 2020 and 2026 resulting in an average of 38 surplus places per year.

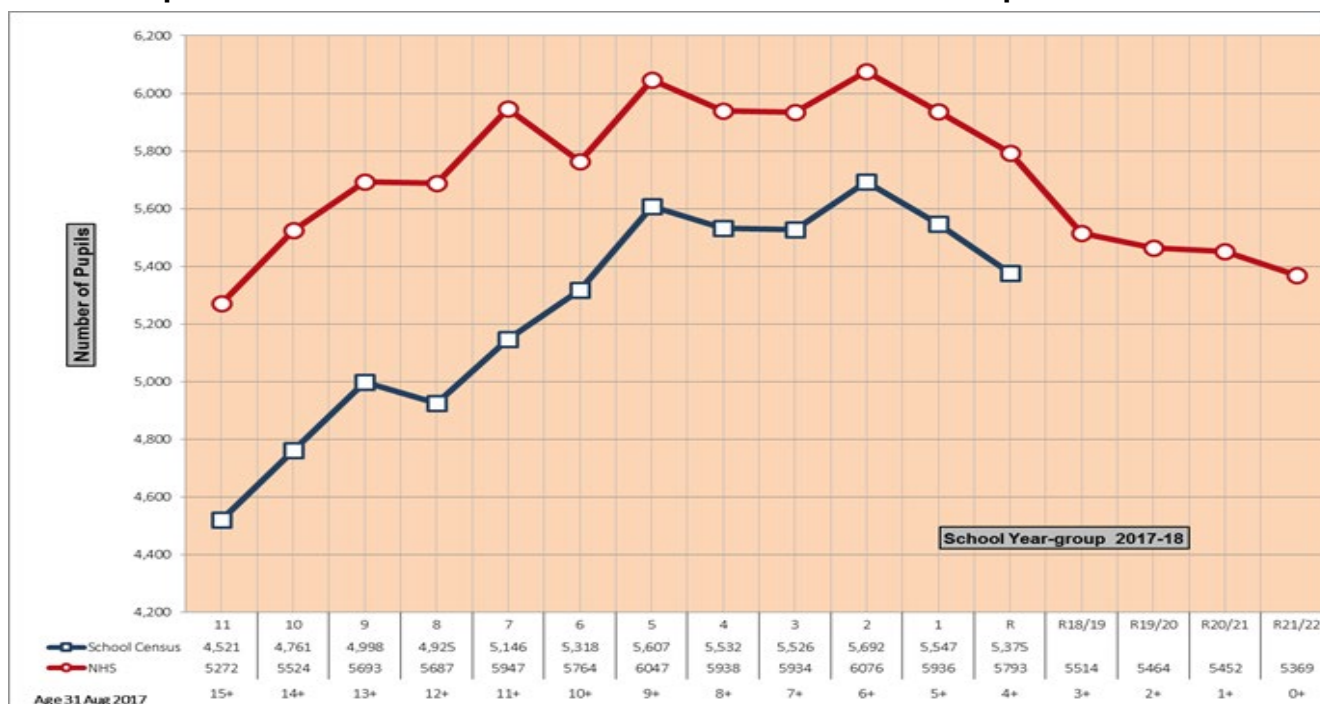
This proposal is not dependent upon the creation of additional places at other schools either within or beyond the planning area. If the proposal is implemented the Council will remain able to meet its duty to ensure that there are sufficient school places for secondary education in the area without the need to create extra places.

Work is on-going with local secondary schools to explore the opportunity for a small increase in places to enable greater parental choice and meet any future demand resulting from new housing developments.

Under transitional arrangements for existing pupils from September 2020, additional transitional places would be made available working in partnership with other local schools. The use of the Almondbury Community School Key Stage 3 and 4 building is likely to continue for a period of time to support these temporary arrangements. This will help to guarantee that no pupil is left without a school place.

Questions have been raised through representations about the sufficiency of secondary school places evidence. One illustration which was included discounted all 186 places per year group being offered currently by King James's School for which there is no reasonable rationale. Other representations highlighted the planned house building in the Kirklees Local Plan. Whilst significant house building is expected this will be over a the 15 year period of the Local Plan and will therefore provide no more than gradual impact on the viability challenges experienced by Almondbury Community School and the evidence presented associated with sufficiency of school places. A significant factor is the evidence of a declining population and this extends beyond the modelling below to 2026. Although there are geographical variations, house building will help to counter the decline in child population rather than present a challenge to the sufficiency of places. There is a widespread decline in the primary phase and future reception cohorts which will form future secondary school cohorts within the local plan period as illustrated in the following graph:

## Year Group Numbers 2017-18 – NHS Data and Kirklees School Pupil Census



Sources: NHS GP registration data February 2018 - Kirklees Public Health  
Kirklees School Census January 2018 – Information Unit, Directorate of Children’s Services

The above graph also illustrates a difference between child population and the number of mainstream school places accessed (school census). This is due to a number of factors including those accessing education in non-mainstream provision, private schools and those who have elective home education. For Huddersfield South and East alone this represents on average 39 secondary phase pupils per year who do not take a place in mainstream schools. This provides an additional cushion to modelling provided above and the basic need for school places.

Beyond Huddersfield South & East and South West there is also evidence of population decline in other areas where many parents living in the Huddersfield South & East and South West currently preference a place such as Holme Valley, Honley and Meltham. Here, Year 7 cohorts drop from an average of 457 in 2019 and 2018 to an average of 337 in 2025 and 2026. This will provide an increased opportunity for parents to secure a place in popular secondary schools in these areas should they wish.

Ultimately this proposal does not restrict the opportunity to expand places in the future in good quality viable schools to continue to ensure there are sufficient places should this be needed.

### **3.1.2.2. Education Standards**

To offer breadth at Key Stage 4 a school needs a combination of enough pupils, and a range of teachers able to teach the specialisms.

Most small schools will be able to offer the English Baccalaureate (Ebacc) (English, mathematics, science, Modern Foreign Languages and history/geography) because these subjects are taught at Key Stage 3 and therefore it is possible for the subjects to be taught by specialist staff.

Other subjects such as art, music, dance, design technology are not large subjects at KS3 and can also be quite specialist and therefore less likely to feature in the KS4 offer.

The subjects that are just at KS4 are for the same reason unlikely to be offered, such as, business, health and social care, sociology, graphics, psychology, law and BTECs in a range of subjects etc.

It is widely accepted that to be able to run a reasonable KS4 offer there would need to be around 120 pupils in a year group.

At ACS this academic year there were 50 pupils in Y11. This resulted in Almondbury Community School offering just the Ebacc and one or two set options at KS4, compared to larger schools are in a position to offer more options from a much larger pool of subjects to pupils.

The current curriculum model is unaffordable and unfair to the children. It adversely affects their performance and their pathways and future opportunity. This is not our aspiration for our young people.

The school is operating at less than 50% full, and so this impacts upon the amount of funding that is generated. The Council does not fund schools from its own budget, funding is generated by the numbers of pupils counted on the School Census every year and this generates the level of Dedicated Schools Grant that is allocated to the Local Authority who in turn allocates this to schools in line with the pupils on roll.

Across the wider Huddersfield South West and South East area there are more places available than there are young people. Even when more houses are built, which has been considered in the context of the local plan, there will still be far more places than will be needed. For Almondbury Community School, this is its single biggest challenge.

Parents who live in the school's catchment area are able to preference and get a place at other schools and this is what has been happening for a number of years.

### **3.1.3. Equal opportunity issues**

Representation themes:

- Representation state that the proposal will disadvantage SEN pupils

Rationale for the proposals:

It is acknowledged that a number of parents have shared positive experiences of the support provided by Almondbury Community School for children with a range of additional needs through the consultation and representation periods.

The Council is committed to supporting children and their families who have additional needs. Personalised support will continue to be made available, provided by appropriately experienced staff, during any transition period to ensure the needs of pupils continue to be met and will ensure that pupils with SEND are properly supported in any future arrangements.

Additional support for the emotional wellbeing of pupils has emerged as a theme in the responses to the consultation and the representation stage. All staff at Almondbury Community School have been trained to be vigilant for any causes for concern around safeguarding or emotional well-being. There are wider pastoral support systems in place to ensure pupils receive the support they need including, one to one conversations and advice, alternative arrangements for unstructured time, access to 'time out' as needed, signposting to external support from agencies and services. Parents are contacted and included in the support for the pupil as appropriate. The LA is providing additional support to the school where it is needed on an individual basis.

The LA have undertaken an Equality Impact Assessment (EIA) and continued to review this at each stage of the process. A revised EIA is included at appendix 8 and includes the following themes:

- It is intended that this proposal would create more equality of opportunity. The current limited breadth of the curriculum which can be offered because of the pupil numbers in the secondary stage at Almondbury Community School is unfair to the children. It adversely affects their performance and their pathways and future opportunity. This situation therefore does not appropriately support educational outcomes and diversity of provision which can be offered by other local schools now and into the future.
- Parents expressed concerns about the impact of uncertainty and transition including the current emotional wellbeing of a number of pupils. The LA have therefore confirmed the support mechanisms available to pupils from the school and agreed to provide additional support where required on an individual basis.
- Intensive support is already being provided to Almondbury Community School to ensure the best possible educational outcomes for pupils in these challenging circumstances. It is expected that this will continue to be available for existing pupils and the schools who may provide support for them during the next academic year and as they transition into future school provision.
- Pupils with Special Educational Needs and Disabilities (SEND) will need specific support with transitional arrangements. Pupils (currently 6 in year 6 to 10) in the secondary phase of the school who have an Education Health and Care Plan (EHCP) will receive personalised support identified in a similar way

to the annual review process as required. To mitigate negative impact the LA will work with families with EHCP plans to carefully plan transition.

- Subject to approval of the proposals, further time would be taken to carefully plan any transition, working with parents, pupils and other local schools. Personalised support will be available where needed. A specific focus will be specialist support for children with additional needs to ensure successful transition (54 children in years 6 to 10 receive some form of SEND support)
- A negative impact on some staff cannot be ruled out. There will need to be ongoing discussions to mitigate the impact on individual staff in the secondary phase. Human Resources staff would need to work with school leaders at the school regarding any revision to structures should they be required. Following this, consultation would need to be held with staff and recognised Trade Unions. The Council would continue to support staff wellbeing and work alongside staff, trade unions and other schools to look at how to access other opportunities. If the proposals are approved, other schools in the area will be increasing their pupil numbers and would need additional staff.

### **3.1.4. Community cohesion**

Representation themes:

- Representation states that the proposal will have a negative impact on the Almondbury Community
- Representation states that increase in pupil numbers at King James's School would have an impact on traffic and crime in the area.

Rationale for the proposals:

The proposal is not to close the school, it is to lower the age range of the school so that a primary school continues to be available within the community. There is another high school in Almondbury, King James' School where a significant number of youngsters who live in the Almondbury area are currently on roll. In the future, there are real opportunities for cohesion across the Almondbury area with young people being able to receive their secondary education together in a school located in the Almondbury village.

Beyond the provision of a primary school there have been no decisions about the future use of the remaining site and buildings. Should the decision be made to reduce the age range of Almondbury Community School, opportunities could be explored in the first instance for future educational use in line with Council priorities, for example, the provision of additional specialist places. The importance of the swimming and sports facilities which exist on site are recognised in terms of wider value to local schools for Key Stage 2 swimming, and for the Almondbury community and would be taken into account fully when considering future use of the site.



If the proposals are agreed, transitional support for pupils and their families would be an important element to limit any negative impact upon cohesion. As implementation is planned for September 2020, there is sufficient time to work with families and other schools to carefully plan for transition. Schools are working closer together and with local partners and ward councillors in Hub arrangements, these arrangements can support and identify greater opportunities for all partners to create additional opportunities for cohesion. In response to parent's views through consultation periods and conversations with local schools, any pupil movement will, wherever possible, be carefully planned and will be for groups of pupils. This would support the retention of friendship and wider support groups to help transition and integration.

All schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other. In the future there are positive opportunities for local schools to work together for the Almondbury Community.

### **3.1.5. Travel and Accessibility**

Representation themes:

- Representation states the proposal would have a negative impact on travel.

Rationale for the proposals:

The proposal is planned to be implemented on 1<sup>st</sup> September 2020. On this date the secondary phase would no longer exist at Almondbury Community School. Therefore from 31<sup>st</sup> August 2020 all pupils (Y7 to Y10) would transfer from the roll of Almondbury Community School to another local secondary school (Y8-11).

For the academic year 2019;

- **Year 11** pupils (current Year 10) would remain on the Fernside Avenue site to finish their GCSE courses with their GCSE course staff wherever possible.
- **Year 10** pupils (current Year 9) would be given the opportunity to express a preference for transfer to another school with places. Pupils would be able to remain on the Fernside Avenue site for the academic year to July 2020, during which transition would be carefully planned for them to finish their GCSE courses on the roll at another local school.
- **Year 9** pupils (current Year 8) would be given the opportunity to express a preference for transfer to another school with places. Pupils would be able to remain on the Fernside Avenue site for the academic year to July 2020, during which transition would be carefully planned for them to finish their Key Stage 3 and Key Stage 4 studies on the roll at another local school.

- **Year 8** pupils (current Year 7) would be given the opportunity to express a preference for transfer to another school with places. Pupils would be able to remain on the Fernside Avenue site for the academic year to July 2020, during which transition would be carefully planned for them to finish their Key Stage 3 and Key Stage 4 studies on the roll at another local school.
- There would be an admission of **11 year old (Year 7)** pupils to Almondbury Community School –. Pupils would be able to remain on the Fernside Avenue site for the academic year to July 2020, during which transition would be carefully planned for them to consolidate their Year 7 learning and finish their Key Stage 3 and Key Stage 4 studies on the roll at another local school.

Personalised planning for transition will explore options with families to take account of individual circumstances. Further support will be considered during the detailed planning for transition where required to meet the specific need of a family. This would be undertaken on an individual basis.

This proposal is not dependent upon the expansion of places in other local schools other than those needed for transitional arrangements which could involve the continued use of the Almondbury Community School site for a period of time to support these temporary arrangements. This will help to guarantee that no pupil is left without a school place.

The proposed prescribed alteration would retain a primary school in Almondbury and secondary provision within a reasonable distance.

From September 2020, future Year 7 cohorts would not have an unreasonably extended journey time or increased transport costs. Opportunities for children to travel sustainably by walking or cycling would be encouraged as is the case now. A distance of up to three miles is normally considered to be a reasonable distance from home to school for a secondary school place. If the proposal is agreed there will remain one or more school(s) within this distance for all families living in the current secondary school catchment area of Almondbury Community School.

For illustration purposes, the distance from the current Almondbury Community School site to King James' School is approximately 0.6 miles, to Netherhall Learning Campus is approximately 1.2 miles and to Newsome High School is approximately 2.2 miles.

Kirklees Council has a school transport policy which provides support with travel to pupils where their nearest qualifying school with a place is more than 3 miles from their home address. The distance is reduced to 2 miles for families with a low income. The Authority decides what form of transport assistance to offer in individual cases. In most cases either a school card or boarding card will be issued depending on the location of a pupil's home address. Other types of assistance include mileage or cycling allowances.

Any significant building work to expand a school would be subject to other decision making processes including a formal planning process.

### 3.1.6. Funding

Representation themes:

- Representation states that proposal did not give information about finances
- Representations questioned funding for staffing.
- Representation states that that proposal does not take into account extra costs.

Rationale for the proposals:

Schools are funded through the Dedicated Schools Grant by a national funding formula, predominantly driven by pupil numbers. There is very limited flexibility to change this locally.

As a result Almondbury Community School is currently operating with a deficit budget due to low pupil numbers. At the end of the financial year (18/19) the school had a deficit budget of around half a million pounds. Doing nothing, would see this deficit continue to increase with projected pupil numbers not anticipated to increase.

Short-term contingency funding can be made available from the Dedicated Schools Grant and re-organisation budgets to support the transitional arrangements associated with the proposals. The exact cost of transitional arrangements cannot be accurately determined due to the many variables but the council is committed to providing support for the best possible educational outcomes for the existing pupils of Almondbury Community School. The school funding formula will ensure that the funding follows the children however additional non-recurring revenue costs may include:

- Additional funding to meet staffing costs to underwrite the existing curriculum offer whilst there are reducing numbers of pupil
- Additional funding to meet staffing costs to support pupils settle into a new school
- Additional leadership and other resources to plan for and manage transition and lead improvement activities
- Additional resources to engage with parents to ensure they are involved in planning transition and additional support for family circumstances where appropriate
- Support with the cost of uniform where a change of school occurs in a planned way
- After taking account of creative opportunities for staff, any required severance costs
- Additional building and premises costs

In this context it is important to consider the requirement for a relatively short-term investment in highly supportive transitional arrangements alongside the alternative option of the indefinite inability to return a balanced budget under the current structure of Almondbury Community School. Without additional

pupils attending the school, not enough funding is generated to cover the costs of being able to provide the current limited curriculum. Therefore if the current deficit was to continue over a 4 year period for example it would be value for money to invest £2m in transitional arrangements to avoid a longer term liability.

The cost associated with the Private Finance Initiative (PFI) on the Almondbury Community School site is part of a contract of 19 school in Kirklees which runs until 2033. There is a cost to all schools associated with their building which includes heat, light, cleaning and other planned and reactive maintenance cost. Schools with PFI sites contribute to their share of the PFI contract which includes many of the building costs paid separately by other schools. The contract payment also includes an element of borrowing costs relating to the original PFI capital investment, lifecycle costs required to maintain the asset, and insurance. Subject to the proposal, consolidation in the KS1 building and a future Academy conversion an appropriate proportion of the PFI contract cost will be recalculated and passed to Almondbury Community School as a primary academy. There are options relating to the remaining parts of the contract costs associated with the secondary school and KS2 buildings which will be the subject of future decision making for the council. These could include:

- continued contributions to the cost of the contract while the secondary phase remains operational
- contribution to the cost of the contract by other building users where applicable and/or an alternative whole building custodian (subject to an alternative use being agreed)
- 'moth-balling' sections of the building in order to significantly reduce contract costs associated with facilities management services.

The 2018/19 annual charges paid under the PFI are £1.25m:

An estimated split for illustration purposes:

- Fernside Avenue – Key Stage 2, 3 and 4 building - £1m
- Fernside Avenue – Key Stage 1 building - £0.25m

(the above figures include the PFI affordability gap funded directly by the council)

The estimated capital debt outstanding for the ACS site is £2.3M

Existing Dedicated Schools Grant funded budgets would be deployed first to absorb the revenue costs insofar as is possible but it is anticipated that some input from the Council would be required.

The future of the Key Stage 2, 3 and 4 school building would be considered after a final decision is made. The building would be required for at least one academic year. However, it is recognised that the site, including the pool facility, is important to the community and there are options that would be considered for alternative educational use. The PFI contract is ultimately a Council liability but the amount of liability is dependent upon decisions about its

use in the future when it is no longer required for the current pupils of the school.

Should the proposals go ahead, some modest capital investment would be required to the Key Stage 1 building to ensure it is fit for purpose as a primary school, for example, ensuring personal hygiene facilities were age appropriate. This would be met using Council resources.

### **3.1.7. School Premises and playing fields**

Representation themes:

None that are not already incorporated above

Rationale for the proposals:

Subject to the proposal being approved, consolidation in the existing KS1 building and a future Academy conversion, an appropriate proportion of school premises and playing fields would form part of the required long term lease to the appointed Multi Academy Trust for Almondbury Community School as a 210 place primary academy. This will ensure that suitable outdoor space is available in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

## **4. Recommendation to decision makers**

Following the review of all the representations against the decision maker's guidance it is recommended that the statutory proposal should be approved without modification.

## **5. Implications for the Council**

### **• Working with People**

Should the proposals be approved, carefully planned transitional arrangements would be required to ensure that children have access to a broad, high quality educational offer. Working in partnership with parents and carers, schools and staff would be essential in securing the very best for children both now and in the future.

### **• Working with Partners**

School leaders and staff care deeply about and are highly committed to the children and young people in the Almondbury area. Work to improve Almondbury Community School across all key stages is being overseen by the Executive Principal of a partner school Carr Manor Community School, based in Leeds. To take forward the proposals the Council would work with Almondbury Community School leaders and staff, the Interim Executive Board, neighbouring secondary schools and the Regional Schools Commissioner to support the transition to a Multi Academy Trust as a future Primary school.

### **• Place Based Working**

The assessment of the need for school places in the Almondbury area has been assessed taking into account the current and future pupil cohort sizes. The

proposals aim to secure now and into the future, long term sustainable, high quality educational opportunities for children locally.

- **Improving outcomes for children**

The proposals are intended to improve outcomes for children. By taking a strategic approach, Kirklees Council wants to ensure that sufficient secondary school places are available in Huddersfield South East and South West and maximise opportunities to;

- Offer high quality and inclusive education and diversity of provision to all
- Provide a breadth of curriculum offer that enables young people to have access to the widest opportunities to fulfil their aspirations and ambitions
- Be financially viable and therefore have future security
- Promote equality of opportunity
- Strengthen community cohesion
- Use sustainable travel and transport for school

- **Human Resources implications**

Should the proposals be agreed, there would be Human Resources implications resulting from the proposed changes to Almondbury Community School. Human Resources staff would need to work with school leaders at the school regarding any revision to structures. Following this, consultation would need to be held with staff and recognised Trade Unions. The Council would support staff wellbeing and work alongside staff, trade unions and other schools to look at how to access other opportunities. If the proposals are approved, other schools in the area will be increasing their pupil numbers and would need additional staff.

- **Financial Implications**

**Revenue**

The annual Dedicated Schools Grant (DSG) allocation that the Council receives from Government can only be spent on education and would fund the recurrent revenue implications of the changes being proposed.

The proposals are intended to bring long-term sustainability of provision for primary-age children in the area traditionally served by Almondbury Community School and for other primary and secondary schools in Almondbury and the wider Huddersfield South East / South West planning areas.

There would also be a range of one-off revenue costs associated with delivering the proposed changes to provision including:

- Additional funding to meet staffing costs to underwrite the existing curriculum offer whilst there are reducing numbers of pupil
- Additional funding to meet staffing costs to support pupils settle into a new school
- Additional leadership and other resources to plan for and manage transition and lead improvement activities
- Additional resources to engage with parents to ensure they are involved in planning transition and additional support for family circumstances where appropriate
- Support with the cost of uniform where a change of school occurs in a planned way

- After taking account of creative opportunities for staff, any required severance costs
- Additional building and premises costs

Existing DSG-funded budgets would be deployed first to absorb the revenue costs insofar as is possible but it is anticipated that some input from the Council would be required.

The existing buildings that house ACS are part of a Private Finance Initiative (PFI) contract. Subject to the proposal, consolidation in the KS1 building and a future Academy conversion an appropriate proportion of the PFI contract cost will be recalculated and passed to Almondbury Community School as a primary academy. There are options relating to the remaining parts of the contract costs associated with the secondary school and KS2 buildings which will be the subject of future decision making for the council. These could include:

- continued contributions to the cost of the contract while the secondary phase remains operational
- contribution to the cost of the contract by other building users where applicable and/or an alternative whole building custodian (subject to an alternative use being agreed)
- 'moth-balling' sections of the building in order to significantly reduce contract costs associated with facilities management services.

The 2018/19 annual charges paid under the PFI are £1.25m:

An estimated split for illustration purposes:

Fernside Avenue – Key Stage 2, 3 and 4 building - £1m

Fernside Avenue – Key Stage 1 building - £0.25m

(the above figures include the PFI affordability gap funded directly by the council)

The estimated capital debt outstanding for the ACS site is £2.3M

The future of the Key Stage 2, 3 and 4 school building would be considered after a final decision is made. The building would be required for at least one academic year. However, it is recognised that the site, including the pool facility, is important to the community and there are options that would be considered for alternative educational use. The PFI contract is ultimately a Council liability but the amount of liability is dependent upon decisions about its use in the future when it is no longer required for the current pupils of the school.

### **Capital**

Should the proposals go ahead, some modest capital investment would be required to the Key Stage 1 building to ensure it is fit for purpose as a primary school, for example, ensuring personal hygiene facilities were age appropriate.

To enable King James's School to accommodate an additional 150 pupils (over time), capital investment would be required to ensure that classroom and ancillary facilities, for example dining and social spaces were suitable for the number of planned places. The Council would wish to work collaboratively with the school in order that a detailed programme of expansion to the physical space at King James's could be planned.

Capital expenditure requirements will be subject to future decision making processes.

- **Legal Implications**

As is detailed in the DfE Guidance for such changes, '*Making significant changes ('prescribed alterations') to maintained schools: Statutory guidance for proposers and decision-makers - October 2018*).' A number of changes can impact upon admissions necessitating reductions in PAN, new relevant age groups for admission or the adoption of revised admission criteria. Changes to admission arrangements can be made by the admission authority in one of two ways:

- the consultation on changing the admission arrangements (as set out in the School Admissions Code) takes place sufficiently in advance of a decision on the prescribed alteration so that the change to admissions can be implemented at the same time as the proposals; or
- a variation is sought, where necessary, in view of a major change in circumstances, from the Schools Adjudicator so that the changes to the admission policy can be implemented at the same time as the prescribed alteration is implemented.

It should be noted that to support the implementation of the statutory proposal, there would be changes required to admissions arrangements in terms of;

- changing the admission number of the primary phase at Almondbury Community School
- making changes to the catchment areas for future secondary schools admissions so that parts of the current Almondbury Community School catchment area are included in either; King James's School, Netherhall High School or Newsome High School.

The relevant processes would be undertaken should the statutory proposal be approved.

- **Public Sector Equality Duty**

The Equality Act 2010 places the Council under a duty - The Public Sector Equality Duty to have due regard to the need to achieve equality objectives when carrying out its functions and provide evidence that any potential discriminatory impact on people with protected characteristics in making changes to services, and in relation to our own employees have been considered and mitigated.

Public Sector Equality Duty

Section 149 Equality Act 2010:



A public authority must, in the exercise of its functions, have due regard to the need to –

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

...

Compliance with the duties in this Section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

The relevant protected characteristics are –

age;  
disability;  
gender reassignment;  
pregnancy and maternity;  
race;  
religion or beliefs;  
sex;  
sexual orientation.”

This duty applies to all actions and decisions and at every stage of a decision making process including the formulation of proposals, the consultation process and the making of decisions.

It applies both to high level budget allocations and to service specific proposals.

There is no statutory requirement to produce equality impact assessments, but they can be a helpful way of recording and evidencing the way in which due regard has been given to the Public Sector Equality Duty.

#### • **Equality Impact Assessment**

The initial equalities impact assessment was revised following non-statutory consultation, and has been further revised following statutory consultation. Members are recommended to review the revised impact assessment which is at appendix 8 when taking its final decision.

<http://www.kirklees.gov.uk/beta/delivering-services/equality-impact-assessments.aspx>

Then select 2018/19 and ‘Children’

- The stage 1 report is named “*190708 Stage 1 Future options for Almondbury Community School Final Decision*”
- The stage 2 report is named “*190708 Stage 2 Future options for Almondbury Community School Final Decision*”

## 6. Consultees and their Opinions

A four week non-statutory consultation about the proposals took place between 27 March 2019 and 23 April 2019, to seek the views of parents/carers, school staff, professionals, ward members, wider community stakeholders and other interested parties. The Cabinet agreed to proceed with the statutory process to change the upper age range of Almondbury Community School.

A four week statutory representation/consultation took place between 7 June 2019 and 4 July 2019. During the 4 week representation period 51 representations were received. The themes are detailed in sections 3.1.2 to 3.1.7 above.

This report brings stakeholders views and comments regarding the statutory proposals to decision makers attention for full consideration giving due regard to the factors for decision making derived from the guidance issued by the DfE '*School Organisation. Making significant changes ('prescribed alterations') to maintained schools. Statutory guidance for proposers and decision-makers October 2018*'.

The full representations submitted are included in appendix 9 to this report. The full text of all of these representations has been made available for members of SOAG and decision-makers to read.

## 7. Next steps and timelines

Subject to any decision made by Cabinet, the indicative timeline for the next stages of the Local Authority's proposals are set out below:

Activity	Date * These dates are indicative and may change; they are also subject to Cabinet approval.
Consultation and engagement (non-statutory)	March - April 2019
Report back to cabinet on the non –statutory consultation and seeking cabinet approval to move to next stage Publication of Statutory notices.	May 2019
Publication of Statutory notices and proposals and period of representation (formal consultation on statutory proposals)	June 2019
Kirklees Council Cabinet take a final decision regarding the proposals	July 2019
Implementation planning would begin	From 1 September 2019
The statutory proposal would be implemented	1 <sup>st</sup> September 2020

If Cabinet approve the statutory proposal then officers would be instructed to support and work proactively with Almondbury Community School, local secondary schools and with families of pupils to finalise arrangements in order to ensure that effective transition plans are put in place to implement the proposals from 1st September 2020 whilst ensuring a safe and well planned transition without compromising standards and quality of provision.

## **8. Officer recommendations and reasons**

### **8.1.** It is recommended that Members;

- note the advice of Kirklees SOAG that this proposal is compliant and that the required statutory processes have been carried out
- agree that in their role as decision makers, they will take the decision regarding this proposal within the statutory time period.
- acknowledge and confirm that the comments and objections received during the representation period and the relevant statutory guidance have been given full consideration as part of the decision making process.
- acknowledge the outcomes and recommendations of the Kirklees SOAG meeting from 5<sup>th</sup> July 2019

### **8.2.** It is recommended that Members approve the statutory proposal to;

- change the age range of Almondbury Community School from age 3 –16 years to age 3 – 11 years from 1st September 2020.

### **8.3.** It is recommended that Members confirm that the reasons for approving the statutory proposal are that the proposal would contribute to improving the secondary provision for all children in Almondbury. The reasons set alongside the decision maker's guidance are;

- **Education standards and diversity of provision** - It is important to acknowledge the praise and passion parents have for Almondbury Community School and its staff, illustrated by responses to the non-statutory consultation and in the representation period. However, the school remains in a difficult position regarding the number of pupils in the secondary stage and the impact this has on viability and quality of the education offer due to the limitations of only being able to offer a very narrow curriculum choice. By making a change to the upper age range, and removing the secondary phase of the school it would enable the primary phase to become a sponsored academy, thereby retaining provision locally.

The limited breadth of the curriculum which can be offered because of the current pupil numbers in the secondary stage at Almondbury Community School is unfair to the children. It adversely affects their performance and their pathways and future opportunity. This situation therefore does not appropriately support educational outcomes and diversity of provision which can be offered by other local schools now and into the future.

At present, a total of approximately 300 pupils attend the secondary phase of Almondbury Community School (which covers Year 7 to Year 11) and this means half of the available places are not taken. In summary, approval of this proposal would result in 500 secondary places being offered in these planning areas. With on average 160 pupils accessing

school places outside the area there would be sufficient places to accommodate the expected future population cohorts which average 622 per year between 2020 and 2026 resulting in an average of 38 surplus places per year.

This proposal is not dependent upon the creation of additional places at other schools either within or beyond the planning area. The Local Authority is of the view that if the proposal is implemented it will remain able to meet its duty to ensure that there are sufficient school places for secondary education in the area without the need to create extra places.

The Local Authority is working with local secondary schools to explore the opportunity for a small increase in places to enable greater parental choice and meet any future demand resulting from new housing developments.

Under transitional arrangements for existing pupils from September 2020, additional transitional places would be made available working in partnership with other local schools. The use of the Almondbury Community School Key Stage 3 and 4 building is likely to continue for a period of time to support these temporary arrangements. This will help to guarantee that no pupil is left without a school place.

- **Equal Opportunity Issues** – It is intended that this proposal would create greater equality of opportunity. The current limited breadth of the curriculum which can be offered because of the pupil numbers in the secondary stage at Almondbury Community School is unfair to the children. It adversely affects their performance and their pathways and future opportunity. This situation therefore does not appropriately support educational outcomes and diversity of provision which can be offered by other local schools now and into the future. Support mechanisms are available to pupils from the school and there is agreement to provide additional support where required on an individual basis. Pupils with Special Educational Needs and Disabilities (SEND) will need specific support with transitional arrangements. Pupils (currently 6 in year 6 to 10) in the secondary phase of the school who have an Education Health and Care Plan (EHCP) will receive personalised support identified in a similar way to the annual review process as required. To mitigate negative impact the LA will work with families with EHCP plans to carefully plan transition.
- **Community Cohesion** - Schools are working closer together and with local partners and ward councillors in Hub arrangements, these arrangements can support and identify additional opportunities for all partners to create greater cohesion. In response to parent's views through consultation periods and conversations with local schools, any pupil movement will, wherever possible, be carefully planned and will be for groups of pupils. This would support the retention of friendship and wider support groups to help transition and integration.

All schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other. In the future there are positive opportunities for local schools to work together for the Almondbury Community.

- **Travel and accessibility** – It is not anticipated that pupils would have an unreasonably extended journey time or increased transport costs. Opportunities for children to travel sustainably by walking or cycling would be encouraged as is the case now. A distance of up to three miles is normally considered to be a reasonable distance from home to school for a secondary school place. If the proposal is agreed there will remain one or more school(s) within this distance for all families living in the current secondary school catchment area of Almondbury Community School.

For illustration purposes, the distance from the current Almondbury Community School site to King James' School is approximately 0.6 miles, to Netherhall Learning Campus is approximately 1.2 miles and to Newsome High School is approximately 2.2 miles.

Kirklees Council has a school transport policy which provides support with travel to pupils where their nearest qualifying school with a place is more than 3 miles from their home address. The distance is reduced to 2 miles for families with a low income. The Authority decides what form of transport assistance to offer in individual cases. In most cases either a school card or boarding card will be issued depending on the location of a pupil's home address. Other types of assistance include mileage or cycling allowances.

- **Funding** - Short-term contingency funding can be made available from the Dedicated Schools Grant and re-organisation budgets to support the transitional arrangements associated with the proposals. The exact cost of transitional arrangements cannot be accurately determined due to the many variables but there is council commitment to providing support for the best possible educational outcomes for the existing pupils of Almondbury Community School.
- **School premises and playing fields** - this is not relevant to the decision in so far as the future use of the premises that houses the secondary age groups would be considered should the decision be made. It has however been raised in the non-statutory consultation and therefore it is important to highlighted in decision making. Beyond the provision of a primary school there have been no decisions about the future use of the remaining site and buildings. Should the decision be made, opportunities will be explored in the first instance for future educational use in line with Council priorities, for example, the provision of additional specialist places. The importance of the swimming and sports facilities which exist on site are recognised in terms of wider value to local schools for Key Stage 2 swimming, and for the Almondbury community and would be taken into account fully when considering future use of the site.

**8.4.** It is recommended that Members instruct officers to support and work proactively with Almondbury Community School, local secondary schools and with families of pupils to finalise arrangements in order to ensure that effective transition plans are put in place to implement the proposals from 1st September 2020 whilst ensuring a safe and well planned transition without compromising standards and quality of provision. This would include;

- Continuing to work with King James's School to make changes to its current catchment area, create 30 additional planned places from September 2020 (so that over time there are an additional 150 secondary places at the school i.e. 5 year groups x 30 places), and report back upon the indicative level of investment required.
- Continuing to work with Newsome High School to make changes to its current catchment area to include the catchment area of Lowerhouses CE(VC) Junior, Infant and Early Years School which forms part of the current Almondbury Community School secondary catchment area.
- Continuing to work with Netherhall Learning Campus High School to consider the impact of extending their catchment area to include parts of Moldgreen Community Primary School and Dalton School primary catchment areas (south of A642) which form part of the current Almondbury Community School secondary catchment area.
- Continue to work in partnership with local secondary schools and the Regional Schools Commissioner to plan for the transitional arrangements to best support the pupils, their families and the staff of Almondbury Community School.
- Continue to work with King James's Academy Trust in further assessing the level of capital investment that would be required to enable King James's School to create 30 additional planned places and that this be brought back to a future meeting.
- Continue to assess the level of investment that would be required to enable the existing Key Stage 1 building of Almondbury Community School on Fernside Avenue to be utilised by the revised age range and that this be brought back to a future meeting.

## **9. Cabinet Portfolio Holder's recommendation**

We are committed to improve the quality of education for our children to give every child the best possible start.

We would like to thank those that engaged with both the non-statutory consultation and the statutory consultation and have taken the time to engage with the Council and feedback their views.

We do recognise that the majority of those parents and carers, pupils and staff who responded are supportive of Almondbury Community School. This a challenging set of circumstances where we have a school with a significant number of spare places, making it incredibly difficult to offer a broad, sustainable curriculum and maintain financial viability. Given this and the facts as they stand in relation to more pupil places being available than there are children, and the likely revenue budget constraints as a result is hampering the school to be able to sustain a broad curriculum with learning opportunities that secondary age pupils should be enabled to experience.

Putting aside the educational case, the academy order and financial viability challenges of the current structure of the school provide a situation where doing nothing is not an option. Given the DfE Schools Causing Concern guidance and the wording in the letter from the Regional Schools Commissioner which accompanied the academy order we believe there is only one reasonable option available to cabinet. If we do not take the difficult decision to change the age range of Almondbury Community School and retain a primary provision on the site we firmly believe we will be instructed by the DfE to close the whole school. We are keen to make a final decision as soon as reasonably practicable to bring certainty for parents.

Therefore, we support the officer recommendations to approve the statutory proposal.

We have listened carefully to the views of parents and their worries about the potential impact of transition. It would be important to note that we would aim to provide a calm, secure and supportive environment for every young person to complete their secondary education with minimum disruption and with the maximum opportunities to enable them to achieve their potential.

The statutory process has been monitored for compliance and checked by the Schools Organisation Advisory Group (SOAG), and found the documentation presented to SOAG would enable Cabinet to reach a decision regarding the proposal.

## **10. Contact officer**

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## 11. Background papers and History of Decisions

Cabinet 29 May 2019 **Future options for Almondbury Community School – Outcome Report:** The report presents Cabinet with the outcomes from the non-statutory consultation 'Future options for Almondbury Community School: The basic need for school places across Huddersfield South & East and South West' and seeks approval to formally propose alterations to the school by reducing the age range from 3 to 16 years to 3 to 11 years; and to change the planned admission number of the school.  
<https://democracy.kirklees.gov.uk/documents/s29104/Item%209%20Almondbury%20Community%20School.pdf>

Cabinet: **19 March 2019** Future options for Almondbury Community School  
Purpose of report: To seek approval to undertake a non-statutory consultation about future options for Almondbury Community School in the context of wider basic need for school places across Huddersfield South East and South West.  
<http://democracy.kirklees.gov.uk/documents/s27801/Item%2020%202019-03-19%20Draft%20Cabinet%20-%20Almondbury%20permission%20to%20consult.pdf>

Office of Schools Adjudicator: **10 March 2017:** A statutory proposal to extend the age range of All Hallows' Church of England Voluntary Aided Infant and Nursery School, Almondbury, Huddersfield.  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/598360/STP628\\_All\\_Hallows\\_Church\\_of\\_England\\_VA\\_Infant\\_and\\_Nursery\\_School\\_Kirklees\\_-\\_10\\_March\\_2017.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/598360/STP628_All_Hallows_Church_of_England_VA_Infant_and_Nursery_School_Kirklees_-_10_March_2017.pdf)

Cabinet: **28th November 2016:** Decision about the published statutory proposal made by the Governing Body of All Hallows' CE(VA) Infant and Nursery School to change the upper age range from 3-7 years to 3-11 years and become an all through primary school  
<http://democracy.kirklees.gov.uk/documents/s15539/2016-11-28%20All%20Hallows%20final%20report.pdf>

Cabinet: **8th April 2014:** Report on the related statutory proposals to discontinue Greenside Infant and Nursery School, to discontinue Almondbury Junior School and to change the lower age limit and expand Almondbury High School in order to develop an all-through school for 3-16 year old pupils, including nursery provision, to serve the Almondbury area.  
<http://democracy.kirklees.gov.uk/Data/Cabinet/201404081530/Agenda/CABINET08041450933D.pdf>

Cabinet report **28th January 2014:** Report on the outcomes of the statutory consultation on the proposals affecting Greenside Infant and Nursery School, Almondbury Junior School and Almondbury High School.  
<http://democracy.kirklees.gov.uk/Data/Cabinet/201401281600/Agenda/CABINET28011450315D.pdf>

Cabinet report **16th September 2013:** Report in relation to proposals affecting Greenside Infant and Nursery School, Almondbury Junior School and Almondbury High School.  
<http://democracy.kirklees.gov.uk/Data/Cabinet/201309161600/Agenda/CABINET16091349240D.pdf>

Schools causing concern - Guidance for local authorities and Regional Schools  
Commissioners on how to work with schools to support improvements to educational performance, and on using their intervention powers - November 2018  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/754974/Schools\\_causing\\_concern\\_guidance-November\\_2018.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/754974/Schools_causing_concern_guidance-November_2018.pdf)

Making significant changes ('prescribed alterations') to maintained schools - Statutory guidance for proposers and decision-makers October 2018  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/756572/Maintained\\_schools\\_prescribed\\_alterations\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756572/Maintained_schools_prescribed_alterations_guidance.pdf)

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- 1) DfE *Making significant changes ('prescribed alterations') to maintained schools: Statutory guidance for proposers and decision-makers - October 2018)*
- 2) Statutory Notice
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Department  
for Education

# **Making significant changes (‘prescribed alterations’) to maintained schools**

**Statutory guidance for proposers and  
decision-makers**

**October 2018**

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# 1: Summary

## About this guidance

This is statutory guidance from the Department for Education. This means that recipients must have regard to it when making ‘prescribed alterations’ to maintained schools.

The purpose of this guidance is to ensure that good quality school places can be provided quickly where they are needed; that local authorities (LAs) and governing bodies (GBs) do not take decisions that will have a negative impact on other schools in the area; and that changes can be implemented quickly and effectively where there is a strong case for doing so. In line with these aims it is expected that, where possible, additional new places will only be provided at schools that have an overall Ofsted rating of ‘good’ or ‘outstanding’. Schools which do not fall within the above categories should only be expanded where there are no other viable options.

A GB, LA or the [Schools Adjudicator](#) must have regard to this guidance when exercising functions under [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#) (‘the Prescribed Alterations Regulations’). It should be read in conjunction with Parts 2 and 3 and Schedule 3 of the [Education and Inspections Act \(EIA\) 2006](#) and the Prescribed Alterations Regulations. It also relates to the [Establishment and Discontinuance Regulations](#) and [The School Organisation \(Removal of Foundation, Reduction in the Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations \(2007\)](#) (‘the ‘Removal Regulations’).

It is the responsibility of LAs and GBs to ensure that they act in accordance with the relevant legislation when making changes to a maintained school and they are advised to seek independent legal advice where appropriate.

## Review date

This guidance will be reviewed in October 2019.

## Who is this guidance for?

Those proposing to make changes and making decisions on changes to maintained schools (e.g. GBs, LAs and the Schools Adjudicator), and for information purposes for those affected by a proposal (trustees of the school, diocese or relevant diocesan board, any other relevant faith body, parents etc.).

This guidance is relevant to all categories of maintained schools (as defined in section 20 of the [School Standards and Framework Act \(SSFA\) 1998](#)), unless explicitly stated. It is not relevant to [Pupil Referral Units](#). Separate advice [on making significant changes to an academy](#) and [opening and closing a maintained school](#) is available.

Please refer to the '[Further Information](#)' section for the full website address should you be unable to access documents via the hyperlinks provided.

## Terminology

Definitions of common terms used in this guidance:

**Schools with a religious character** - All schools designated as having a religious character in accordance with the [SSFA](#).

**Foundation Trust** - For the purpose of this guidance the term 'foundation trust' refers to a foundation complying with the requirements set out in section 23A of the SSFA.

**Parent(s)** - The Education Act 1996 defines 'parent' as including someone who has care of, or legal responsibility for, the child. Therefore, a parent can include, for example, a grandparent, other family member or foster carer if they have care of or responsibility for the child.

## Main points

- All proposals for prescribed alterations must follow the processes set out in this guidance.
- Where a LA proposes to expand a school that is eligible for intervention as set out in Section 59 of the [Education and Inspections Act 2006](#), they should copy the proposal to the relevant [Regional Schools Commissioner \(RSC\)](#) at the point of publication.
- To enable the department to monitor potentially contentious proposals, the proposer should copy any proposal, which falls within the definitions set out in [part 3](#), to the School Organisation mailbox as soon as it is published [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk).
- LAs and GBs proposing to make a significant change to a school which has been designated as having a religious character should engage the trustees of the school, and in the case of Church schools the diocese or relevant

diocesan board, or any other relevant faith body, where appropriate at the earliest opportunity.

- Where a LA is the decision maker, it must make a decision within a period of two months of the end of the representation period. Where a decision is not made within this time frame, the LA must refer the proposal to the Schools Adjudicator for a decision.
- It is not possible for any school to gain, lose or change religious character through a change of category. Information on the process to be followed is available in the [opening and closing maintained schools guidance](#).
- Once a decision has been made the proposer (GB or LA) must make the necessary changes to the school's record in the department's system [Get Information About Schools](#) (GIAS) by the date the change is implemented.
- Where a school wishes to change their name, the GB will need to amend the Instrument of Government in line with regulation 30 of [The School Governance \(Constitution\) \(England\) Regulations 2012](#). Once that is done, either the school or the LA will need to update the school record in the department's GIAS system.



## 2: Prescribed alteration changes

### Enlargement of premises (expansion)

Under section 14 of the [Education Act 1996](#), LAs have a statutory duty to ensure that there are sufficient schools for primary and secondary education in their areas. The department expects LAs to manage the school estate efficiently and to reduce or find alternative uses for surplus capacity (for example, increasing the provision of early education and childcare) to avoid detriment to schools' educational offer or financial position. LAs are encouraged to consider the use of modular construction solutions for any physical building expansion and to consider all options for the reutilisation of space including via remodelling, amalgamations, or closure where this would be the best course of action.

Where additional places are needed, including where there is a local demand for a particular category of places (for example in schools designated as having a religious character), the LA can propose an enlargement of the capacity<sup>1</sup> of premises.

The statutory process should be followed to enlarge premises as set out in the [Prescribed Alterations Regulations](#) (see [part 5](#)) if:

- the proposed enlargement is permanent (longer than three years) and **would increase the capacity of the school** by:
  - more than 30 pupils; **and**
  - 25% or 200 pupils (whichever is the lesser).
- the proposal involves making permanent any temporary enlargement (which was intended to be in place for no more than three years) that meets the above threshold.

GBs of all categories of mainstream schools and LAs can propose small scale expansions that do not meet the thresholds above without the need to follow the formal statutory process in [part 4](#). In many cases this can be achieved solely by increasing the school's published admissions number<sup>2</sup> (PAN); please see the [School Admissions Code](#). The thresholds do not, however, apply to special schools. Details of how special schools can increase their intake<sup>3</sup> are covered below.

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<sup>1</sup> Net capacity as calculated using the DfE Guidance Assessing the Net Capacity of Schools (2002).

<sup>2</sup> All admission authorities must set a published admission number (PAN) for each 'relevant age group' when they determine their admission arrangements. So, if a school has an admissions number of 120 pupils for Year 7, that is its PAN.

<sup>3</sup> The number of pupils admitted into the school at a particular time

## Examples of when mainstream schools would/would not need to publish 'enlargement' proposals

A secondary school with a capacity of 750 (5 form of entry - 30 pupils per class, 5 year groups) **could** enlarge its premises to add 1 form of entry (30 extra pupils x 5 year groups = increase of 150 pupils) bringing the capacity to 900 pupils, **without** having to publish statutory proposals. Although the increase would be by 'more than 30' pupils, it is less than '200', and also less than '25%' of the current capacity (i.e. by less than 187).

A small primary school with a capacity of 50 **could** enlarge its premises to increase its capacity by up to 29 pupils **without** having to publish statutory proposals, because although it would be more than '25%', it is less than 30.

A school of any size enlarging its premises to enable it to add 300 places **would** need to follow the statutory process as the increase would be **both** 'more than 30' **and** '200' (it may or may not be more than '25%' but that is irrelevant if the 200 threshold would be met).

A primary school with a capacity of 210 enlarging its premises to enable it to add 105 places (1.5 forms of entry  $45 \times 7 = 315$ ), **would** need to follow the statutory process as the increase would be 'more than 30' and **more than** '25%' (it would be less than 200 but this is irrelevant as the 25% threshold would be met).

## The quality of new places created through expansion

We expect LAs to consider a range of performance indicators and financial data, before deciding whether a school should be expanded. Where schools are underperforming, we would not expect them to expand, unless there is a strong case that this would help to raise standards. We expect LAs to create new places in schools that have an overall Ofsted rating of 'good' or 'outstanding'. If, however, there are no other feasible ways to create new places in the area, the LA should notify their Pupil Places Planning adviser<sup>4</sup>. In cases where there is a proposal to expand a school that is rated inadequate, the LA should also send a copy of the proposal to the [relevant RSC](#) so that they can ensure appropriate intervention strategies are in place.

The table below sets out who can propose an enlargement of premises and what process must be followed:

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<sup>4</sup> [Advisers.PPP@education.gov.uk](mailto:Advisers.PPP@education.gov.uk)

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Enlargement of premises that meets the threshold	Statutory process	LA	CofE Diocese RC Diocese
LA for voluntary or foundation	Enlargement of premises that meets the threshold	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
LA for voluntary and foundation	Enlargement of premises (below the threshold)	Non statutory process	LA	N/A
GB of all categories mainstream	Enlargement of premises (below the threshold)	Non statutory process	GB	N/A

## Expansion onto an additional site (or ‘satellite sites’)

Where proposers seek to expand onto an additional site they will need to ensure that the new provision is genuinely a change to an existing school and not in reality the establishment of a new school. Where a LA decides that a new school is needed to meet basic need, they should refer to the [guidance for opening new schools](#).

Decisions about whether a proposal represents a genuine expansion will need to be taken on a case-by-case basis, but proposers and decision makers will need to consider this non-exhaustive list of factors which are intended to expose the extent to which the new site is integrated with the existing site, and the extent to which it will serve the same community as the existing site:

### The reasons for the expansion

- What is the rationale for this approach and this particular site?

### Admission and curriculum arrangements

- How will the new site be used (e.g. which age groups/pupils will it serve)?
- What will the admission arrangements be?
- Will there be movement of pupils between sites?

## Governance and administration

- How will whole school activities be managed?
- Will staff be employed on contracts to work on both sites? How frequently will they do so?
- What governance, leadership and management arrangements will be put in place to oversee the new site (e.g. will the new site be governed by the same GB and the same school leadership team)?

## Physical characteristics of the school

- How will facilities across the two sites be used (e.g. sharing of the facilities and resources available at the two sites, such as playing fields)?
- Is the new site in an area that is easily accessible to the community that the current school serves?

The purpose of considering these factors is to determine the level of integration between the two sites; the more integration, the more likely the change will be considered as an expansion.

LAs should copy any proposal to expand a school onto a satellite site to [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk) for monitoring purposes.

## Expansion of existing grammar schools

Legislation prohibits the establishment of new grammar schools<sup>5</sup>. Expansion of any existing grammar school onto a satellite site can only happen if the new site is genuinely part of the existing school. Decision-makers must consider the factors listed above when deciding if an expansion is a legitimate enlargement of an existing school.

## Changes to the published admissions number (PAN) where an enlargement of premises has not taken place

Admission authorities<sup>6</sup> must set a PAN for each 'relevant age group' when determining their admission arrangements. If an admission authority of a mainstream school wishes to increase or decrease PAN, without increasing the overall physical

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<sup>5</sup> Except where a grammar school is replacing one of more existing grammar schools

<sup>6</sup> The LA in the case of community and voluntary controlled (VC) schools or the GB in the case of voluntary aided (VA) and foundation schools

capacity of the buildings, this would be classed as an admissions change, not a prescribed alteration. The statutory process described in this guidance would not need to be followed (please see the [School Admissions Code](#) for further details of the processes admission authorities must follow).

## Change in number of pupils in a special school

The School Admissions Code does not apply to special schools. GBs of all categories of special school, and LAs for community special schools, may seek to increase the number of places by following the statutory process in [part 5](#), if the increase is by:

- 10%; or
- 20 pupils (or 5 pupils if the school is a boarding-only school),

(whichever is the smaller number).

The exception to this is where a special school is established in a hospital.

GBs of all categories of special school, and LAs for community special schools, may seek to decrease the number of pupils, by following the statutory process in [part 5](#).

The table below sets out who can propose a change in the number of pupils in a special school and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB foundation special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB community special	Increase by 10% or 20 pupils (5 for boarding special) or decrease numbers	Statutory process	LA	CofE Diocese RC Diocese
LA for community special and foundation special	Increase by 10% or 20 pupils (5 for boarding special)	Statutory process	LA	CofE Diocese RC Diocese

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for foundation special	Increase by 10% or 20 pupils (5 for boarding special)	Statutory process	LA	GB/Trustees
LA for community special	Decrease of numbers	Statutory process	LA	CofE Diocese RC Diocese

## Change of age range

For changes that are expected to be in place for more than 2 years (as these are considered permanent increases):

**LAs** can propose:

- a change of age range of up to 2 years (except for adding or removing a sixth form) for voluntary and foundation schools by following the non-statutory process, see [part 4](#).
- a change of age range of 1 year or more for community schools (including the adding or removal of sixth form or nursery provision) and community special schools or alter the upper age limit of a foundation or voluntary school to add sixth form provision by following the statutory process, see [part 5](#).

**GBs** of foundation and voluntary schools can propose:

- an age range change of up to 2 years (except for adding or removing a sixth form) by following the non-statutory process, see [part 4](#).
- an age range change of 3 years or more (including adding or removing a sixth form) by following the statutory process, see [part 5](#).

Before making such a proposal, the GB should consult with LAs, and where the school is designated as having a religious character the trustees of the school, dioceses or relevant diocesan boards, or any other relevant faith body, to understand the place management needs of the area.

**GBs** of community schools can propose the alteration of their upper age limit to add sixth form provision following the statutory process, see [part 5](#).

**GBs** of community special and foundation special schools can propose a change of age range of 1 year or more following the statutory process, see [part 5](#).

Where a proposed age range change would also require an expansion of the school's premises, the LA or GB must also ensure that they act in accordance with the requirements for proposals for the [enlargement of premises](#).

In cases where the age-range of the school has changed, this should be altered on GIAS. For example if the age-range is changed so that the school no longer caters for pupils below compulsory school age, the lower age range of the school would need to be increased so as not to include that age group.

The table below sets out who can propose a change of age range and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for voluntary and foundation	Alteration of upper or lower age range of up to 2 years (excluding adding or removing a sixth form)	Non statutory process	LA	NA
GB of voluntary and foundation	Alteration of upper or lower age range by up to 2 years (excluding adding or removing a sixth form)	Non statutory process	GB	N/A
GB of voluntary and foundation	Alteration of upper or lower age range by 3 years or more	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
LA for community and community special	Alteration of upper or lower age range by 1 year or more (for community schools including the adding or removal of sixth form or nurse provision)	Statutory process	LA	CofE Diocese RC Diocese
GB foundation special	Alteration of upper or lower age range by one year or more	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB community special	Alteration of upper or lower age range by one year or more	Statutory process	LA	CofE Diocese RC Diocese
LA for community	Alteration of upper age range so as to add or	Statutory process	LA	CofE Diocese RC Diocese

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
	remove sixth form provision			
LA for voluntary and foundation	Alteration of upper age range so as to add sixth form provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of voluntary and foundation	Alteration of upper age range so as to add sixth form provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community	Alteration of upper age range so as to add sixth form provision	Statutory process	LA	CofE Diocese RC Diocese
GB of voluntary and foundation	Alteration of upper age range so as to remove sixth form provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

## Adding a sixth form

The department wants to ensure that all temporary (which is anticipated will be in place for no more than 2 years) and permanent provision is of the highest quality and provides genuine value for money. There is a departmental expectation that proposals for the addition of sixth form provision will only be put forward for secondary schools that are rated as 'good' or 'outstanding' by Ofsted. Proposers should also consider the supply of other local post-16 provision in the area and assess if there is a genuine need for the additional provision.

In deciding whether new sixth form provision would be appropriate, proposers and decision makers should consider the following guidelines:

- **Quality:** The quality of pre-16 education must be good or outstanding (as rated by Ofsted) and the school must have a history of positive Progress 8 scores (above 0);
- **Size:** The proposed sixth form will provide at least 200 places and there should be sufficient demand for those places;
- **Subject Breadth:** The proposed sixth form should - either directly or through partnership - offer a minimum of 15 A level subjects. LAs may wish to consider the benefits of delivering a broader A level curriculum through



partnership arrangements with other school sixth forms. Working with others can offer opportunities to:

- Improve choice and attainment for pupils
- Deliver new, improved or more integrated services
- Make efficiency savings through sharing costs
- Develop a stronger, more united voice
- Share knowledge and information.

Schools proposing a partnership arrangement must include evidence of how this will operate on a day-to-day basis, including timetabling and the deployment of staff;

- **Demand:** There should be a clear demand for additional post-16 places in the local area (including evidence of a shortage of post-16 places and a consideration of the quality of Level 3 provision in the area). The proposed sixth form should not create excessive surplus places or have a detrimental effect on other high quality post-16 provision in the local area;
- **Financial viability:** The proposed sixth form should be financially viable (there must be evidence of financial resilience should student numbers fall). The average class size should be at least 15, unless there is a clear educational argument to run smaller classes – for example to build the initial credibility of courses with a view to increasing class size in future.

Not all changes in age range to add a sixth form will necessitate a change to the school's admissions arrangements, for example a school may set up sixth form provision solely for its own pupils. However, if the intention is to also admit external applicants to the sixth form the school will need to adopt a sixth form PAN and may also wish to add academic entry requirements on changing its age-range.

The addition of post-16 provision requires a change of age-range, therefore, where a decision-maker is considering a proposal to add post-16 provision, they should refer to the section on changing an age range.

## Closing an additional site

For foundation and voluntary schools that are already operating on a satellite site(s), GBs must follow the statutory process in [part 5](#) if they are proposing the closure of one or more sites, where the main entrance at any of the school's remaining sites is one mile or more from the main entrance of the site which is to be closed. The LA may make such a proposal for a community school following the statutory process in [part 5](#).

The table below sets out who can propose the closure of an additional site and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Closure of one or multiple sites	Statutory process	LA	CofE Diocese RC Diocese
GB voluntary or foundation	Closure of one or multiple sites	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

## Transfer to a new site

Where the main entrance of the proposed new site for a school would be more than two miles from the main entrance of the current school site, or if the proposed new site is within the area of another LA:

- **LAs** can propose the transfer to an entirely new site for community schools, community special schools and maintained nursery schools following the statutory process in [part 5](#).
- **GBs of voluntary, foundation, foundation special and community special** schools can also propose a transfer to a new site following the statutory process in [part 5](#).

The table below sets out who can propose a transfer to a new site and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community, community special and maintained nursery	Transfer to new site	Statutory process	LA	CofE Diocese RC Diocese
GB voluntary foundation or foundation special	Transfer to new site	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB community special	Transfer to new site	Statutory process	LA	CofE Diocese RC Diocese

## Changes of category

**GBs** of all categories of maintained schools, apart from GBs of foundation special schools, may propose to change category by following the statutory process. The [addition or removal of a foundation](#) is described in [part 6](#). Where GBs are proposing a change of category covering a change in provision (e.g. from mainstream to special school) they are encouraged to seek advice by emailing [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk).

For a proposal to change the category of a school to voluntary-aided, the decision-maker should be satisfied that the GB and/or the foundation are able and willing to meet their financial responsibilities for building work. The decision-maker may wish to consider whether the GB has access to sufficient funds to enable it to meet 10% of its capital expenditure for at least five years from the date of implementation, taking into account anticipated building projects.

Guidance on adding or changing a designated religious character can be found in the [Opening and closing maintained schools](#) guidance.

The table below sets out who can propose a change of category and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB of voluntary	VC to VA VA to VC	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of voluntary	VC or VA to foundation school VC or VA to foundation school and acquire a foundation VC or VA to foundation school, acquire a foundation and majority foundation governors on GB	Statutory process	GB	For proposals at a VA school when decided by the GB: LA CofE Diocese RC Diocese
GB of foundation	Foundation school to VC or VA	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB of foundation	Acquire foundation Acquire a majority of foundation governors on the GB Removal of foundation and/or reduction in majority of foundation governors on GB	Statutory process	GB	N/A
GB of community	Community to VC or VA	Statutory process	LA	CofE Diocese RC Diocese
GB of community	Community to foundation school Community to foundation school and acquire foundation Community to foundation school and acquire majority of foundation governors on GB	Statutory process	GB	N/A
GB of foundation special	Remove foundation and/or reduce majority of foundation governors on GB	Statutory process	GB	N/A

## Single sex school becoming co-educational (or vice versa)

Proposers can seek to change their school from single sex to co-educational (or vice versa) when they can show that this would better serve their local community. A co-educational school cannot change its nursery or post-16 provision to single sex. When making a decision, LAs will need to consider the demand for and balance of school places for boys and girls in line with the [Equality Act 2010](#).

The table below sets out who can change a school from single sex to co-educational (or vice versa) and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community or community special	To co-ed or single sex provision	Statutory process	LA	CofE Diocese RC Diocese
GB of foundation. foundation special or voluntary	To co-ed or single sex provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community special	To co-ed or single sex provision	Statutory process	LA	CofE Diocese RC Diocese

## **Mainstream school: establish/remove/alter special educational needs (SEN) provision**

When considering any reorganisation of provision that the LA recognises as reserved for pupils with special educational needs, including that which might lead to children being displaced, proposers will need to demonstrate how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for those children.

The table below sets out who can propose to establish, remove or alter SEN provision and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Establish, remove or alter SEN provision	Statutory process	LA	CofE Diocese RC Diocese
LA for voluntary and foundation	Establish or remove SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of foundation	Establish, remove or alter SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
and voluntary				

## Change the types of need catered for by a special school

The table below sets out who can propose a change to the type of need catered for by a special school and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese
LA for foundation special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese
GB of foundation special	Change designation and categories of SEN provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees

## Boarding provision

The introduction of boarding provision can require the statutory process to be followed (depending on the type of school in question – see table below). LAs and GBs will need to consider how the Prescribed Alterations Regulations apply in conjunction with this guidance and, where there is any doubt, seek independent legal advice, as the department cannot advise on individual cases.

**LAs** can propose for:

- community schools; the establishment, removal or alteration (decrease by 50 pupils or 50% whichever is the greater) of boarding provision by following the statutory process in [part 5](#).

- community special schools; the establishment, removal or alteration (increase or decrease by 5 places or more where there are both day and boarding places) of boarding provision following the statutory process in [part 5](#).

**GBs** of voluntary and foundation schools can propose the establishment or increase of boarding provision following the non-statutory process in [part 4](#) and the removal or alteration (decrease by 50 pupils or 50% whichever is the greater) of boarding provision by following the statutory process in [part 5](#).

**GBs** of special schools can add or remove boarding provision or, where the school makes provision for day and boarding pupils, can increase or decrease boarding provision by five pupils or more following the statutory process in [part 5](#).

The table below sets out who can propose to establish, change or remove boarding provision and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
LA for community	Add, remove or change (decrease by 50 pupils or 50% whichever is greater) boarding provision	Statutory process	LA	CofE Diocese RC Diocese
LA for community special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	LA	CofE Diocese RC Diocese
GB of foundation or voluntary	Add boarding provision	Non-statutory process	GB	N/A
GB of foundation or voluntary	Remove or change (decrease by 50 pupils or 50% whichever is greater) boarding provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of foundation special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community special	Add, remove or change (increase or decrease by 5 pupils or more) boarding provision	Statutory process	LA	CofE Diocese RC Diocese

In making a decision on a proposal to remove boarding provision from a school, the decision-maker should consider whether there is a state funded boarding school within reasonable distance from the school and whether there are satisfactory alternative boarding arrangements for those currently in the school and those who may need boarding places in the foreseeable future, including the children of service families.

## Remove selective admission arrangements at a grammar school

The table below sets out who can propose the removal of selective admission arrangements<sup>7</sup> and what process must be followed:

Proposer	Type of proposal	Process	Decision-maker	Right of appeal to the adjudicator
GB of voluntary or foundation	Remove selective admission arrangements	Statutory process	LA	CofE Diocese RC Diocese GB/Trustees
GB of community	Remove selective admission arrangements	Statutory process	LA	CofE Diocese RC Diocese

## Amalgamations

The LA and/or GB (depending on school category) can publish a proposal to close one school (or more) and enlarge/change the age range/transfer site (following the statutory process as/when necessary) of an existing school, to accommodate the displaced pupils. The remaining school would retain its original school number, as it is not a new school, even if its phase has changed.

Alternatively, LAs may propose to close all the schools involved and replace them with a new school. For more information, please consult the separate guidance on [opening and closing a maintained school](#).

<sup>7</sup> In accordance with s.109 (1) of the School Standards and Frameworks Act 1998



### 3: Contentious proposals

When proposing changes, LA's and GBs should act reasonably, and in line with the principles of public law, to ensure that the changes do not have a negative impact on the education of pupils in the area.

To enable the department to monitor potentially controversial proposals, LAs and GBs should notify [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk) of the publication of any proposals which would:

- involve [expansion onto a separate 'satellite' site](#); or
- where objections have been raised that the proposed change could potentially undermine the quality of education in the local area by creating additional places where there is surplus capacity.

## 4: Changes that can be made outside of the statutory process

LAs and GBs of mainstream maintained schools can make limited changes (see [part 2](#) for the exact detail) to their schools without following a statutory process, including some temporary changes; they are nevertheless required to adhere to the usual principles of public law. They MUST:

- act rationally;
- take into account all relevant and no irrelevant considerations; and
- follow a fair procedure.

The department expects that in making these changes, LAs and GBs will work together and will:

- liaise with the trustees of the school, and in the case of schools designated as having a religious character the diocese or relevant diocesan board, or any other relevant faith body, to ensure that a proposal is aligned with wider place planning/organisational arrangements, and that any necessary consents have been gained;
- not undermine the quality of education provided or the financial viability of other 'good' and 'outstanding' schools in the local area;
- not create additional places in a local planning area where there is already surplus capacity in schools, taking the quality and diversity of the provision into account as well as cross boundary impacts; and
- ensure open and fair consultation with parents, any affected educational institutions in the area (e.g. primary, secondary, special schools, sixth form and FE colleges as required) and other interested parties. The [consultation principles guidance](#) can be referenced for examples of good practice.

Before making any changes GBs should ensure that:

- they have consulted with the LA to ensure the proposal is aligned with local place planning arrangements
- they have secured any necessary funding;
- they have identified suitable accommodation and sites;

- they have secured planning permission and/or agreement on the transfer of land where necessary<sup>8</sup>. The proposal can be approved subject to planning permission being granted;
- they have the consent of the site trustees or other land owner where the land is not owned by the GB;
- where a school is designated as having a religious character, they have the consent of the trustees of the school, the diocese or relevant diocesan board, or any other relevant faith body, where appropriate; and
- the admissions authority is content for the published admissions number (PAN) to be changed where this forms part of expansion plans, in accordance with the School Admissions Code.

Once a decision on the change has been made, the proposer (i.e. LA or GB) is responsible for making arrangements for the necessary changes to be made to the school's record in the department's [GIAS](#) system. These changes must be made no later than the date of implementation for the change and can be input in advance, once a decision is made.

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<sup>8</sup> Including, where necessary, approval from the Secretary of State for change to the use of playing field land under Section 77(1) of the SSFA 1998.

## 5: Statutory process: prescribed alterations

The statutory process for making prescribed alterations to schools has four stages:

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal/notice)		
Stage 2	Representation (formal consultation)	Must be 4 weeks	As set out in the 'Prescribed Alterations' regulations
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator	Any appeal to the adjudicator must be made within 4 weeks of the decision
Stage 4	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker

Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations. Schools should have the consent of the site trustees and where a school is designated as having a religious character the trustees of the school, the diocese or relevant diocesan board, or any other relevant faith body.

When considering making a prescribed alteration change, it is best practice to take timing into account, for example:

- by holding consultations and public meetings (either formal or informal) during term time, rather than school holidays and, where appropriate, extend the consultation period if it overlaps school holidays etc;
- plan where any public and stakeholder meetings are held to maximise response;
- take into account the admissions cycle for changes that will impact on the school's admission arrangements.

A number of changes can impact admissions necessitating reductions in PAN, new relevant age groups for admission or the adoption of revised admission criteria. Changes to admission arrangements can be made by the admission authority in one of two ways:

- the consultation on changing the admission arrangements (as set out in the [School Admissions Code](#)) takes place sufficiently in advance of a decision on the prescribed alteration so that the change to admissions can be implemented at the same time as the proposals; or
- a variation is sought, where necessary, in view of a major change in circumstances, from the [Schools Adjudicator](#) so that the changes to the admission policy can be implemented at the same time as the prescribed alteration is implemented.

Decision-makers should, so far as is possible, co-ordinate with the admission authority, if different, to ensure they avoid taking decisions that will reduce a PAN or remove a relevant age group for admission after parents have submitted an application for the following September (e.g. 31 October for secondary admissions or 15 January for primary admissions).

## Publication

A statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. [Annex A](#) sets out the minimum that this should include. The proposal should be accessible to all interested parties and should therefore use 'plain English'.

Where the proposal for one change is linked to another, this should be made clear in any notices published. Where a proposal by a LA is 'related' to a proposal by other proposers (e.g. where one school is to be enlarged because another is being closed) a single notice could be published.

The full proposal must be published on a website (e.g. the school or LA's website) along with a statement setting out:

- how copies of the proposal may be obtained;
- that anybody can object to, or comment on, the proposal;
- the date that the representation period ends; and
- the address to which objections or comments should be submitted.

A brief notice (including details on how the full proposal can be accessed e.g. the website address) must be published in a local newspaper. If the proposal is published by a GB then notification must also be posted in a conspicuous place on the school premises and at all of the entrances to the school.

Within one week of the date of publication on the website, the proposer must send a copy of the proposal and the information set out in the paragraph above to:

- the GB/LA (as appropriate);
- the parents of every registered pupil at the school - where the school is a special school;
- if it involves or is likely to affect a school which has been designated as having a religious character:
  - the local Church of England diocese;
  - the local Roman Catholic diocese; or
  - the relevant faith group in relation to the school;
- proposals affecting a special school should go to any LA that has commissioned a place at the school (i.e. all relevant authorities who have made an out of county/borough placement there); and
- any other body or person that the proposer thinks is appropriate e.g. any affected educational institutions in the area.

Within one week of receiving a request for a copy of the proposal, the proposer must send a copy to the person requesting it.

There is no maximum limit on the time between the publication of a proposal and its proposed date of implementation. However, proposers will be expected to show good reason (for example an authority-wide reorganisation) if they propose a timescale longer than three years.

## **Representation (formal consultation)**

The representation period must last for four weeks from the date of the publication. During this period, any person or organisation can submit comments on the proposal to the LA to be taken into account by the decision-maker. It is also good practice for representations to be forwarded to the proposer to ensure that they are aware of local opinion.

## Decision

The LA will be the decision-maker in all cases except where a proposal is 'related' to another proposal that must be decided by the [Schools Adjudicator](#)<sup>9</sup>.

Decision-makers 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. Decision-makers should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s).

Decisions must be made within a period of two months of the end of the representation period or they must be referred to the Schools Adjudicator.

When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the LA and/or GB (as appropriate); or
- approve the proposal, with or without modification – subject to certain conditions<sup>10</sup> (such as the granting of planning permission) being met.

A proposal can be withdrawn by the proposer at any point before a decision is taken. When doing so, the proposer must send written notice to the LA or the GB (as appropriate); or the Schools Adjudicator (if the proposal has been sent to them). A notice must also be placed on the website where the original proposal was published.

Within one week of making a decision the LA must publish their decision and the reasons for it, on the website where the original proposal was published and send copies to:

- the LA (where the Schools Adjudicator is the decision-maker);
- the Schools Adjudicator (where the LA is the decision-maker);

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<sup>9</sup> For example where a change is conditional on the establishment of a new school under section 10 or 11 of EIA 2006 (where the Schools Adjudicator may be the default decision maker).

<sup>10</sup> The prescribed events are those listed in paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations

- the GB/proposers (as appropriate);
- the trustees of the school (if any);
- the local Church of England diocese;
- the local Roman Catholic diocese;
- the parents of every registered pupil at the school – where the school is a special school; and
- any other body that they think is appropriate (e.g. other relevant diocese or diocesan board, faith organisation and any affected educational institutions in the area).

If the [Schools Adjudicator](#) is the decision-maker they must notify the persons above of their decision, together with the reasons, within one week of making the decision. Within one week of receiving this notification the LA must publish the decision, with reasons, on the website where the original proposal was published.

## Related proposals

Where proposals appear to be related to other proposals, the decision-maker must consider the related proposals together. A proposal should be regarded as related if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal.

## Conditional approval

For many types of proposal, decision-makers may make their approval conditional on certain prescribed kinds of events<sup>11</sup>. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

The proposer should inform the decision-maker when a condition is met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

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<sup>11</sup> Under paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations



## Education standards and diversity of provision

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.

## Equal opportunities issues

The decision-maker must comply with the Public Sector Equality Duty (PSED), which requires them to have 'due regard' to the need to:

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and
- foster good relations between people who share a relevant protected characteristic and people who do not share it.

Further information on the considerations can be found on the [Equality and Human Rights Commission](#) website.

## Community cohesion

Schools have a key 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 should 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 groups within the community.

## Travel and accessibility

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. A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

Further information is available in the statutory [Home to school travel and transport guidance](#) for LAs.

## Funding

The decision-maker should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees of the school, diocese or relevant diocesan board) have given their agreement. A proposal **cannot** be approved conditionally upon funding being made available.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

## Rights of appeal against a decision

The following bodies may appeal to the Schools Adjudicator against a decision made by a LA decision-maker, within four weeks of the decision being made:

- the local Church of England diocese;
- the local Roman Catholic diocese; and
- the governors and trustees of a foundation, foundation special or voluntary school that is subject to the proposal.

On receipt of an appeal, a LA decision-maker must then send the proposal, representations received and the reasons for their decision to the Schools Adjudicator within one week of receipt. There is no right of appeal on determinations made by the Schools Adjudicator.

## Implementation

The proposer must implement a proposal in the form that it was approved, taking into account any modifications made by the decision-maker.

## **Modification post determination**

Proposers can seek modifications from the decision-maker before the approved implementation date. However, proposals cannot be modified to the extent that new proposals are substituted for those that have been published.

Details of the modification must be published on the website where the original proposals were published.

## **Revocation of proposals**

If the proposer no longer wants to implement an approved proposal, they must publish a revocation proposal to be relieved of the duty to implement, as set out in the Prescribed Alterations Regulations.

## **Land and buildings**

### **Foundation, foundation special or voluntary controlled schools**

Where a LA is required to provide a site for a foundation, foundation special or voluntary controlled school, the LA must<sup>12</sup>:

- transfer their interest in the site and in any buildings on the site which are to form part of the school's premises to the trustees of the school, to be held by them on trust for the purposes of the school; or
- if the school has no trustees, to the GB, to be held by that body for the purposes of the school.

In the case of a dispute as to the persons to whom the LA is required to make the transfer, the adjudicator will make a decision.

### **Voluntary aided schools**

Where a LA is required to provide a site for a voluntary aided school, they must transfer their interest in the land to the trustees of the school, and must pay the reasonable costs to the GB in connection with the transfer.

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<sup>12</sup> Under paragraph 17 of schedule 3 of the Prescribed Alterations Regulations

## School premises and playing fields

Under the School Premises (England) Regulations 2012, all schools maintained by local authorities 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.

[Guidelines](#) setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.

## 6: Statutory process: foundation proposals

### Changing category to foundation, acquiring a foundation trust and/or acquiring a foundation majority

A 'foundation trust school' is a foundation school with a charitable foundation complying with the requirements set out in SSFA 1998<sup>13</sup>. These include that the foundation trust must have a charitable purpose of advancing education and must promote community cohesion.

The term 'acquire a foundation majority' means acquiring an instrument of government whereby the school's foundation trust has the power to appoint a majority of governors on the GB.

Where a school's GB considers changing category to foundation or acquiring a foundation trust and/or acquiring a foundation majority on the school's GB, the following five-stage statutory process must be followed:

Stage	Description	Timescale	Comments
Stage 1	Initiation		The GB considers a change of category to foundation/acquisition of a foundation trust/acquisition of a foundation majority
Stage 2	Publication		Having gained consent where appropriate
Stage 3	Representation (formal consultation)	Must be 4 weeks	As set out in the prescribed alteration regulations. The LA may refer a foundation trust proposal to the Schools Adjudicator during this period if it considers the proposal to have a negative effect on standards at the school
Stage 4	Decision	The GB must decide within 12 months of the date of publication	Unless the LA has referred the proposal to Schools Adjudicator at Stage 3
Stage 5	Implementation	No prescribed timescale	Must be as specified in the statutory notice, subject to any modifications agreed by the decision-maker

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<sup>13</sup> Section 23A

## Initiation

For a proposal to change the category of a school to a foundation school, the GB should inform the LA in writing, at least seven days in advance of a meeting, if a motion to consult on a change of category proposal is to be discussed.

Before the GB can publish a proposal to change category from a voluntary school to a foundation school, the existing trustees and whoever appoints the foundation governors must give their consent.

## Publication

A statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. Part 1 of [Schedule 1 to the Prescribed Alterations Regulations](#) specifies the information that the statutory proposal must contain. Further details on the publication stage can be found in [Part 5](#).

## Representation (formal consultation)

The representation period starts on the date of the publication of the proposal and must last four weeks. During this period, any person or organisation can submit comments on the proposal to the GB, to be taken into account when the decision is made.

During the representation period, the LA has the power to require the referral of a proposal to acquire a foundation trust/foundation majority to the [Schools Adjudicator](#) for decision, if they consider it will have a negative impact on standards at the school.

The LA does not have this power in respect of a proposal solely to change the category to foundation<sup>14</sup>.

Where a proposal is referred to the [Schools Adjudicator](#), the GB must forward any objections or comments it has received to the Schools Adjudicator within one week of the end of the representation period.

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<sup>14</sup> However, where such a proposal is related to a proposal to acquire a trust, then the whole set of proposals will be referred to the Schools Adjudicator.

## Decision

Unless a proposal has been referred to the Schools Adjudicator (as set out above), the GB will be the decision-maker and must make a decision on the proposal within 12 months of the date of publication of the proposal.

Where a proposal to acquire a foundation trust or a foundation majority is linked to a proposal to change category to a foundation school, they will be decided together.

When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the LA;
- approve the proposal with or without modifications but conditional upon:
  - the making of any scheme relating to any charity connected with the school; and
  - the establishment of a foundation<sup>15</sup>.

Where the LA has referred a proposal to acquire a foundation trust/foundation majority to the Schools Adjudicator for decision, any related proposal(s) (including a change of category to foundation) will also fall to be decided by the Schools Adjudicator.

Decision-makers should consider the impact of changing category to foundation school, and acquiring or removing a foundation trust on educational standards at the school. In assessing standards at the school, the decision-maker should take account of recent reports from Ofsted and a range of performance data. Recent trends in applications for places at the school (as a measure of popularity) and the local reputation of the school may also be relevant context for a decision.

If a proposal is not considered strong enough to significantly improve standards at a school that requires it, the decision maker should consider rejecting the proposal. Foundation trusts have a duty<sup>16</sup> to promote community cohesion, and decision-makers should carefully consider the foundation trust's plans for partnership working with other schools, agencies or voluntary bodies.

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<sup>15</sup> As defined in section 23A of the SSFA 1998

<sup>16</sup> Under section 23A(6) of the SSFA 1998

## Foundation schools acquiring a foundation trust

For foundation trust schools the decision-maker should be satisfied that the following criteria are met for the proposal to be approved:

- the proposal is not seeking for a school to alter, acquire, or lose a designated religious character. These alterations cannot be made simply by acquiring a foundation trust;
- the necessary work is underway to establish the foundation trust as a charity and as a corporate body; and
- that none of the foundation trustees are disqualified from exercising the function of foundation trustee, either by virtue of:
  - o disqualifications from working with children or young people;
  - o not having obtained a criminal record check certificate<sup>17</sup>;
  - o [Charities Act 2011](#)<sup>18</sup> which disqualify certain persons from acting as charity trustees.

## Suitability of partners

Decision-makers will need to be satisfied of the suitability of foundation trust partners and members. They should use their own discretion and judgement in determining on a case-by-case basis whether the reputation of a foundation trust partner is in keeping with the charitable objectives of a foundation trust, or could bring the school into disrepute. However, the decision-maker should make a balanced judgement, considering the suitability and reputation of the current/potential foundation trust.

The following sources may provide information on the history of potential foundation trust partners:

- [The Health and Safety Executive Public Register of Convictions](#)<sup>19</sup>
- [The Charity Commission's Register of Charities](#); and
- [The Companies House web check service](#).

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<sup>17</sup> Under section 113A of the Police Act 1997

<sup>18</sup> section 178 onwards

<sup>19</sup> Appearance on this database should not automatically disqualify a potential trust member; decision-makers will wish to consider each case on its merits



Within one week of making a decision the GB must publish a copy of the decision (together with reasons) on the website where the original proposal was published and send copies to:

- the LA;
- the local Church of England diocese; and
- the local Roman Catholic diocese.

Where a proposal has been decided by the GB and is to change the category of a VA school to foundation (with or without the acquisition of a foundation trust/foundation majority), the following bodies have the right of appeal to the [Schools Adjudicator](#)<sup>20</sup>:

- the LA;
- the local Church of England diocese(s); and
- the local Roman Catholic diocese(s).

## Conditional approval

For many types of proposal, decision-makers may make their approval conditional on certain prescribed kinds of events<sup>21</sup>. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

The proposer should inform the decision-maker when a condition is met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.

## Implementation

The GB must implement any approved proposal by the approved implementation date, taking into account any modifications made by the decision-maker.

Within one week of implementation, the GB must provide information to the Secretary of State<sup>22</sup> about foundation proposals that have been implemented. Copies of the statutory proposals and decision record should be submitted to

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<sup>20</sup> The specific circumstances in which a referral can be made are prescribed under paragraph 15 of Schedule 1 to the Prescribed Alterations Regulations

<sup>21</sup> under paragraph 16 of Schedule 1 to the Prescribed Alterations Regulations

<sup>22</sup> Paragraph 18 of Schedule 1 of the Prescribed Alterations Regulations

[schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk) in order for the school record to be updated on GIAS.

## **Modification post determination**

Modifications can be made to a proposal by the governing body after determination but before implementation.

## **Revocation**

If the proposer no longer wants to implement an approved proposal they must publish a revocation proposal to be relieved of the duty to implement, as set out in Paragraph 19 of Schedule 1 of the Prescribed Alterations Regulations.

## **Governance and staffing issues**

Schedule 4 of the Prescribed Alterations Regulations provides further information on the requirements about:

- the revision or replacement of the school's instrument of government;
- reconstitution or replacement of the GB;
- current governors continuing in office;
- surplus governors;
- transfer of staff; and
- transitional admission arrangements.

## **Land transfer issues**

Requirements as to land transfers, when a school changes category or acquires a foundation trust, are prescribed in Schedule 5 of the Prescribed Alterations Regulations.

## Removing a foundation trust and/or removing a foundation majority

There are five or six statutory stages (depending on the proposal and circumstances) to remove a foundation trust and/or to reduce a foundation majority. It may be triggered in two different ways – either by a majority or a minority of the GB:

Stage	Description	Timescale	Comments
Stage 1	Initiation		<p><b>Majority</b> A majority of governors considers publishing a proposal to remove a foundation trust/reduce the number of governors appointed by the foundation.</p> <p>or</p> <p><b>Minority</b> A minority (of not less than a third of the governors) notify the clerk of the GB of their wish to publish a proposal to remove a foundation trust/reduce the number of governors appointed by the foundation</p>
Stage 2	Land Issues  (applicable only to removal of trusts)	If not resolved within 3 months, disputes must be referred to the Schools Adjudicator	In cases of removing foundation trusts, the GB, trustees and the LA must resolve issues related to land and assets before a proposal is published
Stage 3	Consultation	<p><b>Majority</b> A minimum of 4 weeks is recommended.</p> <p>or</p> <p><b>Minority</b> No consultation required</p>	<p><b>Majority</b> It is for the GB to determine the length of consultation</p>
Stage 4	Publication and representation	<p><b>Majority</b> 6 week representation period.</p> <p>or</p> <p><b>Minority</b></p>	

Stage	Description	Timescale	Comments
		Where there are no land or asset issues – publish within 3 months of receipt of notice by GB clerk – followed by a 6-week representation period. Where there are land issues, publish within 1 month of receipt of School Adjudicator's determination – followed by a 6-week representation period	
Stage 5	Decision	Within 3 months	A proposal initiated by a minority of governors may not be rejected unless at least two-thirds of the GB are in favour of the rejection
Stage 6	Implementation	No prescribed timescale	But must be as specified in the statutory notice, subject to any modifications agreed by the decision-maker

## Initiation

A proposal for removing a foundation trust and/or removing a foundation majority can be triggered by:

- a) a majority<sup>23</sup> of the GB or a committee deciding to publish a proposal. The decision to publish must be confirmed by the whole GB at a meeting held at least 28 days after the meeting at which the initial decision was made; or
- b) at least one-third<sup>24</sup> of the governors requesting in writing to the clerk of the GB, that a proposal be published. No vote of the GB is required as they are obliged to publish a proposal. To prevent on-going challenges

<sup>23</sup> Regulation 4 of the Removal Regulations

<sup>24</sup> Regulation 5 of the Removal Regulations

there are a number of prescribed circumstances<sup>25</sup> in which there is no obligation to follow the wishes of the minority of governors.

## **Land and assets (when removing a foundation trust)**

Before publishing proposals to remove a foundation trust, the GB must reach agreement with the trustees and LA on issues relating to the school's land and assets. Where such issues remain unresolved within three months of the initial decision (majority) or receipt of notice by the clerk (minority), they must be referred to the [Schools Adjudicator](#) for determination.

On the removal of the foundation trust, all publicly provided land held by the foundation trust for the purposes of the school will transfer to the GB<sup>26</sup>. Where the land originated from private sources (for example, where land was gifted on trust), the land will transfer to the GB in accordance with a transfer agreement, providing for consideration to be paid by the GB to the foundation trust where appropriate. However, there may be land which has benefited from investment from public funds which remains with the trustees under the transfer agreement.

Alternatively, there may have been investment by trustees in the publicly provided land or from public funding in the land provided by the trustees. In either of these cases, it may be appropriate for either the trustees or the public purse to be compensated. The possibility of stamp duty land tax may also need to be taken into account.

The Schools Adjudicator will announce its determination in writing to both parties.

## **Consultation**

Where a minority of governors initiated the process, this stage does not apply.

Where a majority of governors initiated the process, before publishing a proposal the GB must consult:

- families of pupils at the school;
- teachers and other staff at the school;
- the trustees and, if different, whoever appoints foundation governors;
- the LA;

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<sup>25</sup> See regulation 5(4) of the Removal Regulations

<sup>26</sup> By virtue of regulation 17(1) of the Removal Regulations

- the GBs of any other foundation or foundation special schools maintained by the same LA for which the foundation acts as a foundation;
- any trade unions who represent school staff;
- if the school has been designated as having a religious character, the appropriate diocesan authority or other relevant faith group in relation to the school;
- any other person the GB consider appropriate.

## Publication

Where the decision to publish a proposal was made by a majority of governors, the GB at this stage must decide whether to go ahead with publishing the proposal.

Where the decision to publish a proposal was made by a minority of governors and there are no land issues to be determined, the GB must publish the proposal within 3 months of the receipt of the notice by the clerk. If land issues were referred to the [Schools Adjudicator](#), the proposal must be published within 1 month of receipt of its determination.

Proposals to remove a foundation trust or to alter the instrument of government so that foundation governors cease to be the majority of governors must contain the information set out in [The School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#). Further details on the publication stage can be found in [Part 5](#).

At the same time as publishing the proposals, the GB must send copies of the proposals to the LA, trustees, and the Secretary of State via [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk).

## Representation

The representation period starts on the date of the publication of the proposal and must last six weeks. During this period, any person or organisation can submit comments on the proposal to the GB to be taken into account when the decision is made.

Unlike the foundation trust acquisition process, there is no power for the LA to refer a proposal to the Schools Adjudicator to remove a school's foundation trust or to reduce the number of governors appointed by the foundation trust. However, GBs

must bear in mind that failure to follow the requirements of the statutory process could lead to a complaint to the Secretary of State under Section 496/497 of the Education Act 1996, and/or ultimately be challenged through judicial review.

## Decision

The GB is the decision-maker for a removal proposal and must determine the proposal within 3 months of the date of its publication.

If a proposal was brought forward by a majority of governors, then it may be determined by a majority vote of those governors present<sup>27</sup>.

If a proposal was brought forward by a minority of governors, then the GB may not reject the proposal unless two thirds or more of the governors indicate that they are in favour of its rejection<sup>28</sup>.

When deciding a proposal for the removal of a foundation trust, the GB should consider the proposal in the context of the original proposal to acquire the foundation trust, and consider whether the foundation trust has fulfilled its expectations. Where new information has come to light regarding the suitability of foundation trust partners, this should be considered.

All decisions must be taken in accordance with the processes prescribed in [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#).<sup>29</sup>

The GB must notify the relevant LA, trustees and the Secretary of State via [schoolorganisation.notifications@education.gov.uk](mailto:schoolorganisation.notifications@education.gov.uk) of their decision.

## Implementation

The GB is under a statutory duty to implement any approved proposal, as published, by the approved implementation date, taking into account any modifications made. In changing category, an implementation period begins when the proposal is decided and ends on the date the proposal is implemented. During this period the LA and GB are required to make a new instrument of government for the school, so enough time must be built into the timeframe for this to happen. The GB must then be reconstituted in a form appropriate to the school's new category and also in accordance with the appropriate instrument of government taking into account the [School Governance \(Constitution\) \(England\) Regulations 2012](#).

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<sup>27</sup> As per the School Governance (Roles, Procedures and Allowances) (England) Regulations 2013.

<sup>28</sup> As per regulation 11(2) of the Removal Regulations.

<sup>29</sup> Except as otherwise provided by the Removal Regulations.

When removing a foundation trust or a foundation majority, a governor may continue as a governor in the corresponding category (e.g. staff governor, parent governor) if that category remains under the new instrument of government. A member of a current GB who continues as a governor on these grounds holds office for the remainder of the term for which he or she was originally appointed or elected. Where a school with a religious character has no foundation trust, the GB must appoint partnership governors with a view to ensuring that the religious character of the school is preserved and developed in accordance with the School Governance (Constitution) (England) Regulations 2012. There is nothing to prevent the appointment of a former foundation governor being reappointed by the GB as a partnership governor.

The terms of the trust on which land is held for a voluntary or foundation school often include very specific provisions regarding the conduct of the school and the use of any fund held by the foundation trust for the use of the school and premises. When making a proposal to change category, proposers will need to consider whether the current terms on which the school's land is held on trust allows for the change in category proposed. If in doubt, or if a variation in the foundation trust is clearly necessary, promoters and the relevant site trustees are advised to make early contact with the Charity Commission to apply for the terms of the trust to be varied under the relevant trust law.

## **Modification of proposals**

Modifications can only be made to the implementation date and the proposed constitution of the governing body.



## **Annex A: Information to be included in a prescribed alteration statutory proposal**

A statutory proposal for making a prescribed alteration to a school must contain sufficient information for interested parties to make a decision on whether to support the proposed change. A proposal should be accessible to all interested parties and therefore use 'plain English'.

Proposers will need to be mindful of the factors that will inform the decision-makers assessment when determining the proposal.

As a minimum, the department would expect a proposal to include:

- school and LA details;
- description of alteration and evidence of demand;
- objectives (including how the proposal would increase educational standards and parental choice);
- the effect on other educational institutions within the area;
- project costs and indication of how these will be met, including how long-term value for money will be achieved;
- implementation plan; and
- a statement explaining the procedure for responses: support, objections and comments.

## Annex B: Further Information

This guidance primarily relates to:

- [The School Organisation \(Prescribed Alterations to Maintained Schools\) \(England\) Regulations 2013](#)  
[www.legislation.gov.uk/ukxi/2013/3110/contents/made](http://www.legislation.gov.uk/ukxi/2013/3110/contents/made)
- [The School Organisation \(Removal of Foundation, Reduction in Number of Foundation Governors and Ability of Foundation to Pay Debts\) \(England\) Regulations 2007](#) [www.legislation.gov.uk/ukxi/2007/3475/contents/made](http://www.legislation.gov.uk/ukxi/2007/3475/contents/made)
- [The School Organisation \(Requirements as to Foundations\) \(England\) Regulations 2007](#) [www.legislation.gov.uk/ukxi/2007/1287/contents/made](http://www.legislation.gov.uk/ukxi/2007/1287/contents/made)
- [The Education and Inspections Act 2006](#)  
[www.legislation.gov.uk/ukpga/2006/40](http://www.legislation.gov.uk/ukpga/2006/40)
- [The School Standards and Framework Act 1998](#)  
[www.legislation.gov.uk/ukpga/1998/31/contents](http://www.legislation.gov.uk/ukpga/1998/31/contents)

It also relates to:

- [The School Organisation \(Establishment and Discontinuance of Schools\) Regulations 2013](#) [www.legislation.gov.uk/ukxi/2013/3109/contents/made](http://www.legislation.gov.uk/ukxi/2013/3109/contents/made)
- [The School Governance \(Constitution\) \(England\) Regulations 2012](#)  
[www.legislation.gov.uk/ukxi/2012/1034/contents/made](http://www.legislation.gov.uk/ukxi/2012/1034/contents/made)
- [The School Governance \(Constitution and Federations\) \(England\) \(Amendment\) Regulations 2014](#)  
[www.legislation.gov.uk/ukxi/2014/1257/pdfs/ukxi\\_20141257\\_en.pdf](http://www.legislation.gov.uk/ukxi/2014/1257/pdfs/ukxi_20141257_en.pdf)
- [The School Governance \(Miscellaneous Amendments\) \(England\) Regulations 2015](#) [www.legislation.gov.uk/ukxi/2015/883/pdfs/ukxi\\_20150883\\_en.pdf](http://www.legislation.gov.uk/ukxi/2015/883/pdfs/ukxi_20150883_en.pdf)
- [The School Governance \(New Schools\) \(England\) Regulations 2007](#)  
[www.legislation.gov.uk/ukxi/2007/958/pdfs/ukxi\\_20070958\\_en.pdf](http://www.legislation.gov.uk/ukxi/2007/958/pdfs/ukxi_20070958_en.pdf)
- [The School Governance \(Roles, Procedures and Allowances\) \(England\) Regulations 2013](#) [www.legislation.gov.uk/ukxi/2013/1624/contents/made](http://www.legislation.gov.uk/ukxi/2013/1624/contents/made)
- [The Childcare Act 2006](#) [www.legislation.gov.uk/ukpga/2006/21/contents](http://www.legislation.gov.uk/ukpga/2006/21/contents)
- [The School Premises \(England\) Regulations 2012](#)  
[www.legislation.gov.uk/ukxi/2012/1943/contents/made](http://www.legislation.gov.uk/ukxi/2012/1943/contents/made)

- [Making Significant Changes to an Existing Academy](http://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy)  
www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy
- [Academy/Free School Presumption – departmental advice](http://www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption)  
www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption
- [Establishing New Maintained Schools – departmental advice for local authorities and new school proposers](http://www.gov.uk/government/publications/establishing-new-maintained-schools)  
www.gov.uk/government/publications/establishing-new-maintained-schools
- [The School Admissions Code](http://www.gov.uk/government/publications/school-admissions-code--2) www.gov.uk/government/publications/school-admissions-code--2
- [Education Act 1996](http://www.legislation.gov.uk/ukpga/1996/56/contents) www.legislation.gov.uk/ukpga/1996/56/contents
- [Equality Act 2010](http://www.legislation.gov.uk/ukpga/2010/15/contents) www.legislation.gov.uk/ukpga/2010/15/contents
- [Police Act 1997](http://www.legislation.gov.uk/ukpga/1997/50/contents) www.legislation.gov.uk/ukpga/1997/50/contents
- [Charities Act 2011](http://www.legislation.gov.uk/ukpga/2011/25/contents) www.legislation.gov.uk/ukpga/2011/25/contents
- [Public Sector Equality Duty](http://www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty) www.equalityhumanrights.com/en/advice-and-guidance/public-sector-equality-duty
- [Home-to-school travel and transport - GOV.UK](http://www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance)  
www.gov.uk/government/publications/home-to-school-travel-and-transport-guidance
- [Get information about schools - GOV.UK](http://www.get-information-schools.service.gov.uk/) www.get-information-schools.service.gov.uk/
- [Consultation principles: guidance - GOV.UK](http://www.gov.uk/government/publications/consultation-principles-guidance)  
www.gov.uk/government/publications/consultation-principles-guidance
- [School land and property: protection, transfer and disposal - GOV.UK](http://www.gov.uk/guidance/school-land-and-property-protection-transfer-and-disposal)  
www.gov.uk/guidance/school-land-and-property-protection-transfer-and-disposal

## Annex C: Contact details for RSC offices

- East and North East London - [RSC.EASTNELONDON@education.gov.uk](mailto:RSC.EASTNELONDON@education.gov.uk)
- North - [RSC.NORTH@education.gov.uk](mailto:RSC.NORTH@education.gov.uk)
- East Midlands and Humber - [EMH.RSC@education.gov.uk](mailto:EMH.RSC@education.gov.uk)
- Lancashire and West Yorkshire - [LWY.RSC@education.gov.uk](mailto:LWY.RSC@education.gov.uk)
- South Central England and North West London - [RSC.SCNWLON@education.gov.uk](mailto:RSC.SCNWLON@education.gov.uk)
- South East and South London - [RSC.SESL@education.gov.uk](mailto:RSC.SESL@education.gov.uk)
- South West - [RSC.SW@education.gov.uk](mailto:RSC.SW@education.gov.uk)
- West Midlands - [RSC.WM@education.gov.uk](mailto:RSC.WM@education.gov.uk)



Department  
for Education

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## **PROPOSALS TO CHANGE THE UPPER AGE RANGE OF ALMONDBURY COMMUNITY SCHOOL**

Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 that Kirklees Council intends to make a prescribed alteration to Almondbury Community School, a community school, Fernside Avenue, Almondbury, Huddersfield, HD5 8PQ from 1st September 2020.

- Change the age range of the school from age 3 -16 years to age 3 - 11 years (to be implemented from September 2020).

This notice is an extract from the complete proposal. Copies of the complete proposal can be obtained from: Kirklees Council, School Organisation and Planning Team, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY. Tel: 01484 221000. Copies of the full proposals are available on the Kirklees Council website at: [www.kirklees.gov.uk/schoolorganisation](http://www.kirklees.gov.uk/schoolorganisation)

Within four weeks from the date of publication of this proposal (by 4th July 2019) any person may object to or comment on the proposal by sending such objections or comments to Director for Children's Services, FREEPOST, Kirklees Council, School Organisation & Planning (Postage is free; you do not need a stamp) or via Council email at [school.organisation@kirklees.gov.uk](mailto:school.organisation@kirklees.gov.uk)

**Director for Children's Services, Kirklees Council**

**Publication Date: 7th June 2019**

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**Alterations other than alterations proposed in foundation proposals which may be published by a Governing Body or Local Authority as specified in regulations 4 and 5 and published in accordance with Schedule 2 *The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (updated 2018)***

## 1. Contact details

The name and contact address of the local authority or governing body publishing the proposals and the name, address and category of the school

Kirklees Council, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY intends to make a Prescribed Alteration to Almondbury Community School, a community school, Fernside Avenue, Almondbury, Huddersfield, HD5 8PQ from 1st September 2020.

## 2. Description of alteration and evidence of demand

Kirklees Council intends to make prescribed alterations at Almondbury Community School by:

- Changing the age range of the school from age 3 –16 years to age 3 – 11 years (to be implemented from September 2020).

This would result in no new pupils to be admitted into year 7 from September 2020

Almondbury Community School is in the secondary planning area of 'Huddersfield South & East and Kirkheaton'. The adjacent secondary planning area of 'Huddersfield South West (Newsome only)' is particularly relevant in the assessment of sufficient secondary places. The schools and number of available places per year group are detailed in the table below;

Planning Area	School Name	Y7 PAN 2019/20 by school
Huddersfield South & East and Kirkheaton	Almondbury Community School	120
	King James's School	186
	Netherhall Learning Campus High School	131
	Total	437
Huddersfield South West	Newsome High School and Sports College	183
	Total (Newsome only)	183
Overall number of places available each year group across both planning areas		620

PAN – Planned Admission Number

The table below shows the child population resident in the 2 planning areas in each year group for Year 7 to Year 11 and future Year 7 cohorts from September 2019 to September 2026, based on NHS population data February 2018.

Pupils resident in	Future secondary school age pupils								Secondary school age				
	Y7 2026	Y7 2025	Y7 2024	Y7 2023	Y7 2022	Y7 2021	Y7 2020	Y7 2019	Y7 2018	Y8 2018	Y9 2018	Y10 2018	Y11 2018
Planning area													
Huddersfield South East and Kirkheaton	473	436	490	501	492	519	478	499	488	554	463	450	467
Huddersfield South West (Newsome only)	148	122	131	149	136	147	135	153	110	140	113	129	126
Total pupils resident across both planning areas	621	558	621	650	628	666	613	652	598	694	576	579	602

Across these secondary planning areas, a significant number of children are accessing school places outside the area where they live;

- On average around a quarter of secondary age pupils are attending schools outside the planning areas (i.e. on average 160 pupils per year group)

Therefore, this impacts upon the number of children who are on roll at the schools in the planning area, meaning some schools have unfilled places. Given the size of schools in surrounding areas, future child population cohorts and longstanding patterns of parental choice this position is not expected to change significantly.

At present, a total of approximately 300 pupils attend the secondary phase of Almondbury Community School (which covers Year 7 to Year 11) and this means half of the available places are not taken.

In summary, approval of this proposal would result in 500 secondary places being offered in these planning areas. With on average 160 pupils accessing school places outside the area there would be sufficient places to accommodate the expected future population cohorts which average 622 per year between 2020 and 2026 resulting in an average of 38 surplus places per year.

This proposal is not dependent upon the creation of additional places at other schools either within or beyond the planning area .The Local Authority is of the view that if the proposal is implemented it will remain able to meet its duty to ensure that there are sufficient school places for secondary education in the area without the need to create extra places..

The Local Authority is working with local secondary schools to explore the opportunity for a small increase in places to enable greater parental choice and meet any future demand resulting from new housing developments.

### 3. Objectives - (including how the proposals would increase educational standards and parental choice)

The proposals are intended to improve outcomes for children. By taking a strategic approach Kirklees council wants to ensure that sufficient secondary school places are available in Huddersfield South East and South West and maximise opportunities to;

- Offer high quality and inclusive education and diversity of provision to all
- Provide a breadth of curriculum offer
- Be financially viable and therefore have future security

The number of pupils on roll at Almondbury Community School have for a number of years, consistently lower than the number of available places, currently most year groups are undersubscribed by between 40 and 60%. The evidence presented in section 2 demonstrates that there is very limited opportunity for pupil numbers to increase in the future.

As the funding for schools is predominantly driven by the numbers of pupils on roll, this has resulted in lower rates of income which has contributed to some significant challenges in balancing a budget. Almondbury Community School is currently operating with a deficit budget. At the end of the financial year (18/19) the school was in deficit by half a million pounds. This deficit is likely to increase to just under £1million pounds over the course of the next financial year if no action is taken.

To offer breadth of curriculum at Key Stage 4 a school needs a combination of enough pupils (number of classes and income), and a range of teachers able to teach the specialisms. Most small schools will be able to offer the Ebacc (English, mathematics, science, MFL and history/geography) because these subjects are taught at Key Stage 3 and therefore there it is possible for the subjects to be taught by specialist staff.

Other subjects such as art, music, dance, design technology are not large subjects at KS3 and can also be niche and therefore less likely to feature in the KS4 offer.

The subjects that are just at KS4 are for the same reason unlikely to be offered (no teaching hours at KS3), such as, business, health and social care, sociology, graphics, psychology, law and BTECs in a range of subjects etc.

It is widely accepted that to be able to run a reasonable KS4 offer there would need to be 120 pupils in a year group at KS4.

At Almondbury Community School there are 50 pupils in Y11. This results in Almondbury Community School offering just the Ebacc and one or two set options at KS4 where larger schools are in a position to offer more options from a much larger pool of subjects to pupils.

As the budget position illustrates, the current Almondbury Community School model is unaffordable and therefore unfair to the children. It negatively affects their performance and their pathways and future opportunities.

On the 11 February 2019, following an inspection in December 2018, Almondbury Community School was judged by Ofsted as requiring Special Measures. The Secretary of State for Education has a duty under Section 4(A1) of the Academies Act 2010, to intervene where a school is eligible for intervention and make an Academy order to allow it to become a sponsored academy as part of a Multi Academy Trust (MAT). The Secretary of State's powers in this area are exercised by Regional School Commissioners (RSC).

However, finding a Multi Academy Trust sponsor for Almondbury Community School in its current form would be very difficult when due diligence processes are undertaken due to low pupil numbers and the associated budget challenges.

In issuing an Academy order the Regional Schools Commissioner noted that this was in the context of proposals by the Local Authority to remove the secondary phase of the school by changing the age range:

*I am aware that Kirklees Local Authority has recently consulted on the future options for Almondbury Community School and the basic need for school places across Huddersfield South & East and South West...The Local Authority has been keeping my team informed of the proposal for a 1FE primary School at Almondbury. I will take this into consideration as part of the selection of a suitable academy sponsor for the school once the consultation process has concluded...The Secretary of State has the power to revoke this Academy Order. This would usually only happen in exceptional circumstances, predominantly where following due diligence a school is judged to be financially unviable. Where this is the case, the expectation is that the local authority will take steps to close the school.*

In this context, the proposal would:

- Retain a viable high quality, inclusive primary school to serve the local community
- Increase educational standards with a broad curriculum offer at other secondary schools within a reasonable distance
- Enable the long term opportunity to use public investment efficiently to support the best possible educational outcomes.

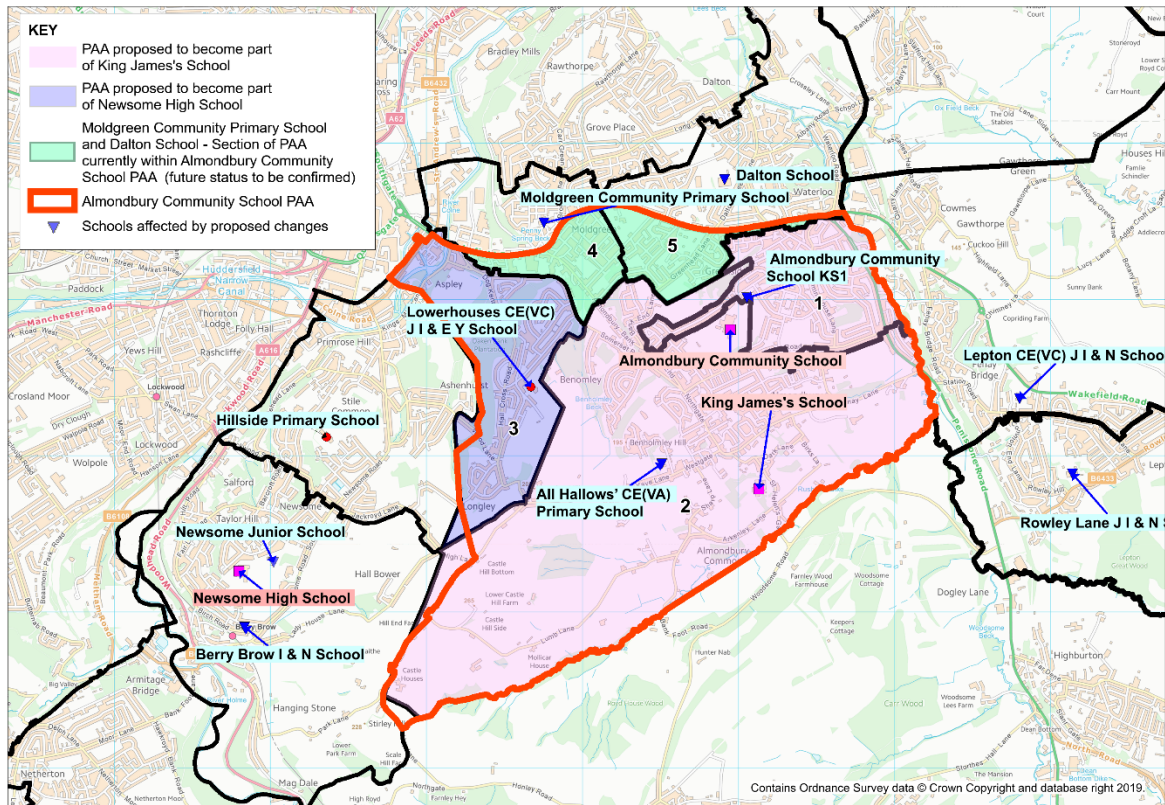
**4. The effect on other educational institutions within the area.** The effect on other schools, academies and educational institutions in the area

This proposal has taken into account the basic need for school places across Huddersfield South & East and South West. The Local Authority has is working with and will continue to work with neighbouring schools (King James's School, Netherhall Learning Campus High School and Newsome High School) to realign the existing Almondbury Community School secondary Priority Admission Area (PAA) so that future children have priority for their secondary education in one of the neighbouring secondary schools by;

A new arrangement of Priority Admission Areas (PAAs) would be in place for the three Schools in the Huddersfield South & East and South West:

- King James's School changing their catchment area (PAA) to include the primary admission areas of Almondbury Community School and All Hallows' CE(VA) Primary School (areas marked 1 and 2 on the map below)
- Newsome High School changing their catchment area (PAA) to include the primary admission area of Lowerhouses CE(VC) J, I and EY School (area marked 3 on the map below)
- Netherhall Learning Campus High School changing their catchment area to include parts of Moldgreen Community Primary School and Dalton School primary catchment areas (south of A642) which form part of the current Almondbury Community School secondary catchment area (areas marked 4 and 5 on the map below)

The following map illustrates the admission areas referred to above:



As an academy King James School is its own admission authority and therefore subject to a decision making process outside the control of the Local Authority. If the above change of catchment area was not possible, the Local Authority as the decision maker would ensure that pupils living in the primary admission areas of Almondbury Community School and All Hallows' CE(VA) Primary School were given a priority at a local maintained school within a reasonable distance. The proposal is therefore not dependent upon a decision outside the control of the Local Authority.

The opportunity to increase pupil numbers in other local secondary schools which already have viable budgets is likely to strengthen their financial resilience and support them to offer a broad curriculum offer which is not available at Almondbury Community School.

##### 5. **Project costs** Project costs and indication of how these will be met, including how long term value for money will be achieved.

Almondbury Community School is not viable in its current form. The school is running a significant recurring deficit budget which is not providing best value for public finances (potentially impacting on the available funds in the dedicated schools grant for the wider schools system). The financial position of the school is unlikely to improve given the projected pupil numbers, the current patterns of parental preference and availability of places at alternative schools.

The Local Authority is committed to ensuring that the existing curriculum is adequately resourced and that pupils and their families are supported with transition. This will be supported with none reoccurring revenue for dedicated schools grant contingencies and council budgets.

**6. Implementation plan and any proposed stages for implementation.** The date on which the proposals are planned to be implemented, and if they are to be implemented in stages.

The proposal is planned to be implemented on 1<sup>st</sup> September 2020. On this date the secondary phase would no longer exist at Almondbury Community School. Therefore from 31<sup>st</sup> August 2020 all pupils (Y7 to Y10) would transfer from the roll of Almondbury Community School to another local secondary school (Y8-11).

To support the proposed implementation the following transitional arrangements from September 2019 would be;

- Parents and Carers of Year 6 pupils would complete an online application for secondary school in 2020, Almondbury Community School would not be available to preference. New Priority Admission Areas (PAAs) would be in place and (subject to the agreement of King James's School as the Admission Authority)
- There would be an admission of **11 year old (Year 7)** pupils to Almondbury Community School –. Pupils would be able to remain on the Fernside Avenue site for the academic year to July 2020, during which transition would be carefully planned for them to consolidate their Year 7 learning and finish their Key Stage 3 and Key Stage 4 studies at another local school.
- **Year 8** pupils (current Year 7) would be given the opportunity to express a preference for transfer to another school with places. Pupils would be able to remain on the Fernside Avenue site for the academic year to July 2020, during which transition would be carefully planned for them to finish their Key Stage 3 and Key Stage 4 studies at another local school.
- **Year 9** pupils (current Year 8) would be given the opportunity to express a preference for transfer to another school with places. Pupils would be able to remain on the Fernside Avenue site for the academic year to July 2020, during which transition would be carefully planned for them to finish their Key Stage 3 and Key Stage 4 studies at another local school.
- **Year 10** pupils (current Year 9) would be given the opportunity to express a preference for transfer to another school with places. Pupils would be able to remain on the Fernside Avenue site for the academic year to July 2020, during which transition would be carefully planned for them to finish their GCSE courses at another local school.
- **Year 11** pupils (current Year 10) would remain on the Fernside Avenue site to finish their GCSE courses with their GCSE course staff wherever possible.

Parents and carers who wish to express a preference for place at an alternative school, would be able to do so in line with published admissions arrangements.

The following table represents an indication of future cohort sizes and overall pupils numbers based on existing pupil numbers (as at May 2019) if the proposal to remove the secondary phase from 2020/21 is agreed, and no pupil movement occurs:

Academic year	Year 7	Year 8	Year 9	Year 10	Year 11	Total
2018/19	40	69	54	64	51	278
2019/20	60 *	40	69	54	64	287
2020/21		60 *	40	69	54	223

\* Year 7 2019/20 is an indication based on typical intakes

A planned approach to transition would be imperative to ensure that pupils are able to access the best educational opportunities and are able to have a wider experience in order to achieve their potential. In this context, the following would be possible to support implementation



- Secure the existing strong Leadership arrangements for Academic Year 2019-2020 by continuing to work with executive support from Carr Manor Community School and via the Interim Executive Board whilst carefully planning transition arrangements for Secondary age pupils in September 2020.
- Existing secondary phase pupils including year 7 starters in September 2019 would be supported to remain on the existing site for the full academic year. This would require sufficient resources to ensure the highest possible educational opportunities and quality is available to pupils.
- Other places could be made available for some year groups at one or more local secondary schools for groups of children (to sustain friendship groups and wider support networks) in a planned and managed way, subject to parental/carer agreement. This would require wider support with transition, particularly for families in challenging circumstances such as where children have Special Educational Needs or Disabilities and for other important matters, such as considerations for siblings and working families.
- Working with the school leaders, parents and pupils, ensure appropriate support is available focused upon the emotional wellbeing of pupils
- Opportunities would be explored for staff, which could, for example include securing a job at another local school but remaining with pupils on the existing site for a period of time.

## **7. The procedure for responses: Support, objections and comments**

Any person may send expressions of support, objections or comments in relation to the proposals to the local authority within four weeks from the date of publication. Expressions of support, objections and comments must be received by 4th July 2019. Copies of the proposals can be obtained from: Directorate for Children & Young People, c/o School Organisation & Planning Team, Kirkgate Buildings, Byram Street, Huddersfield, HD1 1BY

The address of the authority to which objections or comments should be sent:-

Within four weeks from the date of publication of this proposal, 4<sup>th</sup> July 2019 any person may support, object to or make comments on the proposal by sending them to Director for Children & Young People, FREEPOST Kirklees Council, School Organisation & Planning (Postage is free; you do not need a stamp). or via Council email at:- [school.organisation@kirklees.gov.uk](mailto:school.organisation@kirklees.gov.uk)

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## **APPENDIX 4**

### **Kirklees School Organisation Advisory Group Constitution & Purpose**

The Education and Inspections Act 2006 confirms Local Authority responsibility for school organisation decision-making.

To assist the Local Authority in reaching decisions on school organisation statutory notices, a School Organisation Advisory Group will be established to consider and advise Cabinet, as the decision-making body, on statutory proposals related to school organisation.

The Advisory group will not have decision-making powers.

#### **Constitution of the School Organisation Advisory Group.**

Membership of the Advisory Group will be as follows:

1. Member representation in line with the current political ratio of the Council (6)
2. Schools representative (1)
3. Governing Body representative (1)
4. Diocesan representatives. (Catholic and Anglican) (2)
5. Learning Skills Council (1)
6. Minority Community representative (1)

The Chair of the School Organisation Advisory Group will be the lead member for Children and Young People Service.

The group may decide to invite other individuals to attend the group to receive information related to the school organisation proposal as appropriate.

As an Advisory group, the Council's quorum guidelines do not apply.

#### **Purpose of the School Organisation Advisory Group.**

The proposed draft terms of reference for the School Organisation Advisory Group are detailed below.

At the end of the 4 week statutory notice period where the notice outlines a school organisation proposal, the School Organisation Advisory Group will meet as soon as possible to:

- Check and confirm that all required information is available regarding the school organisation proposal;
- Check and confirm that the published notice complies with statutory requirements;
- Check and confirm that the statutory consultation has been carried out prior to the publication of the Notice;
- Consider the prescribed information related to the proposal to change the pattern of school provision;
- Consider the proposal for change with regard to the DCSF statutory guidance on implementing change to the pattern of school organisation; (Statutory Guidance-Factors to be considered by Decision-Makers);
- Consider any objections received during the statutory notice period and the Local Authority response to these objections;
- Receive a presentation on the proposal for change from the Proposer;
- Having considered the statutory proposal with regard to the above, prepare a list of reasons for the decision they would recommend to Cabinet in respect of the school organisation proposal. This should be prepared using the factors to be considered in the statutory guidance as the framework for their collective view

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## Appendix 5

### Kirklees School Organisation Advisory Group – 5 July 2019

- Present:** Cllr Carole Pattison (Chair)  
Cllr Kath Pinnock  
Marcus Newby (Head Teacher representative)  
Cllr Paola Davies (Observer)
- Officers in Support:** Martin Wilby (Senior Strategic Manager, Education Places and Access)  
Shahzia Ashraf (School Organisation & Planning)  
Ben Barnett (School Organisation & Planning)
- Apologies:** Cllr Viv Kendrick  
Cllr Elizabeth Smaje  
Cllr L Holmes  
Cllr Yusra Hussain  
Samantha Vickers (Head Teacher representative)  
Jennifer Napper (Head Teacher representative)

#### 1. Overview of the meeting- update the Constitution & Purpose for Kirklees School Organisation Advisory Group.

It was agreed that LA officers would review the constitution of Kirklees School Organisation Advisory Group and update Portfolio holders lead on this Group.

It was noted the due to time frames and distribution of papers members had not had time to study the papers prior to the meeting.

#### 2. Purpose of SOAG : To review the statutory processes for the statutory proposals to:-

- Change the Upper Age Range of Almondbury Community School from age 3 –16 years to age 3 – 11 years

#### 3. Process checklist: The prescribed details for the statutory process are set out in the checklists in Appendix 6.

- (a) The checklists were used to review the evidence regarding the details of the statutory process followed
- (b) It was noted that 51 representations had been received during the statutory 4 week period.
- (c) it was noted that whilst responses had been received from pupils, there could have been further opportunities to specifically consult with pupils which would be considered for further proposals

#### 3.1 SOAG Conclusion: The statutory notice, statutory proposal and statutory process are valid and within time limits

- The published notice complies with statutory requirements
- The statutory consultation has been carried out
- The statutory 4 week period has been allowed for representation. 51 of representations have been received for the Almondbury proposal during this period up to the publication of this report
- The decision will be brought to the cabinet on 16 July 2019 within 2 months after the end of the statutory 4 week representation period on 4 July 2019.

#### 3.2 SOAG Advice: The LA can decide the proposals under the Education Inspections Act 2006.

#### 4. Factors to be considered in making the decisions about the statutory proposals : In order to support decision-making, the DfE Statutory Guidance (Factors to be Considered by Decision Makers) for the proposal at **Almondbury** have been organised into the sections A to L listed below.

- CONSIDERATION OF CONSULTATION AND REPRESENTATION PERIOD
- RELATED PROPOSALS
- CONDITIONAL APPROVAL
- EDUCATION STANDARDS AND DIVERSITY OF PROVISION
- EQUAL OPPORTUNITY ISSUES
- COMMUNITY COHESION
- TRAVEL AND ACCESSIBILITY
- FUNDING
- RIGHTS OF APPEAL AGAINST A DECISION
- IMPLEMENTATION
- MODIFICATION POST DETERMINATION
- REVOCATION OF PROPOSALS
- LAND AND BUILDINGS
- VOLUNTARY AIDED SCHOOLS
- SCHOOL PREMISES AND PLAYING FIELDS

- The correct decision making factors had been considered in line with DfE guidance
- The guidance, representations, comments and rationale are set out in Appendix 7.

#### **5. Guidance note: Type of decision**

The decision maker can make one of four types of decision for each proposal:

- Reject the proposal;
- Approve the proposal without modification;
- Approve the proposal with modifications, having consulted the LA and/or GB ( as appropriate): or
- Approve the proposal with or without modification, - subject to certain conditions (such as the granting of planning permission) being met.

#### **6. SOAG conclusions for decision makers : SOAG agreed that:**

- The statutory process had enabled a full and detailed presentation of the proposal to interested parties and that views and comments had been considered
- The correct decision making factors had been considered in line with guidance
- Representations are available to inform decision makers when taking their decision
- The documentation presented to SOAG would enable Cabinet to reach a decision regarding the proposal

#### **7. Officer recommendations for decision makers**

Following discussion at SOAG, Officers recommend, subject to consideration of any further matters raised at the decision making meeting, that the statutory proposals to change the upper age range of **Almondbury Community School** from age 3 –16 years to age 3 – 11 years from 1 September 2020, can be determined by Cabinet.

**1 Statutory process check sheet:**

School	Statutory Proposals
Almondbury Community School	Prescribed Alteration to Almondbury Community School. Change the age range of the school from age 3 –16 years to age 3 – 11 years (to be implemented from September 2020).

1. CONSULTATION		Y,N,N/A	NOTES/EVIDENCE
1.1 Has a non statutory consultation taken place?		Y	Consultation outcome report 29/05/2019
1.2 Consultation process	a. Has adequate time been allowed for the consultation process?	Y	Consultation outcome report 29/05/2019 (Consultation period 27/03/19 till 23/04/19 4 weeks non-statutory consultation has been completed)
	b. Does the consultation document provide sufficient information to those who are being consulted?	Y	Consultation outcome report 29/05/2019
	c. Does the consultation material make it clear how interested parties can make their views known?	Y	Consultation outcome report 29/05/2019 Appendix B (consultation document)
	d. Does the report that summarises the outcome of the consultation demonstrate how the views expressed during the consultation have been taken into account in reaching any subsequent decision as to the publication of proposals?	Y	Consultation outcome report 29/05/2019
1.3 Evidence that interested parties have been consulted.  To Include	a. the governing body of any school which is the subject of proposals (if the LA are publishing proposals);	N/A	Not Governing Body (Interim Executive Body)  Consultation outcome report 29/05/2019 (Appendix A Distribution List)
	b. the LA that maintains the schools (if the governing body is publishing the proposals);	N/A	
	c. families of pupils, teachers and other staff at the schools	Y	
	d. any LA likely to be affected by the proposals, in particular neighbouring authorities where there may be significant cross-border movement of pupils;	Y	
	e. the governing bodies, teachers and other staff of any other schools that may be affected;	Y	
	f. families of any pupils at any other school who may be affected by the proposals including where appropriate families of pupils at feeder primary schools;	Y	
	g. any trade unions who represent staff at the schools; and representatives of any trade union of any other staff at schools who may be affected by the proposals;	Y	
	h. (if proposals involve, or are likely to affect a school which has a particular religious character) the appropriate diocesan authorities or the relevant faith group in relation to the school;	Y	
	i. the trustees of the schools (if any)	N/A	
	j. any other persons as appear to the proposers to be appropriate.	Y	
1.4 Pupils	Have pupils been formally consulted?	N	Pupils have responded to the non-statutory consultation

2. PUBLICATION		Y,N,N/A	NOTES/EVIDENCE
2.1 Statutory notice	a. Have formal proposals been published by the appropriate body (ie LA/GB etc)?	Y	The LA can publish proposals for Prescribed Alterations at a Community School
2.2	a. Has "plain English" been used to describe the proposal	Y	See Notices
	b. Do the complete proposals contain all the specified information? <ul style="list-style-type: none"> <li>How copies of the proposal may be obtained;</li> <li>That anybody can object to, or comment on the proposal;</li> <li>The date that the representation period ends; and</li> </ul>	Y	See Notices

	<ul style="list-style-type: none"> <li>The address to which objective or comments should be submitted</li> </ul>		
2.3	a. Have statutory notices been prepared?	Y	See Notice
	b. Have the statutory notices been published in a local newspaper?	Y	Copy was published in Huddersfield Examiner on 7/06/19
	c. If GB proposal then have the statutory notices been posted at the main entrance of the schools (or all entrances if there are more than one)?	N/A	Posted on the Gates of the school
	d. Have notices been published on the LA website	Y	School Organisation and Planning web site
	e. Details on how the full proposals can be accessed e.g. Is the website address on the statutory notices	Y	See notice
	f. Within a week of the date of publication on the website proposer must send copies to <ul style="list-style-type: none"> <li>The GB/LA (as appropriate)</li> <li>The parents of every registered pupil at the school (for special schools ONLY)</li> </ul>	N/A	
	g. Within a week of the date of publication, if it involves or is likely to affect a school which has been designated as having a religious Character: <ul style="list-style-type: none"> <li>The local Church of England Diocese;</li> <li>The local Roman Catholic Diocese; or</li> <li>The relevant faith group in relation to the school;</li> </ul>	Y	Email with link sent to Diocese
	h. Within a week of the date of publication <ul style="list-style-type: none"> <li>Any other body or person that the proposer thinks is appropriate e.g. affected educational institutions in the area</li> </ul>	Y	
	i. Has the statutory notice and full proposal been given to all children affected at the school. ( for special schools only)	N/A	
2.4 Related proposals	a. Are these statutory proposal interdependent on any other proposals?	N	
	b. If so, are the related proposals included on the same Statutory Notice?	N/A	
	c. If so, is this clearly identified in the Statutory Notice?	N/A	
	d. If so, is it clear who is proposing what on the Statutory Notice?	N/A	
2.5 Implementation date	a. Are the implementation dates for the proposals specified on the Statutory Notices?	Y	From 1 <sup>st</sup> September 2019
	b. Is the time scale for implementation reasonable	Y	
2.6 Explanatory note	a. Is the full effect of the proposals clear to the general public?	N/A	
	b. If not, has an explanatory note been included alongside the Statutory Notice?	N/A	
2.7	Has the council's legal team advised on the validity of the Statutory Notices?	Y	LA legal team have reviewed the statutory notices prior to publication.

3. REPRESENTATION		Y,N, N/A	NOTES/EVIDENCE
3.1	Has a period been allowed for 4 week statutory representation?	Y	In accordance with school organisation regulations a four week representation period has been held between 07/06/19 and 04/07/19
3.2	Have any representations been received during this period?	Y	

<b>4. DECISION</b> – Decisions must be made within 2 months (by the LA, or this must be referred to the schools adjudicator).	Y,N, N/A	NOTES/EVIDENCE
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4.1	Are these decisions to be made by the LA or the schools adjudicator?	<b>LA</b>	
4.2	Decisions must be made within 2 months (by the LA, or this must be referred to the schools adjudicator).		Representation period ended 04/07/19 and decision-making cabinet is scheduled for 16/07/2019 Recommendation made by SOAG and reported to cabinet for approval within a 2 month time frame.
4.3	Is there any information missing from the Statutory notice	<b>N</b>	
4.4	Do the published notices comply with statutory requirements?	<b>Y</b>	
4.5	Has the statutory representation period been carried out (ie have all the criteria in the 'consultation' section been met?	<b>Y</b>	
4.6	Are the proposals 'related' to other proposals (if so, the related proposals must be considered at the same time)? <i>Proposals should be regarded as "related" if the notice makes a reference to a link to other proposals.</i>	<b>NO</b>	

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## Appendix 7 - Factors to be considered in decision making

**The factors which are being considered are derived from guidance issued by the Department for Education: Making significant changes (“prescribed alterations”) to maintained schools: Statutory guidance for proposers and decision-makers (October 2018)**

Paragraphs highlighted in **Yellow** relate to factors that are relevant to these proposal(s). Factors that are not highlighted are considered not to be relevant to these proposal(s). These have been identified as; “Not applicable to these proposals” and are in grey, however for clarity these are fully listed

### **CONSIDERATION OF CONSULTATION AND REPRESENTATION PERIOD**

*Decision-makers 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. Decision-makers should not simply take account of the number of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s).*

*Decision must be made within a period of two months of the end of the representation period or they must be referred to the Schools Adjudicator.*

*When issuing a decision, the decision-maker can:*

- *Reject the proposal;*
- *Approve the proposal without modification;*
- *Approve the proposal with modifications, having consulted the LA and/or GB ( as appropriate): or*
- *Approve the proposal with or without modification, - subject to certain conditions (such as the granting of planning permission) being met.*

*A proposal can be withdrawn by the proposer at any point before a decision is taken. When doing so, the proposer must send written notice to the LA or the GB (as appropriate); or the Schools Adjudicator ( if the proposal has been sent to them) A notice must also be places on the website where the original proposal was published.*

*Within one week of making a decision the LA must publish their decision and the reasons for it, on the website where the original proposal was published and send copies to:*

- *The LA ( where the Schools Adjudicator is the decision-maker)*
- *The Schools Adjudicator ( where the LA is the decision-maker)*
- *The GB/ proposers ( as appropriate);*
- *The trustees of the school ( if any);*
- *The local Church of England diocese;*
- *The local Roman Catholic diocese;*
- *The parents of every registered pupil at the school- where the school is a special school:and*
- *Any other body that they think is appropriate ( e.g. other relevant diocese or diocesan board, faith organisation and any affected educational institutions in the area).*

## Appendix 7 - Factors to be considered in decision making

### SUMMARY OF REPRESENTATIONS

#### Representations state that they Oppose/ Object to the proposal

- Need to keep the school open. I oppose to the changes you want to make
- I would like to go on record to register my disappointment on the closure of Almondbury I object strongly to these proposals.
- We as parents strongly oppose the closure of secondary stage at A C S
- Community School (ACS).
- I am contacting you in respect to the proposed closure of Almondbury Community School. I wish to OBJECT to this proposal in the strongest manner i can
- I would like to register an objection to the proposal to change the age range for Almondbury Community School.
- I am writing to formally record my opposition to the proposed closure of the senior section of ACS.
- I am writing to express my deepest concern at the proposed plan to cut the secondary provision at Almondbury Community School
- The speed of the consultation process and run down towards closure has been shocking
- I would like to give my objections to the proposed changes to Almondbury Community School
- My girls love their school and the wonderful staff and i really object to it closing down
- In respect of the proposed closure of Almondbury Community School I would like to advise you of my disagreement on this matter.
- I strongly oppose the closure of the high school.
- I strongly oppose the proposals to close the secondary phase at Almondbury community school

#### Representation state that the proposal has created uncertainty and want clarity and support during the process.

- We need clarification before July 4th this is total madness. Am shouting help. I have no idea what to do best for my kids' education and their wellbeing which has been affected.
- we haven't been supported at all, this decision was handled wrong from the first letter that was sent home with pupils, its rushed and no concrete evidence has been put to us as to why this is happening
- Year 11 pupils (current Year 10) would remain on the Fernside Avenue site to finish their GCSE courses with their GCSE course staff wherever possible?
- Children of Almondbury have already had to face too many poor educational outcomes compared to the rest of Kirklees. Each time Kirklees have failed to step up and provide what has been promised and left them floundering. If the closure how will Kirklees properly and effectively support not only those who have to leave a school but also those who have chosen to move away from Almondbury because of the series of devastating experiences and now face further impact. Transitions will need careful planning and a high level of support from experienced professionals such as psychologists.

#### Representation state that this proposal is causing disruption again at Almondbury Community School.

- Not once, but twice in recent years have they disrupted the education of the Almondbury pupils to meet their own ends. The proposal to merge the junior and secondary provision met with fierce opposition from parents, who, despite a majority vote against the move, were ignored. It says a lot about the quality of staff and support at ACS therefore, that those same parents, are fighting against the new proposal to close the secondary provision - they have witnessed the good that the school has done for their children who are all happy and settled until you ruin that again.

## Appendix 7 - Factors to be considered in decision making

- My daughter has already gone through the merger with Juniors into the High School site and that was traumatic enough for her.
- Utter contempt that was then shown to parents when expressing concerns about the merger was disgusting. The meeting with councillors and those employed by Kirklees remains as the worst meeting I have ever attended because of the complete disregard for parental views.

### Representations have questioned the consultation and decision making process for this proposal.

- There has been nothing but negative information put before the public and it is clear that Kirklees council are desperate to close the school. I and others believe the decision has already been made, and therefore the consultation is a sham. At no time has there been any feedback from the council to suggest any other options may be considered for the school
- Cabinet has messed them about twice now, best start in their life/education yer right. No questions are being answered again. Being open and providing guidance is what's needed to support the families and children.
- The decisions so far have been so rushed through with no apparent thought for the near future of these students that I'm really concerned that the projected plans have really not been considered. If this whole process had been slowed down, with better and more considerate communications, perhaps we wouldn't be in the position where many parents feel all they can say is No, because we simply do not have enough reassurances and future planning.
- Cabinet has messed them about twice now. No questions are being answered again. Being open and providing guidance is what's needed to support the families and children. What do we get as an answer? Nothing has been decided yet.
- I do understand that tough decisions need to be made but there must be a better way to provide good local high school provision
- Your department has precided over poor decision making and management decisions regarding changes to Almondbury Community school, occasionally with disregard to policy let alone parents. I am apalled at the lack of RSC engagement, the poor timing of events (within weeks of admission announcements), and the lack of answers to questions posed by the poor consultation either in person or the document. You failed to meet a request for an open group consultation. Individual Subject Matter Experts at the 1-2-1 consultation were both poorly briefed and unable to answer questions. They were more interested at finding out alternative school choices. the solution posed from the outset with out options fully explored or openly consulted, is merely pushing the current goverment funding constraints 'per head' around the system. Again a short term reactionary decision considering the fragile position of the current government.
- No-one can tell us what the actual plan is. So the majority again, I understand, have said "NO". We don't know enough to be able to say anything other than NO.
- I also think that the way the council has handled this proposal in respect of keeping parents updated and providing support has been unacceptable in that we are still really in the dark at this crucial time.
- If the proposal to change the upper age range is passed are the council definitely going to stick to September 2020.
- Covered by LA Description of alteration and evidence of demand LA sets out lots of reasons why they want to make changes but lots of meetings and Cabinet meetings with public attendance showed total evidence of no demand.
- While a Local Authority can propose the closure of a maintained school, alternatively a governing body of a school can also take this step if it gives two years notice of it's

## Appendix 7 - Factors to be considered in decision making

intention to close the school. The Governing body were I understand advised by Council to stand down. It could be said that this was to prevent the existing governing body at the time from making this proposal, so that the closure could be hastened! Reasons for closing a maintained school could be for wider school reorganisation, meaning the school is surplus to requirements.

- **Representation stated that local residents were not informed of the proposal**
- Why have the residents of all properties around King James School NOT been formally consulted in writing (as they received no written communication in the recent consultation phase that has now closed), as 'any other interested organisation / person that the proposer thinks are appropriate'.

**Representations state that the proposal would disadvantage families who have children in the all though school.**

- I've have only been at acs for 3 years and in that time I have become less shy I'm a hard worker i would like the school to stay open so I can still be close to my younger sisters and my friends having to move schools would disrupt my education please think of us students at acs and what you are putting us through my little sister in year 3 has adhd and I look out for her and help her at play time and dinner time if you close the school and I have to move to a different school it will set her back
- I have 3 at ACS currently yrs 5,8 and 10. All I want is a yes it's closing (I'll crack on and find them new schools) or no it's not and pick up the pieces and get them back learning to the grades they were getting before this shambles.
- All 3 of my kids go/have gone to this fantastic school and are thriving because of the quality teaching they have received here, I also live in Lepton and would be stuck in a horrible situation with siblings split over 2 schools which will make collecting them a nightmare.
- Never heard anything as daft as closing a school right in the middle of a housing estate

**Representations state that the proposal is having a negative impact on mental health for pupils at the school**

- Messed about kids =messed up adults with mental health problems.
- The increased focus on mental health, personal development and well-being is being ignored by Kirklees Councillors who do not appear to care at all about the young people involved. It seems they cannot see beyond the current difficulties and choose to take the easy way out as well as the cheapest and simply close it.
- On the first day the closure was suggested I had to console my daughter telling her all will be fine don't worry, then in a one to one consolation Kirklees representatives also told my daughter everything will be fine (again more lies) as now I have a child that is suffering from anxiety and has started to bite her nails when we discuss school. I am sure this isn't the intention of Kirklees but a 12 year old that loves the school she is at and is now having her entire education ripped from under her feet with no support from Kirklees.
- Little attention appears to be being paid to the psychological impact this is having on the kids and parents now.
- daughter has started to worry about where she will end up, at such a crucial time in her education
- Also what support is being offered to the children of ACS for their mental well being
- Are you aware that some of the children's mh is already deteriorating? affecting sleep, stress, low mood, anxiety, change in behaviour
- I have two boys who attend almondbury community school. I have 1 in year 9 who has a.d.h.d and dyspraxia. He has always struggled with school uptill year 7 when he finally started to Seattle in and he's on track for good GCSE results at the moment as they

## Appendix 7 - Factors to be considered in decision making

choose their options early at ACS and I fear that if the school closes he won't get any GCSE's at all as he will find it really difficult because of his medical condition and anxiety. I fear the bullying will start up again if I have to move him now both my children love Almondbury Community School and the staff are amazing and so helpful with everything.

- Following the announcement of the proposed plans, my son began to suffer from anxiety due to the uncertainty and was worried that he would have to leave the school at a fundamental time in his education mid way through his GCSE's causing him a higher risk of failing his important exams.
- For myself and all other parents our children's well-being, mental health, education and Future are the priority and the proposed plans are a threat to this.
- Since the suggestion of closure he has become very stressed with the thought that he does not know what will happen and what school he would need to go to.
- She is doing well within the school and has been massively effected by the threat of closure and been moved and up routed to a school away from friends and prevented from choosing her school options because of all this situation. None of this has been done in thoughts of the children currently in the school and how they are being made to feel/effects of the unsettled decisions!
- If the school closes then I might be separated from my friends. There is no guarantee that I will get into the same school.
- Now that the proposals have been made children in my school have been experiencing anxiety, afraid of leaving friends and teachers behind. Some of these children are only 12 years old, me included. We shouldn't have to feel this way, and moving schools will only increase our anxiety.
- My daughter is happy and settled and exceeding in her subjects moving her will have a negative impact on her mental wellbeing.
- I am a mum of two children currently at A.C.S , I have 1 ready to start junior, and 1 to start secondary in September. Since coming back to Huddersfield 4 yrs ago, my children attended NLC school for 2 yrs and suffered non stop bullying day in day out , so we moved on to Almondbury Community School and straight away I saw a rapid change in both my children and also in myself as I suffer from depression and separation anxiety. The 2 years of stress and unhappiness and got to us all.
- My daughter attends King James School which is fantastic I choose to send my daughter there as we had problems with bullies. Almondbury Community School did nothing about the situation so my daughter had her last 3 years of junior school ruined. Since you are closing Almondbury Community School down and intending to send them to King James School my daughter's anxiety has returned. I for 1 will be fighting all the way to keep Almondbury Community School open so that these bullies will not be making my daughter's life miserable again. And if you do close Almondbury Community School you will have made 2 child's mental health a hell of a lot worse than what it is.

### Representations state that the proposal is not child centred.

- The children need to come first. It is their future that is important.
- Are Kirklees going to give the pupils the support now not after the consultation periods?
- Is my daughter going to get to go to a school of her choice and not be forced to go to wherever Kirklees can fit her as this whole scenario is Kirklees doing and the children are the ones that have to suffer.
- Have a child in Year 6 currently that I would like to see settled when she starts Year 7
- The children need to come first. It is their future that is important.
- Closing the school would mean you're putting extra pressure on our children and it is upsetting them you're not thinking about them your thinking about yourself help our school don't close it
- I love this school I really don't want it to close all the teachers are amazing and I love



## Appendix 7 - Factors to be considered in decision making

coming to school here I really don't want to have to move schools and be separated from my younger sister who is in year 3 all my friends come to ACS I find it hard to make friends so moving schools and being separated from my friends is a scary thought

- Parents were not told in a sensitive manner, instead we got an open letter sent home via our children, who were understandably bewildered and concerned. This has not changed as time has gone on, indeed, their concern has deepened and as parents, we haven't been able to help them as we have not been given answers either. That is a helpless situation for us.
- I don't think you can guarantee that my daughter will be kept in the same friends group, the ones she's known since primary and this will mentally destroy her confidence in what is an important stage of her education. She is now in year 7 and this is the time where she needs stability and a strong direction so she can focus on her education and not worry about moving schools again. The whole proposal does not take into account any of the above issues and concerns.

### Representations state that the LA should support the school

- My only problem is that there is a few named schools around huddersfield in the same situation as A.C.S been given time and help to improve.
- The current situation in the school is due to poor and ineffective leadership. Although Ofsted judged it to be inadequate, with good support and effective leadership this could be reversed. If we are to believe the article in the Examiner this is exactly what is happening in Newsome HS
- It is a relatively short time since considerable money was invested in reorganising the school and it has simply not been given the opportunity or time to grow and develop into a thriving successful establishment. There are excellent facilities at ACS and it is shameful that councillors can choose to ignore the many positives and focus only on the negatives. It is a relatively short time since considerable money was invested in reorganising the school and it has simply not been given the opportunity or time to grow and develop into a thriving successful establishment. There are excellent facilities at ACS and it is shameful that councillors can choose to ignore the many positives and focus only on the negatives.
- The council did not adequately support the Through School to succeed in the first place. The staffing structure cut any "unnecessary" roles and left the pastoral staff struggling to provide the level of support they aimed for. The high turnover of staff in that area should have indicated that support was needed. This support was requested and denied on numerous occasions. How ironic, that even more money is currently being paid out to agency behaviour workers in the wake of the media circus in November. This could have been avoided with a lower spend on permanent support staff.
- The council has not offered the support it should have to a school in difficulty - in fact it could be argued that the difficulties were caused by the actions of Kirklees. You have let them down badly. Staff and pupils may come and go, but there is nowhere in Huddersfield that has the family atmosphere of this school and by breaking this up, you are failing the children of Huddersfield.
- It can be made into a great school like it used to be when I first started working there.
- other schools have had events happen in the past and survived with help Please keep us open for our children and future children, for the parents and for the remarkable staff. They love and want our children to learn and it is their vocation. We all work together for our kids always.
- King James is not in any position to accept pupils for the foreseeable future and too much emphasis is being placed on their planning permission being granted and an additional 50 pupil places being created in accordance with new classrooms being built. As yet, this permission has not been granted and certainly questions the processes involved if it is known now by Kirklees that this application will be granted.

## Appendix 7 - Factors to be considered in decision making

- The proposal to merge the junior and secondary provision met with fierce opposition from parents, who, despite a majority vote against the move, were ignored. It says a lot about the quality of staff and support at ACS therefore, that those same parents, are fighting against the new proposal to close the secondary provision - they have witnessed the good that the school has done for their children who are all happy and settled until you ruin that again.
- The plight of the children currently being shoved around upsets me. The council has not offered the support it should have to a school in difficulty - in fact it could be argued that the difficulties were caused by the actions of Kirklees
- They settled in their new classes from day 1, went to school happy and came home telling happy stories, they wanted to go to school, looked forward to the next day. So I was happy I'd found a school that met all my children's need in every way, also I wasn't as anxious about my children been at school.
- There appears to be no account for the fact that, through your (mis) management intervening decisions over the school through the years, the school has been a destination for struggling children with additional educational support needs.
- The authority says it will be looking to use funds to help an academy(King James) to expand. Yet it looks as though it does not want to support ACS to become an all through academy, just a Primary Academy. That Primary Academy at the Greenside site will have to be expanded which will cost money.
- Almondbury community could be a great school if effort was put in look at neather hall that was exactly the same if not worse but they managed to turn it around so why not almondbury community it's the heart of the community and no one wants it to shut.
- This is not looking at the best interests of these students, this is looking at how best to walk away from a school that has suffered at the expense of an ill equipped council putting in place yet another project that has no foundation and no thought beyond the initial idea.
- Improvement should be made to ACS, you can't just give up on a school that has the potential to be great.
- I hope the council intend to offer good support to parents and children at this difficult time particularly those with SEND. ASC had a strong Nurture provision which is not something every secondary school has and which supported many of those young people. I feel that the next year will be particularly hard with children remaining in school but knowing they will move on and probably moving on to other schools if the odd place becomes free during that year.
- We thought the council would surely do everything in their powers to bring the school back to where it should be - they wouldn't let it fail after all the money that was spent on it and all the upset and upheaval for the children. We put our trust in Kirklees! The community of Almondbury needed this to work.
- Persistently let down by ineffective management. Kirklees failed to notice that Almondbury Junior School was heading rapidly towards special measures.
- I strongly feel that this proposal should be scrapped and the council should put its efforts into fixing the problems with ACS rather than its eventual closure. It is perfectly located with plenty of room for future expansion should the need arise and has plenty of facilities - some of which are not available at other schools in the area. With the right investment and leadership, ACS has the potential to become a good school once again.

**Representations state that the proposal is a result of the negative media attention.**

- On the back of this incident which could quite easily have happened in any number of British schools, but which unfortunately went viral, Kirklees saw the opportunity to leap on their chance to close the school, as I suspect has been their intention for years now.
- We have had the misfortune of the past events to put our school down.
- I object to the closure I feel this has been a rushed decision and a knee jerk reaction to an

## Appendix 7 - Factors to be considered in decision making

incident that occurred at the School.

### OFFICER COMMENT:

All representations have been considered in collating this document which is intended to aid decision makers.

### RATIONALE FOR THE PROPOSALS:

School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, require a statutory process be followed set out by law when making certain changes to a Local Authority Maintained school. The Department for Education (DfE) publish Guidance for such changes, 'Making significant changes ('prescribed alterations') to maintained schools: Statutory guidance for proposers and decision-makers - October 2018). The regulations state that because Almondbury Community School is a Community school, Kirklees Council can propose these changes, and, as long as published proposals are determined within 2 months of the end of a statutory representation period, the Council is the decision maker.

The DfE Guidance explains that as the proposer the LA must follow the four stage statutory process set out below;

Stage	Description	Timescale	Comments
Stage 1	Publication (statutory proposal/notice)		
Stage 2	Representation (formal consultation)	Must be 4 weeks	As set out in the 'Prescribed Alterations' regulations
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator	Any appeal to the adjudicator must be made within 4 weeks of the decision
Stage 4	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications agreed by the decision- maker

The DfE Guidance states that 'Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations.' (page 26)

A four week non-statutory consultation took place between 27 March 2019 and 23 April 2019, to seek the views of parents/carers, school staff, professionals, ward members, wider community stakeholders and other interested parties.

The non-statutory consultation was very important and valuable in understanding the views and anxieties of those affected by the proposals. School re-organisation is emotive for all those involved, including parents, pupils and staff.



## Appendix 7 - Factors to be considered in decision making

The purpose of non-statutory consultation is to allow interested parties to give their views and to generate possible alternatives for consideration. Consultation is not a referendum on a proposal. Decision Makers are required to make the best decision on behalf of **all families** now and into the future.

During the consultation process there were no additional factors that had not been thoroughly considered prior to making the proposals in relation to the available number of school places which exceeds the current and future pupil population. Even when taking into account future housing growth, this would not result in an alternative option that may secure the financial viability and educational sustainability of Almondbury Community School in its current form.

Considerable effort went in to ensure that the consultation could engage with as many of those affected by the process as possible. Individuals and groups were encouraged to feedback their views about the proposals. The views of everyone were considered against the rationale underpinning the proposals. The consultation outcome report explains clearly how the views expressed in the consultation have been evaluated and taken into account. Cabinet report on 29th May 2019: [Future options for Almondbury Community School – Outcome Report](#)

On 29th May 2019 Cabinet agreed for LA officers to move to the next stage of the process. On 4th June 2019 a statutory notice was published in the Huddersfield Examiner and a statutory proposal was published on the [School Organisations and Planning](#) website.

- All parents/carers at the school were notified about the proposals.
- Emails with links to the statutory notice and proposal were sent to;
  - Staff at Almondbury Community School
  - Heads of neighbouring school
  - Trade Unions
  - Ward members
  - The local Church of England diocese;
  - The local Roman Catholic diocese

In total there were 51 of representations received during representation stage.

### RELATED PROPOSALS

*Where proposals appear to be related to other proposals, the decision-maker must consider the related proposals together. A proposal should be regarded as related if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal.*

**REPRESENTATIONS: Not Applicable**

**OFFICER COMMENT: Not Applicable**

**RATIONALE FOR THE PROPOSALS: Not Applicable**

### CONDITIONAL APPROVAL

*For many types of proposal, decision-makers may make their approval conditional on certain prescribed kinds of events. The decision-maker must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.*

*The proposer should inform the decision-maker when a condition is met. If a condition is not met by the date specified, the proposal should be referred back to the decision-maker for fresh consideration.*

**REPRESENTATIONS: Not Applicable**

## Appendix 7 - Factors to be considered in decision making

**OFFICER COMMENT: Not Applicable**

**RATIONALE FOR THE PROPOSALS: Not Applicable**

### EDUCATION STANDARDS AND DIVERSITY OF PROVISION

*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.*

#### SUMMARY OF REPRESENTATIONS

##### Representation state the proposal would affect the children's grades at the school

- All I want is a yes it's closing (I'll crack on and find them new schools) or no it's not and pick up the pieces and get them back learning to the grades they were getting before this shambles.
- My concern are regarding the level and standard of teaching that he will receive in the final year of his education at the school.
- All this will be disruptive for their classmates and also teachers. It will be hard to retain the staff for this next year - has any thought been given to what would be done if a key member of staff eg maths or MFL were to leave? It would be almost impossible to recruit anyone in this area of shortage with any quality for this short term period with a large risk to those sitting their GCSE in 2020.
- I accept that the secondary phase in its current state is unsustainable, but the closure plans do not seem to take due consideration of the pupils who will be in key stages 3 and 4 next academic year (2019/20). Particular concern is the students entering year 10 who will have to move school half way through their GCSEs. This will likely have a significant detrimental impact on their achievement (as will the inevitable departure of permanent teaching staff during 2019/20).

##### Representations stated concern staffing levels at the school.

- I have serious concerns about the staff levels remaining at Almondbury Community School. I can understand teachers leaving the school at the moment, they have careers and require job stability however what teaching staff will be available in September 2019? How can high standards of teaching be assured to those pupils that are left in Almondbury Community School at this time? I also have a child in Year 4. Her class teacher has been absent for 3 weeks now. This week, they have a 3rd supply teacher. If this absence can't be covered consistently, it really does make me question how assurances can be given to parents and pupils within the high school that long term (contracted?) teaching staff will be supplied for the remaining time left at the school.
- Work does need to take place to reassure staff and redeploy where you can while trying to retain quality teaching for this last year

##### Representation stated that the GCSE syllabus would be different at different schools

- In the 8 days he attended Newsome High school, 6 of these resulted in him coming home unhappy. He was unable to attend all of the classes he has started for his GCSE's such as history and computing due to them either not having the room in terms of numbers in the class or because they were near completing the first year of a 2 year BTEC course and he wouldn't be able to join now or he could do the work at home during the summer holidays to maybe be able to catch up. Children will not easily be able to transition into a new school as the council seem to think, they may not be able to continue with their choice of GCSE's due to the availability in the other schools, they will more than likely receive lower grades due to the stress and anxieties caused and many other consequences that individually affect children at the most pivotal stage of their education.

##### Representation stated difficult for children to settle in a new school.

## Appendix 7 - Factors to be considered in decision making

- If children move it could affect their learning as they will have new teachers and will be surrounded by new people.
- There are children at that school now, who would be required to move, that have settled and thrived at ACS when they did not do so at other schools. This is due to the support and skill at the school. By moving students to other schools, much of the great work that teachers at ACS have already achieved will be undone. I see no evidence that the educational needs of these students are being prioritised. There is also no indication of the likelihood of key stage 3 students being able to attend the school of their choice when ACS closes

### Representation stated that staff were leaving the school because of the proposal.

- Already he has been told that many of the teachers are leaving the school at the end of this academic year

### Representation stated that staff were badly treated by the LA

- The staff have been treated appallingly. They found out about the proposals by reading the letter addressed to parents from the council. Small wonder that several have seen jobs advertised at other schools and are now leaving.

### Representations state that children are happy at the school with the staff.

- The children have always come first with staff and management and good relationships have been fostered with parents who now are being railroaded into sending their children to other Schools. Great expense has been spent on Executive heads who could work to improve the School but at the moment seem to just be working towards closure, no one feels safe. I feel undue pressure is being put on staff who no longer know if they are going to have a job and because of financial security are now having to seek employment elsewhere. I feel the whole way it has been handled has been unprofessional and many parents and staff have been misled.
- The teachers in ACS are always trying their hardest to help me and other children learn. They are always there to help and believe that every child will succeed.
- The staff at ACS are amazing they have a wonderful ability to bring the best out of the children
- From the outset you have stated this is about better educational outcomes. If this was so you would have recognised the passionate teaching, pastoral care (despite a high profile media incident (coincidence) which had been managed appropriately and not a reflection on the school we know.
- Students have firm, supportive friendship groups that will be broken up. This is particularly disruptive effect on these children both socially and in terms of their education

### Representation asking if other options have been explored

- Has the council looked at the options of re-positioning the high school part of the Community school as one that focuses on being a secondary modern (i.e. lower level qualification / practical skills attainment)?. By being niche this could lead to higher student numbers and lower cost curriculum provision. Or develop the high school as a specialist autism focused school that will attract PPP funding?

### Representations state that other secondary schools in the area could not accommodate the extra children.

- Other secondary schools cannot cope with any increased numbers in their year groups.
- It's very clear I can't move my child (currently yr10) to other local schools as they are full and the one that isn't has a different curriculum!
- Are you aware that KJS cannot accommodate more pupils although they plan to build more classrooms?
- The council have not been able to show how educational standards will be improved

## Appendix 7 - Factors to be considered in decision making

particularly as some of the pupils will be going from a school classed as Inadequate to another school classed as Inadequate.

- I would also like to point out that the other schools proposed to take on the students from ACS are full in terms of capacity in space and numbers
- The effect on other educational institutions in the area. LA have suggested 3 schools, 1 of the schools needs more classrooms and the planning permission not yet agreed. It is an academy and no agreement with LA yet.
- Shelley College 360 places. Full, oversubscribed, and already has housing being built within it's catchment area through the Local Plan. Pupils applying outside the area come under criteria 5 in their admissions criteria and I was informed would be highly unlikely to be offered a place, but would have to join a waiting list, furthermore the college has been inundated with enquiries since ACS proposals were published. Mooredale is full from it's own catchment, oversubscribed with 60 children on the waiting list. Children applying from outside the catchment would be at Criteria level 5 so low down the list and therefore unlikely to be admitted. Mooredale is an outstanding school, so I believe this would reduce a child's chance of being admitted even more where they live outside the area. Honley High School, is currently oversubscribed, but doesn't fill from within it's catchment. Distance to school is part of the criteria used in assessing whether a child meets their admissions criteria and again a child outside the area would be low down on meeting the criteria. The assessment tool used in the Local plan to work out school places measured distance to nearest school, so travelling to other schools to have their needs met defeats the objectivity of that test used in the LP. Netherhall Campus wasn't brought into this until issues around enough school places caused by the Local Plan were raised. Netherhall is full, so again there are no spare places, while this may be extended in the future, what will be the cost of that? Royds Hall Community School – rated inadequate so parents will not bother sending their children there. Newsome is rated inadequate and needs more pupils but is 2 bus journeys away for many pupils living in the Almondbury area. Now an Academy with plenty of places to fill. The explanation for giving this academy status and not ACS was ACS doesn't have the pupil numbers. But Newsome only had a hundred or so more on roll than ACS. I therefore feel that while that may currently be the case, it will not continue due to lots of housebuilding taking place and children outside admission areas being rated at criteria level 5 or 6, with little chance of being accepted. Families in Lepton are now fearful for the education of their children at King James School and are looking for alternative schools, but they are all full. Additionally some pupils entering Yr 11 at ACS this September will not have access to their usual subject teachers as I understand that all the maths, science and IT teachers have left. This is an outrageous situation for those pupils at the school who are caught up in this mess and I sincerely hope they will be given the specialist support they need in this the most crucial of years.
- Netherhall may have an opportunity to expand by building additional classrooms, there will be a significant cost and those classrooms will have to be built. The numbers of children in future years is only predicted and could change. I therefore require more evidence before I am satisfied.

**Representations stated that King James's School is full and cannot accommodate the extra pupils**

- King James Academy is one of the schools which is expected to take in additional pupils; this school is woefully inadequate for the 21st century and is already housing pupils in portable classrooms. The campus is very poor compared with the excellent location of ACS. In the past Kirklees Council recognised this and proposed to close King James and amalgamate the two schools on the ACS site; hence the school seeking academy status so that it was taken out of local authority control and therefore protected from closure.
- It sounds like King James are not working with you to create more places or even that the

## Appendix 7 - Factors to be considered in decision making

catchment area would be definitely changed to include Almondbury kids.

- second option of school is full (King James) with no plans to add school places and is now sat on a waiting list with 100s of other pupils in fact the only nearby (not even local)
- I was given information on why KJS couldn't go one over pan last September, when my daughters appeal was rejected, due to health & safety reasons including old small corridors, inadequate dining facilities & no social areas. I want to know if KJS are also planning on widening corridors & extending their dining facilities?
- With King James School seemingly constrained by size, location and access, and over subscribed (helped by your decision making and catchment areas) questions have been posed by several parties about engaging on this matter with
- I personally am angry that when we visited King James, the headmaster himself highlighted how overcrowded his school already was and he specifically said if we weren't in the catchment area, we should not bother to apply for this school as it was already oversubscribed.
- As I understand King James is already nearly full to capacity
- The report at the 29th May cabinet meeting recommends that all AHS students are re-allocated as of September 2020. This appears to contradict the statement that a phased increase of an additional 30 places per year at KJS leading in time to an increase of 150 students on roll. KJS is an oversubscribed, cramped school with no physical room for more students currently. KJS already uses "outside" i.e. don't use a physical room as a classroom and are oversubscribed. If KJS does not get planning permission to extend what is your plan? KJS is an academy and they can set their own PAN which requires consultation. How is the council going to ensure KJS increases its PAN to meet your recommendation in the timelines of Sept 2020? Have the comments and objections lodged in relation to the proposed extension of KJS been reviewed and considered as part of the proposal recommendation to move to next stage?
- King James is already crowded and fully subscribed. It will be difficult to absorb the additional proposed 150 students in a building where current student report overcrowded corridors and dining halls. This detrimental impact will affect current King James' students as well as transferring ACS students.
- The increase of danger to students around St Helens Gate. This is already a tight, congested area with little footpath space and no crossing points. During the time students are going to and returning from school, this area is already busy and congested and the majority of the proposed 150 additional students would use this route.

### Representation questioned if this proposal is dependent on King James's extension?

- Is the option to use King James's (KJ) dependable on the building of their extension

### Representation suggesting that King James's have a dual site

- King James to adopt a dual site/purpose academy solution.
- seems that the proposals are a knee jerk reaction. I do not know what other options have been explored, for example use of the school site/facilities by King James.

### Representations state that Newsome High School was judged by Ofsted to be 'inadequate'

- It sounds like you plan for all kids currently in the High School to get places at Newsome and that this covers the council's obligation to provide places. It also appears to be a plan to make Newsome more resilient, as that school has suffered falling numbers due to poor results and reputation causing parents to send their kids elsewhere (similar to ACS).
- school that has space is a school that has exactly the same Ofsted rating as Almondbury community school (Newsome high school).



## Appendix 7 - Factors to be considered in decision making

- No other options have been considered and that the only high school with capacity for places at this time is Newsome High School, which is also rated inadequate by Ofsted and that parents/children have been offered no other choice.
- I understand there is a great push for pupils to attend Newsome High School however it seems very strange to move pupils from one school in special measures to another school in special measures

### Representations state that the proposal will not support quality of teaching.

- It is my view that the pupils currently attending the school simply cannot get the same quality of education and support that they receive in any other setting.
- It is my view that the pupils currently attending the school simply cannot get the same quality of education and support that they receive in any other setting.
- The school has a unique atmosphere and ethos, the like of which I have not seen anywhere else, despite teaching in, volunteering in and offering classes in other local schools. In fact the school motto "Together We Achieve" has never been more embedded in a school's ethos. The staff, pupils and parents pull together and the support for individuals - whether a pupil with additional needs or a member of staff having a bad day - is second to none
- With the current pace of decision making, there will be several year groups that are effectively left with no consistent teaching provision for key stages of their learning as there are no spaces in nearby schools.
- Year 11 pupils (current Year 10) would remain on the Fernside Avenue site to finish their GCSE courses with their GCSE course staff wherever possible
- What does "wherever possible" mean? If you have teachers left to teach that subject or a different supply teachers coming throughout the year.
- Small wonder that several have seen jobs advertised at other schools and are now leaving this leaves the school in another difficult position, which plays straight into the council's hands - potentially not enough specialist staff to populate the timetable.
- Can you guarantee that the replacement teachers that will be appointed will be of a high calibre will the local Further Education collage take into account the disruption of the year at ACS suffered by pupils in Year 10 and even more disruption next year in year 11?
- If you have teachers left to teach that subject or a different supply teachers coming throughout the year.

### Representation state that if the proposal is agreed then would take their child out of the school and home educate their child.

- My only option IF the secondary school closes is to home school my children, together in a safe environment.

### Representations state that the proposal is short sighted and places will be needed in the future.

- As proved by the wrong policy over the Junior School. It may well be that in only a few years that the Almondbury High School (Community School) will be needed again.
- There is a massive building programme planned in the nearby areas and this will result in a great increase in demand for school places; where will these children go?
- It also leaves the area short of 150 places as it relies on some parents sending their kids to schools outside the area. What if they didn't? While parents are favouring Honley and Shelley schools because of their better results, if KJS was again the best performing that parents want to get their kids to, and if Newsome stop the leak of kids from its own PAA, then there would not be enough school places. Is this right.
- I can appreciate that pupil numbers across Kirklees have fallen and are predicted to continue to fall, this proposal is moving far too quickly for the existing pupils in the school.

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- Currently numbers are low but again this could be remedied if the council focussed on the many positive aspects of the school; there are departments which are very good and have received national awards to mark their success. When Rawthorpe HS was in a similar position it restructured and became the Netherhall Learning Campus; again good leadership and management played a vital role in its improvement.
- Short term benefit against a back drop of housing expansion across Kirklees in line with recently announced LDF.
- It looks like that if 120 high school places are taken from this area of Kirklees there could be a shortage in the future. The authority is unable to prove it can provide enough places, on the information provided, unless the buildings in Almondbury are utilized
- The proposal shows that the senior schools are; South and east and Kirkheaton: - Almondbury, King James(KJ) and Netherhall South West: Newsome Planned entry(s) for yr 7 2019/20 are Almondbury 120,KJ 186, Netherhall 131, Newsome 183, Tota 620. You have also stated that the plans include using KJ but quite rightly state that KJ is not subject to control of Local Authority.If, as planned, the last intake of yr 7 to ACS will be 2019/2020 then the total available places will change. With an average of 160 pupils accessing school places outside the area section 2 of the proposal this shows a deficit in 2021, see figures above assuming that KJ agree to become involved and that their plans for further capacity are agreed. If king James do not agree the deficit of places is between 352 and 244.
- The PAN figure for ACS secondary provision is misleading and distorts the actual picture as they no longer admit the children who fed into the school from All Hallows in KS2 as they continue at All Hallows until the age of 11 years the true figure that should be relied upon is 50 children less than the 120 quoted. Homes in Lepton/Fenay Bridge area 1050 Means an additional average 21 secondary pupils per year group attending King James School, plus 12 secondary pupils per year group from the developments in Kirkheaton. There will be 33 additional primary places required, from the homes in Lelton or year grouo and 18 primary places per year grouo for Kirkheaton, plus additional places for secondary pupils from the development off bank end Lane, Almondbury at both primary and secondary. Additionally houses are now being planned to be built in Huddersfield town centre, which forms part of the Newsome Ward, so presumably any children living in these planned homes will be living in the catchment for Newsome Secondary, so I therefore question whether there will be sufficient places in the future as you are currently predicting!
- I do not believe the Council has proved this is the case and I understand in any event that despite the department's best efforts, 72 children are being admitted to ACS September 2019. This is the current number of children unable to find school places elsewhere. In the future while a decline in pupil numbers is predicted as I have already mentioned in my earlier email there is only one year when the figure dip

**Representation states that the proposal does not give information about school curriculum.**

- May I ask what the council propose to do about the fact that pupils learn Spanish from year 3 in a very popular and high attaining subject, yet those pupils are to be sent to Newsome High School where Spanish is not taught?

**Representation states that the proposal to change the catchment area is not clear.**

- I'm also concerned about the changing of the priority admission area - again there are no clear assurances that King James school have been accepting of this change to assure Almondbury residents that their children will be able to attend school within their village as they can right now

### OFFICER COMMENT:

It is important to acknowledge the praise and passion parents have for Almondbury Community School and its staff, revealed through responses to the non-statutory consultation and in the representation period. However, the school remains in a difficult position regarding the number of pupils in the secondary stage and the impact this has on viability and quality of the education offer due to the limitations of only being able to offer a very narrow curriculum choice. The recent Ofsted judgement of Special Measures means the school is eligible for intervention, and the usual course of action is by becoming an Academy, sponsored by a Multi Academy Trust. For Almondbury Community School this is not possible under the current form of the school, due to viability and lack of foreseeable opportunities for this position to change. By making a change to the upper age range, and removing the secondary phase of the school would enable the primary phase to become a sponsored academy, thereby retaining provision locally. The current circumstances described are outside the control of the council and there remain very limited options.

The limited breadth of the curriculum which can be offered because of the current pupil numbers in the secondary stage at Almondbury Community School is unfair to the children. It adversely affects their performance and their pathways and future opportunity. This situation therefore does not appropriately support educational outcomes and diversity of provision which can be offered by other local schools now and into the future.

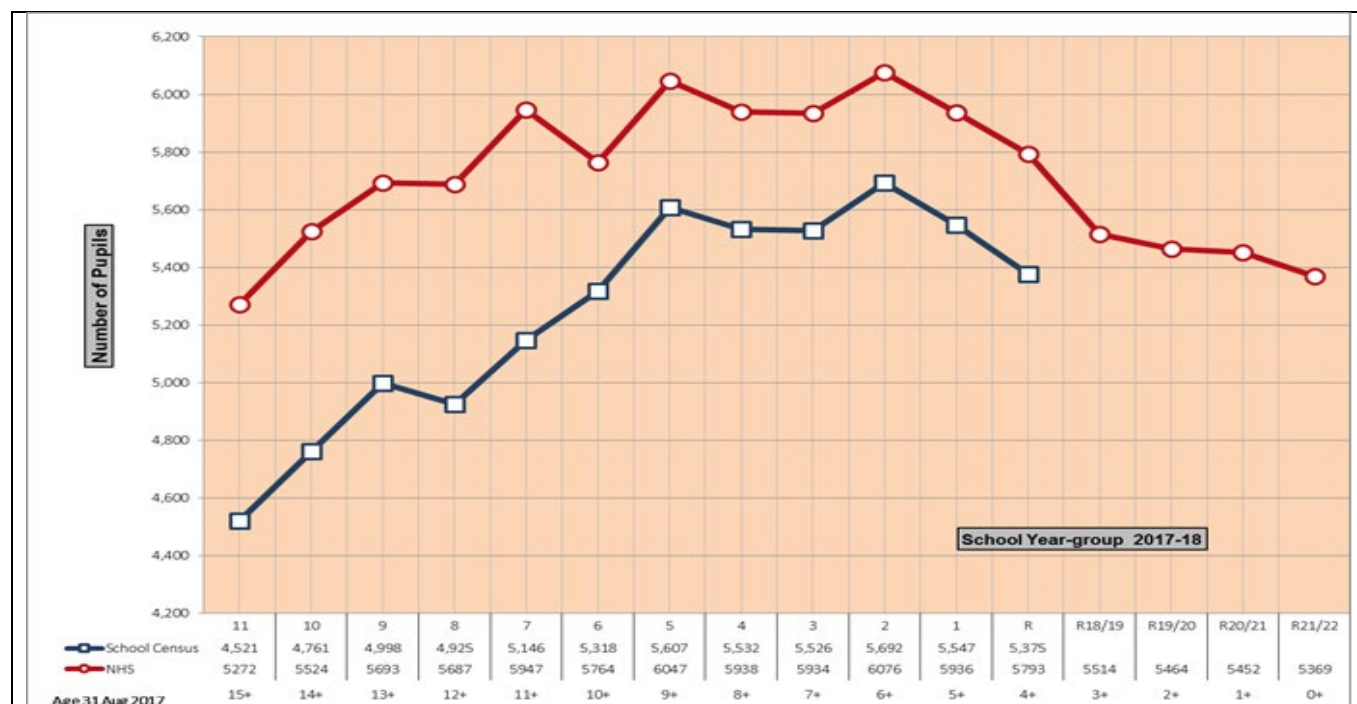
Intensive support and improvement activity is already being provided to Almondbury Community School to ensure the best possible educational outcomes for existing pupils in these challenging circumstances. Experienced school leadership has been brokered and an Interim Executive Board is governing the school. For the pupils currently on roll it is imperative that this would continue to be available to ensure the planning for transition is appropriately resourced.

Questions have been raised through representations about the sufficiency of secondary school places evidence. One illustration which was included discounted all 186 places per year group being offered currently by King James's School for which there is no reasonable rationale. Other representations highlighted the planned house building in the Kirklees Local Plan. Whilst significant house building is expected this will be over a the 15 year period of the Local Plan and will therefore provide no more than gradual impact on the viability challenges experienced by Almondbury Community School and the evidence presented associated with sufficiency of school places. A significant factor is the evidence of a declining population and this extends beyond the modelling below to 2026. Although there are geographical variations, house building will help to counter the decline in child population rather than present a challenge to the sufficiency of places. There is a widespread decline in the primary phase and future reception cohorts which will form future secondary school cohorts within the local plan period as illustrated in the following graph:

**Year Group Numbers 2017-18 – NHS Data and Kirklees School Pupil Census**



## Appendix 7 - Factors to be considered in decision making



Sources: NHS GP registration data February 2018 - Kirklees Public Health

Kirklees School Census January 2018 – Information Unit, Directorate of Children's Services

The above graph also illustrates a difference between child population and the number of mainstream school places accessed (school census). This is due to a number of factors including those accessing education in non-mainstream provision, private schools and those elective home educated. For Huddersfield South and East alone this represents on average 39 secondary phase pupils per year. This provides an additional cushion to modelling provided below and the basic need for school places.

Beyond Huddersfield South & East and South West there is also evidence of population decline in other areas where many parents living in the Huddersfield South & East and South West currently preference a place such as Holme Valley, Honley and Meltham. Here, Year 7 cohorts drop from an average of 457 in 2019 and 2018 to an average of 337 in 2025 and 2026. This will provide an increased opportunity for parents to secure a place in popular secondary schools in these areas.

Ultimately this proposal does not restrict the opportunity to expand places in the future in good quality viable schools to continue to ensure there are sufficient places should this be needed.

It is recognised that transitional arrangements will need a different approach, with the creation of some additional temporary places by working in partnership with other local schools. The use of the Almondbury Community School Key Stage 3 and 4 building is likely to continue for a period of time to support these temporary arrangements. This will help to guarantee that no pupil is left without a school place.

### **RATIONALE FOR THE PROPOSALS:**

This proposal is intended to improve outcomes for children. By taking a strategic approach Kirklees Council wants to ensure that sufficient secondary school places are available in Huddersfield South East and South West and maximise opportunities to;

- Offer high quality and inclusive education and diversity of provision to all

## Appendix 7 - Factors to be considered in decision making

- Provide a breadth of curriculum offer that enables young people to have access to the widest opportunities to fulfil their aspirations and ambitions
- Be financially viable and therefore have future security
- Promote equality of opportunity
- Strengthen community cohesion
- Use sustainable travel and transport for school

### Sufficient places

Almondbury Community School is in the secondary planning area of 'Huddersfield South & East and Kirkheaton'. The adjacent secondary planning area of 'Huddersfield South West (Newsome only)' is particularly relevant in the assessment of sufficient secondary places. The schools and number of available places per year group are detailed in the table below;

Planning Area	School Name	Y7 PAN 2019/20 by school
Huddersfield South & East and Kirkheaton	Almondbury Community School	120
	King James's School	186
	Netherhall Learning Campus High School	131
	Total	437
Huddersfield South West	Newsome High School and Sports College	183
	Total (Newsome only)	183
Overall number of places available each year group across both planning areas		620

PAN – Planned Admission Number

The table below shows the child population resident in the 2 planning areas in each year group for Year 7 to Year 11 and future Year 7 cohorts from September 2019 to September 2026, based on NHS population data February 2018.

Pupils resident in	Future secondary school age pupils							Secondary school age					
	Y7 2026	Y7 2025	Y7 2024	Y7 2023	Y7 2022	Y7 2021	Y7 2020	Y7 2019	Y7 2018	Y8 2018	Y9 2018	Y10 2018	Y11 2018
Planning area													
Huddersfield South East and Kirkheaton	473	436	490	501	492	519	478	499	488	554	463	450	467
Huddersfield South West (Newsome only)	148	122	131	149	136	147	135	153	110	140	113	129	126
Total pupils resident across both planning areas	621	558	621	650	628	666	613	652	598	694	576	579	602

Across these secondary planning areas, a significant number of children are accessing school places outside the area where they live;

- On average around a quarter of secondary age pupils are attending schools outside the planning areas (i.e. on average 160 pupils per year group)

Therefore, this impacts upon the number of children who are on roll at the schools in the planning area, meaning some schools have unfilled places. Given the size of schools in surrounding areas, future child population cohorts and longstanding patterns of parental choice this position is not expected to change significantly.

## Appendix 7 - Factors to be considered in decision making

At present, a total of approximately 300 pupils attend the secondary phase of Almondbury Community School (which covers Year 7 to Year 11) and this means half of the available places are not taken.

In summary, approval of this proposal would result in 500 secondary places being offered in these planning areas. With on average 160 pupils accessing school places outside the area there would be sufficient places to accommodate the expected future population cohorts which average 622 per year between 2020 and 2026 resulting in an average of 38 surplus places per year.

This proposal is not dependent upon the creation of additional places at other schools either within or beyond the planning area. The Local Authority is of the view that if the proposal is implemented it will remain able to meet its duty to ensure that there are sufficient school places for secondary education in the area without the need to create extra places.

The Local Authority is working with local secondary schools to explore the opportunity for a small increase in places to enable greater parental choice and meet any future demand resulting from new housing developments.

Under transitional arrangements for existing pupils from September 2020, additional transitional places would be made available working in partnership with other local schools. The use of the Almondbury Community School Key Stage 3 and 4 building is likely to continue for a period of time to support these temporary arrangements. This will help to guarantee that no pupil is left without a school place.

### Education Standards

To offer breadth at Key Stage 4 a school needs a combination of enough pupils, and a range of teachers able to teach the specialisms.

Most small schools will be able to offer the Ebacc (English, mathematics, science, Modern Foreign Languages and history/geography) because these subjects are taught at Key Stage 3 and therefore there it is possible for the subjects to be taught by specialist staff.

Other subjects such as art, music, dance, design technology are not large subjects at KS3 and can also be quite specialist and therefore less likely to feature in the KS4 offer.

The subjects that are just at KS4 are for the same reason unlikely to be offered, such as, business, health and social care, sociology, graphics, psychology, law and BTECs in a range of subjects etc.

It is widely accepted that to be able to run a reasonable KS4 offer there would need to be around 120 pupils in a year group at KS4.

At ACS this academic year there were 50 pupils in Y11. This results in ACS offering just the Ebacc and one or two set options at KS4, where larger schools are in a position to offer more options from a much larger pool of subjects to pupils.

The current ACS model is unaffordable and unfair to the children. It adversely affects their performance and their pathways and future opportunity. This is not our aspiration for our young people.

The school is operating at less than 50% full, and so this impacts upon the amount of funding that is generated.

Across the wider Huddersfield South West and South East area there are more places available than there are young people. Even when more houses are built, which has been considered in the context of the local plan, there will still be far more places than will be

## Appendix 7 - Factors to be considered in decision making

needed. For Almondbury Community School, this is its single biggest challenge. Parents who live in the school's catchment area are able to preference and get a place at other schools and this is what has been happening for a number of years.

### EQUAL OPPORTUNITY ISSUES

*The decision-maker must comply with the Public Sector Equality Duty (PSED) , which requires them to have 'due regard' to the need to:*

- eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;*
- advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it: and*
- foster good relations between people who share a relevant protected characteristic and people who do not share it.*

### SUMMARY OF REPRESENTATIONS

**Representation state that the proposal will disadvantage SEN pupils**

- The school has helped loads of students who suffer with learning disabilities and anxiety
- My daughter started going to this school 3 months ago and the school has been excellent at accommodating her with her ADHD. Most schools avoid children with these sort of issues to look better on statistics so there are very few schools that can help give the help required to allow all children to learn.
- My child is smart and thriving within the school reaching targets and has amazing friendship circle! As a child of dual heritage she has never faced any form of racism or attacks!

### OFFICER COMMENT:

It is acknowledged that a number of parents have shared positive experiences of the support provided by Almondbury Community School for children with a range of additional needs through the consultation and representation periods.

The Council is committed to supporting children and their families who have additional needs. Personalised support will be made available, provided by appropriately experienced staff, during a transition period to ensure the needs of pupils continue to be met through transition.

Additional support for the emotional wellbeing of pupils has emerged as a theme in the responses to the consultation and the representation stage. All staff at Almondbury Community School have been trained to be vigilant for any causes for concern around safeguarding or emotional well-being. There are wider pastoral support systems in place to ensure pupils receive the support they need including, one to one conversations and advice, alternative arrangements for unstructured time, access to 'time out' as needed, signposting to external support from agencies and services. Parents are contacted and included in the support for the pupil as appropriate. The LA is providing additional support to the school where it is needed on an individual basis.

## Appendix 7 - Factors to be considered in decision making

The council has also listened to the feedback from parents about communication and as a result is now working with the school to text information to parents and signposting them to the school and/or council website rather than sending letters home with pupils.

### **RATIONALE FOR THE PROPOSALS:**

The LA have undertaken an Equality Impact Assessment (EIA) and continue to review this.

A revised EIA (to be published prior to a final decision) will include the following:

It is intended that this proposal would create more equality of opportunity. The current limited breadth of the curriculum which can be offered because of the pupil numbers in the secondary stage at Almondbury Community School is unfair to the children. It adversely affects their performance and their pathways and future opportunity. This situation therefore does not appropriately support educational outcomes and diversity of provision which can be offered by other local school now and into the future

Parents expressed concerns about the impact of uncertainty and transition including the current emotional wellbeing of a number of pupils. The LA have therefore confirmed the support mechanisms available to pupils from the school and agreed to provide additional support where required on an individual basis

Intensive support is already being provided to Almondbury Community School to ensure the best possible educational outcomes for pupils in these challenging circumstances. It is expected that intensive support will continue to be available to support existing pupils and the schools who may provide support for them during a transitional period.

Pupils with Special Educational Needs and Disabilities (SEND) will need specific support with transitional arrangements. Pupils (currently 6 in year 6 to 10) in the secondary phase of the school who have an Education Health and Care Plan (EHCP) will receive personalised support identified in a similar way to the annual review process as required. To mitigate negative impact the LA will work with families with EHCP plans to carefully plan transition.

Subject to approval of the proposals, further time would be taken to carefully plan any transition, working with parents, pupils and other local schools. Personalised support will be available where needed. A specific focus will be specialist support for children with additional needs to ensure successful transition (54 children in years 6 to 10 receive some form of SEND support)

A negative impact on some staff cannot be ruled out. There will need to be ongoing discussions to mitigate the impact on individual Staff in the secondary phase. Human Resources staff would need to work with school leaders at the school regarding any revision to structures should they be required. Following this, consultation would need to be held with staff and recognised Trade Unions. The Council would support staff wellbeing and work alongside staff, trade unions and other schools to look at how to access other opportunities. If the proposals are approved, other schools in the area will be increasing their pupil numbers and would need additional staff

### **COMMUNITY COHESION**

## Appendix 7 - Factors to be considered in decision making

*Schools have a key 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 groups within the community.*

### REPRESENTATIONS:

**Representations state that the proposal will have a negative impact on the Almondbury Community**

- Almondbury is a village which needs a community school which serves as a hub for the whole community; closing it and sending pupils to schools outside will effectively fracture the already fragile community.
- This is the biggest building in Almondbury.
- Are you aware of the impact this is having on the local community?
- I am also very concerned at the damage these proposals are causing to the community
- If the school closes it will have a massive negative effect on not just the children who go there but also the community as a whole. You will be ripping the heart out of the village and the effects of this can only have catastrophic consequences for the poor children it effects and the wider community
- Why should a large village like Almondbury face all these closures? Do the people proposing them not realise that they are destroying the heritage of the village: This is what has been closed or is under threat. Almondbury Junior School, Almondbury High (Community) School, 2 public houses, facilities at Southfield Road park - i.e. tennis courts and crazy golf. Almondbury Library has closed recently and the nearby Tolson Museum is under threat. The government is saying that austerity is nearing an end, so stop these closures.
- Staff and pupils may come and go, but there is nowhere in Huddersfield that has the family atmosphere of this school and by breaking this up, you are failing the children of Huddersfield.
- This is a School at the heart of the Community
- impact of changes upon the future use of the site and options for use of the site/ buildings.
- What will happen to the school site is also of concern
- The KS1/2 provision will continue on the Greenside site but that leaves a rather large building unoccupied in the village. It would be a waste of resources not to use it so what are the plans for it as well as for the assets within it eg the library books and other equipment? There is a sports centre on the site which was shared with the local community which would also be lost once the school closes. Additionally the swimming pool is used by other schools and providers for swimming lessons. If the school is closed who will open and close up this site securely for the swimming pool or will it too close? This would be a loss to the community. There is a risk of it just being opened for swimming that as no-one else is on site you will get vandals etc entering the site.
- It's a fantastic site, great playing fields, great gym and swimming facilities that other members of the community also enjoy the use of. Plus it's the local school and our children get to walk there and interact with their friends- that's what it's all about- gaining that independence and confidence within the confines of what's local, safe and familiar.
- By removing the High school age range, the buildings would only be housing the Junior school age range. These buildings would be too big for just the Junior school so how long before they are moved into smaller premises. This would then leave the buildings empty and the site unused.
- concerns about the proposed 3-11 school. It appears that the plan is to use the Greenside Centre in its current form. I do not believe that the building is currently adequate for the



## Appendix 7 - Factors to be considered in decision making

pupil numbers and year groups involved, and I have not seen any mention of capital expenditure to address this. I am not sure that there has been any consideration of the issues of accommodating the older learners in a building designed for only those up to key stage one.

**Representation state that increase at King James's school would have an impact on traffic and crime in the area.**

concerns about student safety as well as impact at several levels on the community immediately surrounding school with the proposed increased student intake at King James School proposed under your options document.

### OFFICER COMMENT:

The proposal is not to close the school, it is to lower the age range of the school so that a primary school continues to be available within the community. There is another high school in Almondbury, King James' School. Beyond the provision of a primary school there have been no decisions about the future use of the remaining site and buildings. It is however recognised importance of the swimming and sports facilities which exist on site.

Opportunities to support community cohesion will continue to be considered in the planning for transition.

### RATIONALE FOR THE PROPOSALS:

The proposed prescribed alteration would retain a primary school in Almondbury.

If the proposals are agreed, transitional support would be an important element to limit any risk with cohesion. As implementation is planned for September 2020, there is sufficient time to work with families and other schools to carefully plan for transition. This would involve a high level of personalised support for families. In response to parent's views through consultation periods and conversations with local schools, any pupil movement will, wherever possible, be carefully planned and will be for groups of pupils. This would support the retention of friendship and wider support groups to help transition and integration.

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other. In the future there are positive opportunities for local secondary schools to work together for the Almondbury Community.

## TRAVEL AND ACCESSIBILITY

*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.*

*A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.*

### SUMMARY OF REPRESENTATIONS

**Representation state the proposal would have a negative impact on travel.**

- Newsome School is over 2 miles away. Even further for those in the village. It is too far to

## Appendix 7 - Factors to be considered in decision making

walk to/from every day, not a very safe route, and there are no direct buses. While I drive (many don't), I also work full time. Newsome School is a 20 minute diversion from my commute and no-one to pick her up after school.

- Simple questions have not been answered for example: school bus provision from Almondbury to Newsome so parents and pupils are not assured of either pupil safety or forward planning.
- Even if I could consider Newsome High School, right now I just can't get her to the school in a morning or collect her when school finishes which rules this forced choice out for me!
- If the secondary phase of the school is to shut i have no way of getting 2 children to 2 different schools in 2 different parts of Huddersfield at the same time , i don't drive either so this would make things very difficult for our family, the fact that our schools cover all ages makes a massive difference to families with more than 1 child , as they can be collected and dropped off in the same place.
- especially as you deem it appropriate for children to travel up to 3 miles and 2 buses to attend a secondary school.
- The council has not shown how it can transport pupils to the other schools in the area if they cannot attend ACS
- I also dont drive so I'd have no way to get my boys to school as i cant really trust them to get there on their own especially if king James is full and Newsome is too far away.
- I find it very unreasonable to close the school as the staff there are amazing and without the school we would struggle to find one that is as local to us as ACS. Most local schools are at capacity except newsome which to me is not an option as its 3.3 miles from our location. I would not want my daughter travelling this distance twice a day by herself.
- We are strongly opposed to the closure of Almondbury Community School on the grounds of increased school related traffic in Sharp Lane (where we reside); more pupils at King James' will of course, mean more 'school run traffic' which is already a safety issue. It is only a matter of time before there is a serious road traffic collision. As residents of Sharp Lane for over 25yrs we have seen a huge increase in school run traffic, especially from 08:15 to 08:45hrs ( it would appear children no longer walk to school?!). There is a constant stream of cars passing our home, many travelling far faster than the (supposed) 30mph. Along with this, there are regular 'near misses' as vehicles attempt to exit the junction of Arkenley Lane to Sharp Lane which has very limited visibility for drivers; it is best described as a blind junction. The 'noise nuisance' aspect of this convoy of traffic is most unpleasant, and should not be ignored. We urge you to take the time to visit Sharp Lane at 'peak school run times' to experience this issue, and then appreciate why we are wholly opposed to the closure of Almondbury Community School.
- LA sets out their argument of educational standards except with their suggestion for using Newsome High school. This is classified by Ofsted as requires improvement.
- What health & safety review and impact analysis has been done with regards to the infrastructure and community/ residents of St Helens Gate, St Helens Fold, Dark Lane, St James Court, Birks Lane, Arkenley Lane, Sharp Lane, Grasscroft and Fenay Lane (i.e. all roads that will be affected) if a further 150+ students from Almondbury are put on roll at KJS? St Helens Gate is seriously overloaded at school times. Dark Lane does not have a footpath and the footpath to and from Grasscroft is crumbling and not maintained. What actions do the council propose to stop children being injured on their way to KJS? What actions will the council and the police take about the dangerous parking at the top of St Helen's Gate to ensure safety of drivers and pedestrians as there will be increased 'traffic' as result of these proposals. Due to the significant impact of the proposal with specific regard to transfer of students to King James School on the infrastructure and community/ residents around the school (St Helens Gate, St Helens Fold, Dark Lane, St James Court, Birks Lane, Arkenley Lane, Sharp Lane, Grasscroft and Fenay Lane (i.e. all roads that will be affected))



## Appendix 7 - Factors to be considered in decision making

- The tool used in the Local Plan to assess sufficient places at schools was based on distance to nearest school, taking the spare places at Newsome into account, this then defeats the assessment used in the Local Plan and makes a total nonsense of the Local Plan! Some children in the Almondbury area are no doubt unable to travel to Newsome School by car, it is too far to walk, they will therefore have to resort to catching two buses each way to school.
- I would urge the council to encourage KJS to welcome the change to its PAA. In practice many local Almondbury children do attend KJS already. Children living within the proposed PAA will tend to walk to school - there isn't an environmental cost of them being driven to other schools further away or using buses.
- I have 3 children in acs from September 2019 the school is in walking distance from home I know my children will be safe getting to school and back if this school stays open.
- The increase in danger to student due to increased journey times. Many students will face lengthy journey times, on foot to alternative schools. Transport links to the alternatives offered are inadequate.

### OFFICER COMMENT:

The proposed prescribed alteration would retain a primary school in Almondbury and secondary provision within a reasonable distance.

A distance of up to three miles is normally considered to be a reasonable distance for a secondary school place. If the proposal is agreed there will remain one or more school(s) within this distance for all families living in the current secondary school catchment area of Almondbury Community School.

For illustration purposes, the distance from the current Almondbury Community School site to King James' School is approximately 0.6 miles, to Netherhall Learning Campus is approximately 1.2 miles and to Newsome High School is approximately 2.2 miles.

Kirklees Council has a school transport policy which provides a free bus pass to pupils where their nearest school with a place is more than 3 miles from their home address. The distance is reduced to 2 miles for families with a low income.

Further support will be considered during the detailed planning for transition where required to meet the specific need of a family.

This proposal is not dependent upon the expansion of places in other local school other than those needed for transitional arrangement. The continued use of the Almondbury Community School site is likely to continue for a period of time to support these temporary arrangements. This will help to guarantee that no pupil is left without a school place.

Significant building work to expand a school would be subject to other decision making processes including a formal planning process.

### RATIONALE FOR THE PROPOSALS:

The proposal is planned to be implemented on 1<sup>st</sup> September 2020. On this date the secondary phase would no longer exist at Almondbury Community School. Therefore from 31<sup>st</sup> August 2020 all pupils (Y7 to Y10) would transfer from the roll of Almondbury Community School to another local secondary school (Y8-11).

## Appendix 7 - Factors to be considered in decision making

- **Year 11** pupils (current Year 10) would remain on the Fernside Avenue site to finish their GCSE courses with their GCSE course staff wherever possible.
- **Year 10** pupils (current Year 9) would be given the opportunity to express a preference for transfer to another school with places. Pupils would be able to remain on the Fernside Avenue site for the academic year to July 2020, during which transition would be carefully planned for them to finish their GCSE courses at another local school.
- **Year 9** pupils (current Year 8) would be given the opportunity to express a preference for transfer to another school with places. Pupils would be able to remain on the Fernside Avenue site for the academic year to July 2020, during which transition would be carefully planned for them to finish their Key Stage 3 and Key Stage 4 studies at another local school.
- **Year 8** pupils (current Year 7) would be given the opportunity to express a preference for transfer to another school with places. Pupils would be able to remain on the Fernside Avenue site for the academic year to July 2020, during which transition would be carefully planned for them to finish their Key Stage 3 and Key Stage 4 studies at another local school.
- There would be an admission of **11 year old (Year 7)** pupils to Almondbury Community School –. Pupils would be able to remain on the Fernside Avenue site for the academic year to July 2020, during which transition would be carefully planned for them to consolidate their Year 7 learning and finish their Key Stage 3 and Key Stage 4 studies at another local school.

Wherever possible, displaced pupils would be encouraged to walk or cycle to the alternative schools. Personalised planning for transition will explore options with families to take account of individual circumstances.

### FUNDING

*The decision-maker should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. Trustees of the school, diocese or relevant diocesan board) have given their agreement. A proposal **cannot** be approved conditionally upon funding being made available.*

*Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available: nor can any allocation “in principle” be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.*

### SUMMARY OF REPRESENTATIONS

#### Representation stated that proposal did not give information about finances

- Due diligence, which should have considered the financial implications involved with the closure of ACS, had not been done, or if it had, it was not made available at the meeting. The only consideration raised repeatedly at the meeting, was how much it would cost to continue with the school
- As I am lead to believe it seems to be a financial must in Kirklees eyes to close the secondary phase at ACS but the cost of the children's education and wellbeing doesn't seem to come into account

## Appendix 7 - Factors to be considered in decision making

- It is a relatively short time since considerable money was invested in reorganising the school and it has simply not been given the opportunity or time to grow and develop into a thriving successful establishment. There are excellent facilities at ACS and it is shameful that councillors can choose to ignore the many positives and focus only on the negatives.
- The council will still be paying the contract on the school buildings for the next 15 years no matter what happens with this decision. The council has been unable to supply the statistics, to the people who have asked for them, to prove their financial case. Given the time restrictions the council has been unable to provide the cost of building improvements to carry out the closure plan and demonstrate a cost/benefit analysis for the council
- Key Decision Is it likely to result in spending or saving £250 K or more or to have a significant effect on two or more electoral wards answer yes Have the council not a more exact figure or decide if it is +£250K or -£250K?
- Project costs and indication of how these will be met, including hoe long-term value for money will be achieved This is the section where the LA has FAILED to answer. There is no explanation of how the costs will be met, what long-term value there is: Cabinet meeting dated 29th May agenda 9 stated that it was likely to result in spending or saving £250K or more but no mention on the current PFI for the school
- I understand that the council are paying about £650,000 a year to the management company and there is 15 or so years to run on the PPP contract.( £650k x 15 = £9.75million). How will you fill that gap? However it also seems that according to information supplied at the time of the proposed extension to All Hallows that the cost would only be £3m to get out of the PFI contract. What is the actual cost?
- The latest proposal to remove the High school age range from the site seems outrageous. Not only does it undo all the hard work already carried out but it also makes a mockery of the previous investment such a short time ago. Agree to such a huge investment knowing full well that it would all change again a few years later. This is a waste of public funds at a time when councils are making more and more cuts to services.
- I do not think the full costs associated with this proposal have been fully made clear, especially in regard to the closure of the senior years, outstanding PFI payments and the additional cost to be incurred at the alternative schools

### **Representations questioned funding for Staffing.**

- As part of the transition mentioned in the proposal are the council planning to allow teachers from Netherhall, Newsome and KJ to use ACS to teach pupils. If so will the funding for the pupils be paid to Netherhall, Newsome and KJ. This will result in a greater deficit. On the question of finance the cabinet meeting 19<sup>th</sup> March (purpose of report: To seek approval to undertake a non-statutory consultation about future options for Almondbury Community School in the context of wider basic need for school places across Huddersfield South East and South West)considered the following agenda items which were signed by the Strategic Director, Service Director (Finance) and Service Director for Legal Governance and Commissioning.

### **Representation stated that that proposal does not take into account extra costs.**

- Nothing in the proposal covered the potential extra costs to be covered by parents in extra uniform costs, travel costs.

### **OFFICER COMMENT:**

Schools are funded through the Dedicated Schools Grant by a national funding formula, predominantly driven by pupil numbers. There is very limited flexibility to change this locally.

As a result Almondbury Community School is currently operating with a deficit budget due to

## Appendix 7 - Factors to be considered in decision making

low pupil numbers. At the end of the financial year (18/19) the school had a deficit budget of around half a million pounds. Doing nothing, would see this deficit continue to increase with projected pupil numbers not anticipated to increase.

Short-term contingency funding can be made available from the Dedicated Schools Grant and re-organisation budgets to support the transitional arrangements associated with the proposals. The exact cost of transitional arrangements cannot be accurately determined due to the many variables but council is committed to providing support for the best possible educational outcomes for the existing pupils of Almondbury Community School. The school funding formula will ensure that the funding follows the children however additional revenue costs may include:

- Additional staffing costs to manage reducing numbers of pupil
- Additional staffing costs to support pupils settle into a new school
- Additional leadership and other resources to plan for and manage transition
- Additional resources to engage with parents to ensure they are involved in planning transition and additional support for their family circumstances where appropriate
- Support with the cost of uniforms where a change of school occurs in a planned way
- After taking account of creative opportunities for staff, any required severance costs
- Additional building costs

In this context it is important to consider the requirement for a relatively short-term investment in highly supportive transitional arrangements alongside the alternative option of the indefinite inability to return a balanced budget under the current structure of Almondbury Community School. Without additional pupils attending the school, not enough funding is generated to cover the costs of being able to provide the current limited curriculum. Therefore if the current deficit was to continue over a 4 year period for example it would be value for money to invest £2m in transitional arrangements.

The cost associated with the Private Finance Initiative (PFI) on the Almondbury Community School site is part of a contract of 19 school in Kirklees which runs until 2033. There is a cost to all schools associated with their building which includes heat, light, cleaning and other planned and reactive maintenance cost. Schools with PFI sites contribute to their share of the PFI contract which includes many of the building costs paid separately by other schools. The contract payment also includes an element of borrowing costs relating to the original PFI capital investment, lifecycle costs required to maintain the asset, and insurance. Subject to the proposal, consolidation in the KS1 building and a future Academy conversion an appropriate proportion of the PFI contract cost will be recalculated and passed to Almondbury Community School as a primary academy. There are options relating to the remaining parts of the contract costs associated with the secondary school and KS2 buildings which will be the subject of future decision making for the council. These could include:

- continued contributions to the cost of the contract while the secondary phase remains operational
- contribution to the cost of the contract by other building users where applicable and/or an alternative whole building custodian (subject to an alternative use being agreed)
- 'moth balling' sections of the building in order to significantly reduce contract costs associated with facilities management services.

The 2018/19 annual charges paid under the PFI are as follows:

- Almondbury High - £1,030,000
- Greenside I & N - £248,726

## Appendix 7 - Factors to be considered in decision making

The estimated capital debt outstanding for the ACS site is £2.3M

Further details will be made available to aid decision makers

### **RATIONALE FOR THE PROPOSALS:**

The annual Dedicated Schools Grant (DSG) allocation that the Council receives from Government can only be spent on education and would fund the recurrent revenue implications of the changes being proposed.

The proposals are intended to bring long-term sustainability of provision for primary-age children in the area traditionally served by Almondbury Community School (ACS) and for other primary and secondary schools in Almondbury and the wider Huddersfield South East / South West planning areas.

There would also be a range of one-off revenue costs associated with delivering the proposed changes to provision. Existing DSG-funded budgets would be deployed first to absorb the revenue costs insofar as is possible but it is anticipated that some input from the Council would be required.

The existing buildings that house ACS are part of a Private Finance Initiative (PFI) contract. No decision has been made about the future use of the whole site. Should the proposals go ahead, ACS would consolidate in the Key Stage 1 building retaining an appropriate proportion of the PFI costs for the facilities in its use.

The future of the Key Stage 2, 3 and 4 school building would be considered after a final decision is made. The building would be required for at least one academic year. However, it is recognised that the site, including the pool facility, is important to the community and there are options that would be considered for alternative educational use. The PFI contract is ultimately a Council liability but the amount of liability is dependent upon decisions about its use in the future when it is no longer required for the current pupils of the school.

Should the proposals go ahead, some modest capital investment would be required to the Key Stage 1 building to ensure it is fit for purpose as a primary school, for example, ensuring personal hygiene facilities were age appropriate. This would be met using Council resources

### **RIGHTS OF APPEAL AGAINST A DECISION**

*The following bodies may appeal to the Schools Adjudicator against a decision made by the LA decision-makers, within four weeks of the decision being made:*

- The local Church of England diocese;*
- The local Roman Catholic diocese; and*
- The governors and trustees of a foundation, foundation special or voluntary school that is subjected to the proposal.*

*On receipt of any appeal, a LA decision-maker must then send the proposal, representations received and the reasons for their decision to the Schools Adjudicator within one week of receipt. There is no right of appeal on determinations made by the Schools Adjudicator.*

### **REPRESENTATIONS:**

### **OFFICER COMMENT:**

### **RATIONALE FOR THE PROPOSALS:**

## Appendix 7 - Factors to be considered in decision making

### IMPLEMENTATION

*The proposer must implement a proposal in the form that it was approved, taking into account any modification made by the decision-maker*

**REPRESENTATIONS:**

**OFFICER COMMENT:**

**RATIONALE FOR THE PROPOSALS:**

### MODIFICATION POST DETERMINATION

*Proposers can seek modifications from the decision-maker before the approved implementation date. However, proposals cannot be modified to the extent that new proposals are substituted for those that have been published.*

*Details of the modification must be published on the website where the original proposal were published.*

**REPRESENTATIONS:**

**OFFICER COMMENT:**

**RATIONALE FOR THE PROPOSALS:**

### REVOCATION OF PROPOSALS

*If the proposer no longer wants to implement an approved proposal, they must publish a revocation proposal to be relieved of the duty to implement, as set out in the Prescribed Alterations Regulations.*

**REPRESENTATIONS:**

**OFFICER COMMENT:**

**RATIONALE FOR THE PROPOSALS:**

### LAND AND BUILDINGS

*Where a LA is required to provide a site for a foundation, foundation special or voluntary controlled school, the LA must;*

- Transfer their interest in the site and in any buildings in on the site which are to form part of the school's premises to the trustees of the school, to be held by them on trust for the purposes of the school: or*
- If the school has no trustees, to the GB, to be held by the body for the purposes of the school.*

*In the case of a dispute as to the person to whom the LA is required to make the transfer, the adjudicator will make a decision.*

**REPRESENTATIONS:**

**OFFICER COMMENT:**

**RATIONALE FOR THE PROPOSALS:**

### VOLUNTARY AIDED SCHOOLS

*Where a LA is required to provide a site for a voluntary aided school, they must transfer their interest in the land to the trustees of the school, and must pay the reasonable costs to the GB in connection with the transfer.*

**REPRESENTATIONS:**

**OFFICER COMMENT:**

## Appendix 7 - Factors to be considered in decision making

### RATIONALE FOR THE PROPOSALS:

#### SCHOOL PREMISES AND PLAYING FIELDS

*Under the School Premises (England) Regulations 2012, all schools maintained by local authorities 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.*

**REPRESENTATIONS:** none

**OFFICER COMMENT:** n/a

#### RATIONALE FOR THE PROPOSALS:

Subject to the proposal, consolidation in the existing KS1 building and a future Academy conversion, an appropriate proportion of school premises and playing fields will form part of the required long term lease to the appointed Multi Academy Trust for Almondbury Community School as a primary academy. This will ensure that suitable outdoor space is available in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

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# Understanding our impact on our communities and workforce

Equality Impact Assessment (EIA)  
guidance and template

## EIA STAGE 2 – FURTHER ASSESSMENT AND ACTION PLAN

- ✓ The purpose of this further assessment is to help you consider how you will:
  - avoid, reduce or minimise negative impact
  - promote equality of opportunity
  - foster good relations between people who share a protected characteristic and those who do not

for proposals/activities that have been assessed as potentially having a negative impact on communities/protected characteristic groups.

- ✓ Considering what you will do to help address the above is your responsibility as a service and the Stage 2 EIA will help you to think this through. If you need expert advice (e.g. from Legal or HR) then this is available, but this process is ultimately about empowering you as a service to better understand and meet the needs of local people.

- ✓ Please provide the reference to your stage 1 assessment, to then complete sections

A) Further evidence and consultation with key stakeholders

B) Action planning

C) Publishing your EIA

<b>Directorate:</b>	<b>Senior officer responsible for service/policy:</b>
<b>Children &amp; Young People</b>	Jo-Anne Sanders
<b>Service:</b>	<b>Lead officer responsible for this EIA:</b>
Education Places & Access	Martin Wilby
<b>Specific service area/policy:</b>	<b>Date of EIA (Stage 1):</b>
<b>School Organisation and Planning Team</b>	5/7/2019
<b>EIA (Stage 1) reference number:</b>	<b>Date of EIA (Stage 2):</b>
190608 Stage 2 Future options for Almondbury Community School	5/7/2019

## A) Further evidence and consultation with employees, residents and any other stakeholders

As part of your Stage 1 EIA you identified evidence/intelligence you had available to support your assessment of the impact of your proposal on different groups.

**Stage 2 is different to Stage 1. It is a live process that needs to be your companion throughout the whole of the proposal considerations.**

At Stage 2 you need to document the evidence you **already have** to show you have undertaken consultation. You also need to document what you are **planning to do too**. This section needs to be regularly updated when you have completed a piece of consultation activity. This helps to support the work you are doing to understand the impact of your proposals.

CONSULTATION WITH KEY STAKEHOLDERS				COMPLETE THIS DETAIL WHEN YOU HAVE DONE YOUR CONSULTATION	
REF No.	Which key stakeholders have you/are you consulted/ing with?	Why have you/are you consulted/ing them (or not?) and what were you/are you looking to find out?	How did you/are you planning to consult them? Date and method of planned consultation	Actual Date of Consultation	Outcome of consultation What have you learned? Do you have actions to complete that will help mitigate any unnecessary negative impact on groups? [move to section B if you do]
1	Parents	Parents at Almondbury Community School were consulted as part of the non-statutory consultation to gather their views and opinions	<p>Parent/Carers who had children at the primary phase were invited to attend drop-in events at Almondbury Community School.</p> <p>Parent/Carers who had children in the primary and secondary phase were invited to attend an individual meeting to talk to an LA officer(s) about the proposal and their potential options</p>	27/03/2019 till 23/04/2019	<p>The LA undertook a four week non-statutory consultation with key stakeholders to gather views. This information has been collated into a detailed outcome report that highlights key themes that were raised as part of the non-statutory consultation.</p> <p>The key themes have officer commentary to</p>

		<p>Parents at All Hallows' CE(VA) Primary School, Lowerhouses CE(VC) J I and EY School, Dalton Junior Infant and Nursery School and Moldgreen Community Primary School were consulted as part of the non-statutory consultation to gather their views and opinions.</p> <p>Parents at Netherhall Learning Campus High School, Newsome High School and King James's School were consulted as part of the non-statutory consultation to gather their views and opinions.</p>	<p>Parent/Carers were invited to a drop-in event at Almondbury Community School.</p> <p>A letter was sent to parents via the school with link to the non-statutory consultation.</p>		<p>answer questions raised as part of non-statutory consultation.</p> <p>A negative impact for some members of staff cannot be ruled out. During the non-statutory consultation staff were consulted and further engagement will take place to continue to identify opportunities to mitigate against negative impact and the equalities impact assessment will remain under review.</p>
2	Parents of children who have been allocated a School place at Almondbury Community School for September 2019	Parents who have been allocated a place at the School for September 2019 were consulted as part of the non-statutory consultation to gather their views and opinions.	<p>Individual letters were sent to parents to inform them of the LA proposal.</p> <p>Each parent/carer was invited to attend an individual meeting to talk to an LA officer(s) about the proposal and their potential options.</p>	27/03/2019 till 23/04/2019	<p>Cabinet on the 29 May 2019 approved to move to the next stage for a decision</p> <p><a href="#">Cabinet report</a></p>
3	Staff	All staff at the school were consulted as part of the non-statutory consultation to gather their views and opinions.	Staff were invited to attend a staff meeting at the school on 11/04/2019	27/03/2019 till 23/04/2019	
4	Ward Members	Engage with ward members to seek their views and opinions.	Almondbury ward, Newsome ward, Kirkburton ward members were sent links to the online consultation.	27/03/2019 till 23/04/2019	
5	Local community	To seek views of local community about the proposal.	Consultation documents were sent to local libraries.	27/03/2019 till 23/04/2019	

6	Neighbouring schools	Local schools in the area were consulted.	Email and letter was sent out with the link to the online non-statutory consultation	27/03/2019 till 23/04/2019	
7	Early years providers in the area	Engagement with early year's providers including private day nurseries and child minders.	Copies of the non-statutory consultation document were sent out widely to early years providers in the Almondbury Ward	27/03/2019 till 23/04/2019	

## B) Action planning

If you identified that you needed to take further action after you consultation activity in section A, you need to now complete this action plan. It needs to include: a list of actions that you will take, what you think will be the projected outcome from doing this, record what you ended up doing, when you did this and what the actual outcome was.

Actions need to cover your next steps AND specific actions that you will need to take to help mitigate the impact against protected groups that is being identified through your consultation.

**THIS IS A LIVE PLAN – YOU WILL NEED TO REVIEW & CONTINUE TO UPDATE IT**

EIA - ACTION PLAN			Complete this section when you have actually carried out some actions		
REF.No [from section A]	What actions are you going to do as a result of carrying out your consultation?	What do you think these actions will achieve? Will they mitigate any adverse impact on protected groups? Will they foster good relations between people? Will they promote equality of opportunity?	What did you actually do?	When did you do this?	What was the actual outcome? Have you mitigated any negative impact? Have you ensured good relations exist? Have you promoted equality of opportunity?

1	<p>On 29 May 2019 Cabinet approved to move to the next stage of the process.</p> <p>The School Organisation and Planning Team have followed a process set out by law. Kirklees Local Authority has had due regard to legislation and followed the statutory process in respect of these proposals.</p> <p>Statutory notice were published in Huddersfield Examiner on 7 June 2019. Statutory notices and Full notices were available on the Kirklees School Organisation and Planning Team website.</p> <p>Key Stakeholders were informed.</p> <p>During the four week representation the LA received 51 of representations.</p> <p>Parents expressed concerns about the impact of uncertainty and transition including the current emotional wellbeing of a number of pupils. The LA have therefore confirmed the support mechanisms available to pupils from the school and</p>	<p>It is intended that this proposal would create more equality of opportunity. The current limited breadth of the curriculum which can be offered because of the pupil numbers in the secondary stage at Almondbury Community School is unfair to the children. It adversely affects their performance and their pathways and future opportunity. This situation therefore does not appropriately support educational outcomes and diversity of provision which can be offered by other local school now and into the future</p> <p>Intensive support is already being provided to Almondbury Community School to ensure the best possible educational outcomes for pupils in these challenging circumstances. It is expected that intensive support will continue to be available to support existing pupils and the schools who may provide support for them during a transitional period</p>	<p>The LA Published statutory notice to change the upper age range of Almondbury community School from age 3 –16 years to age 3 – 11 years</p> <p>Commissioned Carr Manor School to provide the necessary support to ensure the best possible educational outcomes Almondbury Community School for pupils.</p>	<p>Statutory process started on 7<sup>th</sup> June 2019 until 4<sup>th</sup> July 2019</p>	<p>In order to mitigate any negative impacts of these proposals and to ensure good relations with affected parents:</p> <p>The LA officers will engage with key stakeholders and further action plans will emerge from the engagement.</p> <p>Officers will continue to communicate with parents</p> <p>The LA will work closely with the Local Schools to ensure transition is well managed.</p>
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	<p>agreed to provide additional support where required on an individual basis</p> <p>Subject to approval of the proposals, further time would be taken to carefully plan any transition, working with parents, pupils and other local schools. Personalised support will be available where needed. A specific focus will be specialist support for children with additional needs to ensure successful transition (54 children in years 6 to 10 receive some form of SEND support)</p>				
3	Staff in the secondary phase	Ongoing discussions to mitigate impact on individual Staff in the secondary phase			<p>Human Resources staff would need to work with school leaders at the school regarding any revision to structures should they be required. Following this, consultation would need to be held with staff and recognised Trade Unions. The Council would support staff wellbeing and work alongside staff, trade unions and other schools to look at how to access other opportunities. If the proposals</p>

					are approved, other schools in the area will be increasing their pupil numbers and would need additional staff
1	<p>Pupils with Special Educational Needs and Disabilities (SEND) will need specific support with transitional arrangements</p> <p>Pupils (currently 6 in year 6 to 10) in the secondary phase of the school who have an Education Health and Care Plan (EHCP) will receive personalised support identified in a similar way to the annual review process as required.</p>				<p>To mitigate negative impact the LA will work with families with EHCP plans to carefully plan transition.</p>



## **C)Publishing Your EIA**

ALL Equality Impact Assessments must be published. They are public documents. As you update your EIA, you will need to re-publish this to show the changes you are making. This will allow stakeholders in your proposal to be more informed and talk to you in a more knowledgeable way about your proposal.

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## **Appendix 9**

### **Representation R1**

Year 11 pupils (current Year 10) would remain on the Fernside Avenue site to finish their GCSE courses with their GCSE course staff wherever possible

What does "wherever possible" mean? If you have teachers left to teach that subject or a different supply teachers coming through out the year.

Or none of the above.

It's very clear I can't move my child (currently yr10) to other local schools as they are full and the one that isn't has a different curriculum!

We need clarification before July 4th this is total madness. Am shouting help. I have no idea what to do best for my kids education and their wellbeing which has been affected. Cabinet has messed them about twice now, best start in their life/education yer right. No questions are being answered again. Being open and providing guidance is what's needed to support the families and children.

What do we get as an answer... Nothing has been decided yet.

I have 3 at ACS currently yrs 5,8 and 10.

All I want is a yes it's closing (I'll crack on and find them new schools) or no it's not and pick up the pieces and get them back learning to the grades they were getting before this shambles.

You can not run schools like a business its young people and their future that your dealing with.  
Bums on seats =£

Messed about kids =messed up adults with mental health problems.

### **Representation R2**

Need to keep the school open. I oppose to the changes you want to make. The children need to come first. It is their future that is important.

### **Representation R3**

I object strongly to these proposals as the other secondary schools cannot cope with any increased numbers in their year groups.

### **Representation R4**

We as parents strongly oppose the closure of secondary stage at A C S

### **Representation R5**

My name is \_\_\_\_\_ and I would like to go on record to register my disappointment on the closure of Almondbury Community School (ACS). My connection to ACS is that my daughter is currently a year 10 pupil and my other children have all been educated at the former Almondbury High School.

The reason I am stating the 'closure' of ACS, is because throughout the alleged consultation, there has been nothing but negative information put before the public and it is clear that Kirklees council are desperate to close the school. I and others believe the decision has already been made, and

therefore the consultation is a sham. At no time has there been any feedback from the council to suggest any other options may be considered for the school.

I was embarrassed to witness the recent Kirklees Cabinet meeting which was streamed live locally to consider the school and the closure. The spokespeople for Kirklees were ill prepared and had clearly not done proper preparation for the meeting.

Due diligence, which should have considered the financial implications involved with the closure of ACS, had not been done, or if it had, it was not made available at the meeting. The only consideration raised repeatedly at the meeting, was how much it would cost to continue with the school. Clearly those people chairing the meeting had either not considered the substantial cost of closure, or those costs were known, but deliberately kept from the public. Either option smacks of sloppy preparation or a determination to present a biased point of view.

I cannot remember a single positive thing that was said about ACS by the council spokespeople, and I can't remember promises made by them to look at and consider any of the many alternatives put forward at the meeting by the people of Almondbury.

Shame on you Kirklees. The people of Almondbury deserve better.

### **Representation R6**

Looking at the latest notice it sounds like you plan for all kids currently in the High School to get places at Newsome and that this covers the council's obligation to provide places. It also appears to be a plan to make Newsome more resilient, as that school has suffered falling numbers due to poor results and reputation causing parents to send their kids elsewhere (similar to ACS).

It sounds like King James are not working with you to create more places or even that the catchment area would be definitely changed to include Almondbury kids. Please can you confirm/clarify/explain?

Can you let me know how you would make this work please? Newsome school is over 2 miles away. Even further for those in the village. It is too far to walk to/from every day, not a very safe route, and there are no direct buses. While I drive (many don't), I also work full time. Newsome school is a 20 minute diversion from my commute and no-one to pick her up after school.

It also leaves the area short of 150 places as it relies on some parents sending their kids to schools outside the area. What if they didn't? While parents are favouring Honley and Shelley schools because of their better results, if KJS was again the best performing that parents want to get their kids to, and if Newsome stop the leak of kids from its own PAA, then there would not be enough school places. Is this right?

I am also very concerned at the damage these proposals are causing to the community and that little attention appears to be being paid to the psychological impact this is having on the kids and parents now.

I do understand that tough decisions need to be made but there must be a better way to provide good local high school provision.

### **Representation R7**

I am a mum of two children currently at A.C.S , I have 1 ready to start junior, and 1 to start secondary in September. Since coming back to huddersfield 4 yrs ago, my children attended NLC school for 2 yrs and suffered non stop bullying day in day out , so we moved on to almondbury community school and straight away I saw a rapid change in both my children and also in myself as I

suffer from depression and separation anxiety. The 2 years of stress and unhappiness and got to us all.

They settled in their new classes from day 1 , went to school happy and came home telling happy stories, they wanted to go to school, looked forward to the next day. So I was happy I'd found a school that met all my children's need in every way , also I wasn't as anxious about my children been at school.

I am a single parent, with no family around me and no friends due to my anxiety/depression so if the secondary phase of the school is to shut i have no way of getting 2 children to 2 different schools in 2 different parts of huddersfield at the same time , i dont drive either so this would make things very difficult for our family, the fact that our schools cover all ages makes a massive difference to families with more than 1 child , as they can be collected and dropped off in the same place.

Also my daughter has started to worry about where she will end up, at such a crucial time in her education.

My only problem is that there is a few named schools around huddersfield in the same situation as A.C.S been given time and help to improve, but we haven't been supported at all, this decision was handled wrong from the first letter that was sent home with pupils, its rushed and no concrete evidence has been put to us as to why this is happening, so my only option IF the secondary school closes is to home school my children, together in a safe environment.

Thanks for reading this.

### **Representation R8**

I am contacting you in respect to the proposed closure of Almondbury Community School.

I wish to OBJECT to this proposal in the strongest manner i can.

If the school closes it will have a massive negative effect on not just the children who go there but also the community as a whole.

You will be ripping the heart out of the village and the effects of this can only have catastrophic consequences for the poor children it effects and the wider community.

### **Representation R9**

Dear Sirs,

I am writing to express my deepest concern at the propsed plan to cut the secondary provision at Slmondbury Community School. It is my view that the pupils currently attending the school simply cannot get the same quality of education and support that they receive in any other setting.

The school has a unique atmosphere and ethos, the like of which I have not seen anywhere else, despite teaching in, volunteering in and offering classes in other local schools. In fact the school motto "Together We Achieve" has never been more embedded in a school's ethos. The staff, pupils and parents pull together and the support for individuals - whether a pupil with additional needs or a member of staff having a bad day - is second to none.

I am appalled at the treatment of this school by the council. Not once, but twice in recent years have they disrupted the education of the Almondbury pupils to meet their own ends. The proposal to merge the junior and secondary provision met with fierce opposition from parents, who, despite a mojority vote against the move, were ignored. It says a lot about the quality of staff and support at ACS therefore, that those same parents, are fighting against the new proposal to close the secondary

provision - they have witnessed the good that the school has done for their children who are all happy and settled until you ruin that again.

The council did not adequately support the Through School to succeed in the first place. The staffing structure cut any "unnecessary" roles and left the pastoral staff struggling to provide the level of support they aimed for. The high turnover of staff in that area should have indicated that support was needed. This support was requested and denied on numerous occasions. How ironic, that even more money is currently being paid out to agency behaviour workers in the wake of the media circus in November. This could have been avoided with a lower spend on permanent support staff.

Then, on the back of this incident which could quite easily have happened in any number of British schools, but which unfortunately went viral, Kirklees saw the opportunity to leap on their chance to close the school, as I suspect has been their intention for years now. It was a convenient excuse. The speed of the consultation process and run down towards closure has been shocking. The staff have been treated appallingly. They found out about the proposals by reading the letter addressed to parents from the council. Small wonder that several have seen jobs advertised at other schools and are now leaving.

This leaves the school in another difficult position, which plays straight into the council's hands - potentially not enough specialist staff to populate the timetable.

May I ask what the council propose to do about the fact that pupils learn Spanish from year 3 in a very popular and high attaining subject, yet those pupils are to be sent to Newsome High School where Spanish is not taught?

The moving of catchment areas could have addressed the issue of falling rolls at ACS, but Kirklees have only seen fit to alter boundaries to benefit other schools.

The situation saddens me deeply. I was very happy working for Kirklees at this school, and the plight of the children currently being shoved around upsets me. The council has not offered the support it should have to a school in difficulty - in fact it could be argued that the difficulties were caused by the actions of Kirklees. You have let them down badly. Staff and pupils may come and go, but there is nowhere in Huddersfield that has the family atmosphere of this school and by breaking this up, you are failing the children of Huddersfield.

I beg you to reconsider.

Sincerely,

### **Representation R10**

My children go to Almondbury community school i have 1 in year 10 going into year 11, 1 in year 9 going into year 10 and 1 in year 3 going into year 4.

My girls love their school and the wonderful staff and i really object to it closing down 😞

### **Representation R11**

I would like to register an objection to the proposal to change the age range for Almondbury Community School.

Jo-Anne Sanders once emailed me saying (about Almondbury Junior School) that the closing of that school was for the benefit of the children and would secure their education for the long term.

The policy for the Junior School was wrong as the same children are now facing another move.

Many parents felt lied to by Ms Sanders during the Junior School closure as her department would not admit that the proposals were about finance.

Jo-Anne and her team cannot be trusted to see very far ahead, as proved by the wrong policy over the Junior School.

It may well be that in only a few years, that the Almondbury High School ( Community School) will be needed again.

Why should a large village like Almondbury face all these closures. Do the people proposing them not realise that they are destroying the heritage of the village: This is what has been closed or is under threat. Almondbury Junior School, Almondbury High (Community) School, 2 public houses, facilities at Southfield Road park - i.e. tennis courts and crazy golf. Almondbury Library has closed recently and the nearby Tolson Museum is under threat.

The government is saying that austerity is nearing an end, so stop these closures.

### **Representation R12**

Please do not close this school. This is the biggest building in Almondbury. It can be made into a great school like it used to be when I first started working there. The teachers are fantastic and work towards the children's education and their exams. We have had the misfortune of the past events to put our school down. But other schools have had events happen in the past and survived with help. I believe our school can work its way back to the top again. Our children want to come and learn and thrive at this school. Please keep us open for our children and future children, for the parents and for the remarkable staff. They love and want our children to learn and it is their vocation. We all work together for our kids always.

### **Representation R13**

Dear Sirs

I am the father of a pupil in the current year 7 of Almondbury community school, this email is to highlight my absolute disappointment in Kirklees education department.

As I am led to believe it seems to be a financial must in Kirklees eyes to close the secondary phase at ACS but the cost of the children's education and wellbeing doesn't seem to come into account.

On the first day the closure was suggested I had to console my daughter telling her all will be fine don't worry, then in a one to one consolation Kirklees representatives also told my daughter everything will be fine (again more lies) as now I have a child that is suffering from anxiety and has started to bite her nails when we discuss school. I am sure this isn't the intention of Kirklees but a 12 year old that loves the

school she is at and is now having her entire education ripped from under her feet with no support from Kirklees is now being told her second option of school is full (King James) with no plans to add school places and is now sat on a waiting list with 100s of other pupils in fact the only nearby (not even local) school that has space is a school that has exactly the same Ofsted rating as Almondbury community school (Newsome high school).

Questions need to be answered for all eventualities if the school closes where are you going to put the pupils?

Are Kirklees going to give the pupils the support now not after the consultation periods?

Are you aware of the impact this is having on the local community?

Most importantly is my daughter going to get to go to a school of her choice and not be forced to go to wherever Kirklees can fit her as this whole scenario is Kirklees doing and the children are the ones that have to suffer.

If you would like to talk to me regarding any of the matters above or if you have any information so far please feel free to call me on the following number.

## **Representation R14**

To whom it may concern  
Re: Proposed Closure of ACS

I am writing to formally record my opposition to the proposed closure of the senior section of ACS. My reasons are listed below:

- 1) The current situation in the school is due to poor and ineffective leadership. Although Ofsted judged it to be inadequate, with good support and effective leadership this could be reversed. If we are to believe the article in the Examiner this is exactly what is happening in Newsome HS.
- 2) Currently numbers are low but again this could be remedied if the council focussed on the many positive aspects of the school; there are departments which are very good and have received national awards to mark their success. When Rawthorpe HS was in a similar position it restructured and became the Netherhall Learning Campus; again good leadership and management played a vital role in its improvement.
- 3) There is a massive building programme planned in the nearby areas and this will result in a great increase in demand for school places; where will these children go?
- 4) King James Academy is one of the schools which is expected to take in additional pupils; this school is woefully inadequate for the 21st century and is already housing pupils in portable classrooms. The campus is very poor compared with the excellent location of ACS. In the past Kirklees Council recognised this and proposed to close King James and amalgamate the two schools on the ACS site; hence the school seeking academy status so that it was taken out of local authority control and therefore protected from closure.
- 5) Almondbury is a village which needs a community school which serves as a hub for the whole community; closing it and sending pupils to schools outside will effectively fracture the already fragile community.
- 6) The increased focus on mental health, personal development and well-being is being ignored by Kirklees Councillors who do not appear to care at all about the young people involved. It seems they cannot see beyond the current difficulties and choose to take the easy way out as well as the cheapest and simply close it.
- 7) It is a relatively short time since considerable money was invested in reorganising the school and it has simply not been given the opportunity or time to grow and develop into a thriving successful establishment. There are excellent facilities at ACS and it is shameful that councillors can choose to ignore the many positives and focus only on the negatives.
- 8) Given time, good leadership and support, as in Newsome HS, this school could thrive again.

I am not a parent or member of staff but I am fiercely opposed to its closure and urge the councillors to reconsider before it's too late.

## **Representation R15**

Hello,

I am writing to object to this proposal based on that no other options have been considered and that the only high school with capacity for places at this time is Newsome High School, which is also rated inadequate by Ofsted and that parents/children have been offered no other choice.

Kind regards,

## **Representation R16**

To whom it may concern,



I would like to give my objections to the proposed changes to Almondbury Community School.

Whilst I can appreciate that pupil numbers across Kirklees have fallen and are predicted to continue to fall, this proposal is moving far too quickly for the existing pupils in the school.

With the current pace of decision making, there will be several year groups that are effectively left with no consistent teaching provision for key stages of their learning as there are no spaces in nearby schools.

I understand there is a great push for pupils to attend Newsome High School however it seems very strange to move pupils from one school in special measures to another school in special measures. As yet, simple questions have not been answered for example: school bus provision from Almondbury to Newsome so parents and pupils are not assured of either pupil safety or forward planning.

King James is not in any position to accept pupils for the foreseeable future and too much emphasis is being placed on their planning permission being granted and an additional 50 pupil places being created in accordance with new classrooms being built. As yet, this permission has not been granted and certainly questions the processes involved if it is known now by Kirklees that this application will be granted.

I'm also concerned about the changing of the priority admission area - again there are no clear assurances that King James school have been accepting of this change to assure Almondbury residents that their children will be able to attend school within their village as they can right now.

I have a child in Year 6 currently that I would like to see settled when she starts Year 7. I'm disappointed that I can't give her that assurance - even if I could consider Newsome High School, right now I just can't get her to the school in a morning or collect her when school finishes which rules this forced choice out for me!

I have serious concerns about the staff levels remaining at Almondbury Community School. I can understand teachers leaving the school at the moment, they have careers and require job stability however what teaching staff will be available in September 2019? How can high standards of teaching be assured to those pupils that are left in Almondbury Community School at this time?

The decisions so far have been so rushed through with no apparent thought for the near future of these students that I'm really concerned that the projected plans have really not been considered.

I also have a child in Year 4. Her class teacher has been absent for 3 weeks now. This week, they have a 3rd supply teacher. If this absence can't be covered consistently, it really does make me question how assurances can be given to parents and pupils within the high school that long term (contracted?) teaching staff will be supplied for the remaining time left at the school.

Whilst we are constantly told no decisions have yet been made, I'm afraid that the processes are being rushed through to the point that pupils are being moved as quickly as parents can manage to other schools to allow for them to settle and staff are already looking now to guarantee their own continued employment!

If this whole process had been slowed down, with better and more considerate communications, perhaps we wouldn't be in the position where many parents feel all they can say is No, because we simply do not have enough reassurances and future planning.

Kind Regards,

## **Representation R17**

Dear Director of Children's Service

Re: Closure of Almondbury Community School.

I am writing to you to express my concern about the education of my son, who is currently in Year 10 at Almondbury Community School and is about to go in to Year 11.

My concern are regarding the level and standard of teaching that he will receive in the final year of his education at the school. Already he has been told that many of the teachers are leaving the school at the end of this academic year.

He is keen to do well at school and has high aspirations and cannot afford to get high grades if he is to fulfil his dream of going to one of the best universities.

My questions are:

Can you guarantee that the replacement teachers that will be appointed will be of a high calibre?

Will the local Further Education collage take into account the disruption of the year at ACS suffered by pupils in Year 10 and even more disruption next year in year 11?

Parent

### **Representation R18**

We would like to know if any mental health professionals were consulted before the decision to close ACS was made?

I have printed a small part of the evidence based research what I found - anxiety, ptsd, stress

Also what support is being offered to the children of ACS for their mental well being

Are you aware that some of the children's mh is already deteriorating?+affecting sleep

: stress

: low mood

: anxiety

: change in behaviour

: my daughters friend has been sad since the proposals & last week she said she wanted to be with her dad & sister who passed away last year

She's started self harming now

The headteacher asked out loud if students had concerns last week Obviously children are too embarrassed to speak up in front of everyone so said nothing. They need to give each student an anonymous form to complete in private

Are you aware that KJS can not accommodate more pupils although they plan to build more classrooms?

I was given information on why KJS couldn't go one over pan last September, when my daughters appeal was rejected, due to health & safety reasons Including old small corridors, inadequate dining facilities & no social areas

I want to know if KJS are also planning on widening corridors & extending their dining facilities?

Kids take their siblings to school. This will impact parents jobs as they won't be able to do this anymore

If ACS was to shut who is going to be responsible for buying a whole new uniform & covering travel costs?

### **Representation R19**

I like my school so much please don't shut it I love hanging with my friends and being taught by some of the best teachers ever i am a pupil of almondbury school I'm 13 and I am in year8

### **Representation R20**

Hi I am a mum of 5 and 3 of my children go to acs my oldest daughter is 10 and is due to start high school in September 2020 she loves acs and doesn't not want to have to move schools all her friends

go to acs which is a very good school no matter what people say my children love the school it is put of our community closing the high school would be a great lose to our community there is new familys moving into Almondbury who have older children closing the high school is a bad idea instead you should be working with the school to make it better and use it as an overflow for other schools which are all full and can't take no more children please think about this carefully the school has helped loads of students who suffer with learning disabilities and anxiety closing the school would mean your putting extra pressure on our children and it is upsetting them your not thinking about them your thinking about yourselfs help our school don't close it

### **Representation R21**

Hi I am 10 years old and I'm in year 5 at acs I love this school I really don't want it to close all the teachers are amazing and I love coming to school here I really don't want to have to move schools and be separated from my younger sister who is in year 3 all my friends come to acs I find it hard to make friends so moving schools and being separated from my friends is a scary thought I've have only been at acs for 3 years and in that time I have become less shy I'm a hard worker i would like the school to stay open so I can still be close to my younger sisters and my friends having to move schools would disrupt my education please think of us students at acs and what you are putting us through my little sister in year 3 has adhd and I look out for her and help her at play time and dinner time if you close the school and I have to move to a different school it will set her back as well as me please think about us and help our school we love it and really don't want it to close

### **Representation R22**

To Whom it may Caoncern

I am the mother of a 16 year old pupil from ACS who has just finished her GCSEs. I have nothing but praise for the school which has given my daughter an excellent education and has made her into a well-rounded human being who I know. like many of the pupils from the school will be an asset to society. I was a Governor at ACS for four years and am well aware of the strengths and development needs of the school. Like all schools it will never be perfect and has its issues, one of which was the result of a high ratio of pupils expelled from other schools taking up places at the under-subscribed ACS, a state of affairs that was continually brought to the attention of the local authority by the head teacher and governing body of the school and which was never adequately addressed

Primarily, I am writing to you to protest the proposed closure of Almondbury Community School. My objections are as follows:

The area is well-populated and needs a school for local children to attend.

The proposed schools for resettlement of years 7-11 from ACS are unsuitable. King James' is already overcrowded and Newsome High is a considerable distance from Almondbury.

The proposed closure seems to have come at the end of a series of events which I feel have not been adequately addressed by the local authority, namely the decision to allow All Hallows to extend its provision to years 3-6 (a move which was bound to have a detrimental effect on pupil numbers at ACS); the bullying incident which went viral on Social Media last November and served to damage the reputation of the school; the subsequent, unannounced Ofsted inspection which took place the next working day after the the fallout from the viral video. This inspection was carried out on a school whose staff and students were already traumatised by the bizarre events following the video going viral and resulted in the regrading of ACS as 'inadequate', this then lead to the call for the school to close.

I would appreciate if you could answer my concerns.

Faithfully yours

### **Representation R23**

With regards to your statutory notice.

Your department has precided over poor decision making and management decisions regarding changes to Almondbury Community school, occasionally with disregard to policy let alone parents. I am apalled at the the lack of RSC engagement, the poor timing of events (within weeks of admission announcements), and the lack of answers to questions posed by the poor consultation either in person or the document. You failed to meet a request for an open group consultation. Individual Subject Matter Experts at the 1-2-1 consultation were both poorly briefed and unable to answer questions. They were more interested at finding out alternative school choices.

With the proposal itself;

I still struggle to see the short term benefit against a back drop of housing expansion across Kirklees in line with recently announced LDF especially as you deem it appropriate for children to travel up to 3 miles and 2 buses to attend a secondary school.

With King James School seemingly constrained by size, location and access, and over subscribed (helped by your decision making and catchment areas) questions have been posed by several parties about engaging on this matter with King James to adopt a dual site/purpose academy solution. Not addressed.

You have said as part of the first stage consultation you have listened to views. There is little to no evidence of this in your updated report nor committee showing with no analysis or breakdown of consultation and responses documented other than a few bland statements. Not addressed.

I fear that the solution posed from the outset with out options fully explored or openly consulted, is merely pushing the current goverment funding constraints 'per head' around the system. Again a short term reactionary decision considering the fragile position of the current government.

From the outset you have stated this is about better educational outcomes. If this was so you would have recognised the passionate teaching, pastoral care (despite a high profile media incident (coincidence) which had been managed appropriately and not a reflection on the school we know. There appears to be no account for the fact that, through your (mis) management intervening decisions over the school through the years, the school has been a destination for struggling children with additional educational support needs. However, this has been a great advert and social education for my daughter preparing her for life in society. My daughter is happy and A1 attainment across grades with many friends in year 6.

Despite this I cannot allow for your damaging actions driving away families, children and teachers from this school, especially as she is about to enter year 7 with little hope of a stable educational environment. With this in mind, and our priviledged position, I have taken the likely decision to accept an offer for my child into Huddersfield Grammar school at great expense to ourselves. Yes, she passed her entry exams reflecting her educational attainment which is not a reflection that you and inspectors paint of the school.

### **Representation R24**

Five years ago, ACS was created following a similar consultation process asking parents their thoughts on whether schools should be merged. Over 80% of respondents said "NO". KMC ignored that result and merged the schools anyway with great promise of how this was a flagship school and great things would happen.

We have now been consulted on the closure of the High School and the overwhelming majority of respondents say "NO".

I am a parent of a pupil in year 6 who was allowed to look around secondary schools in this area and make a choice with our child for their future. A week after secondary school places were confirmed to all pupils, KMC dropped the bombshell that the future of our chosen school was at risk. Parents were not told in a sensitive manner, instead we got an open letter sent home via our children, who were understandably bewildered and concerned. This has not changed as time has gone on, indeed, their concern has deepened and as parents, we haven't been able to help them as we have not been given answers either. That is a helpless situation for us.

I personally am angry that when we visited King James, the headmaster himself highlighted how overcrowded his school already was and he specifically said if we weren't in the catchment area, we should not bother to apply for this school as it was already oversubscribed.

No-one can tell us what the actual plan is. So the majority again, I understand, have said "NO". We don't know enough to be able to say anything other than NO.

This is not looking at the best interests of these students, this is looking at how best to walk away from a school that has suffered at the expense of an ill equipped council putting in place yet another project that has no foundation and no thought beyond the initial idea.

## **Representation R25**

I write to ask for the council not to close provision for secondary pupils at Almondbury Community School.

1. The council will still be paying the contract on the school buildings for the next 15 years no matter what happens with this decision
2. The council has been unable to supply the statistics, to the people who have asked for them ,to prove their financial case.
3. It looks like that if 120 high school places are taken from this area of Kirklees there could be a shortage in the future
- 4, The authority is unable to prove it can provide enough places, on the information provided, unless the buildings in Almondbury are utilized.
5. The council has not shown how it can transport pupils to the other schools in the area if they can not attend ACS
6. The authority says there are spare places in the area the talks about building work necessary to accommodate pupils: surely a contradiction
7. The authority says it will be looking to use funds to help an academy(King James) to expand. Yet it looks as though it does not want to support ACS to become an all through academy, just a Primary Academy. That Primary Academy at the Greenside site will have to be expanded which will cost money
8. Given the time restrictions the council has been unable to provide the cost of building improvements to carry out the closure plan and demonstrate a cost/benefit analysis for the council

This has only been about money and the council have not been able to show how educational standards will be improved particularly as some of the pupils will be going from a school classed as Inadequate to another school classed as Inadequate.

I will get back in touch with further points to be considered

Kind Regards,Councillor

### **Representation R26**

My name is \_\_\_\_\_ and I have two boys who attend almondbury community school. I have 1 in year 9 who has a.d.h.d and dyspraxia. He has always struggled with school uptill year 7 when he finally started to Seattle in and he's on track for good GCSE results at the moment as they choose their options early at acs and I fear that if the school closes he won't t get any GCSE's at all as he will find it really difficult because of his medical condition and anxiety. Now my other son is in year 6 starting year 7 at acs in September he is a slow learner and needs help and as he is over weight and really tall for his age I fear the bullying will start up again if I have to move him now both my children love almondbury community school and the staff are amazing and so helpful with everything. I also dont drive so I'd have no way to get my boys to school as i cant really trust them to get there on their own especially if king James is full and Newsome is too far away and also struggling. Almondbury community could be a great school if effort was put in look at neather hall that was exactly the same if not worse but they managed to turn it around so why not almondbury community it's the heart of the community and no one wants it to shut.

### **Representation R27**

I am writing to comment and object to the planned alteration to Almondbury Community School.

My son is currently in Year 9 and joined the school in February last year, following a decision by our family to move from Newsome High School. In the time that he has being with Almondbury he has matured and developed in both his confidence and learning levels due to the support that he has received from the teachers in the school.

Following the announcement of the proposed plans, my son began to suffer from anxiety due to the uncertainty and was worried that he would have to leave the school at a fundamental time in his education mid way through his GCSE's causing him a higher risk of failing his important exams.

Due to this with a heavy heart we made the decision to move back to Newsome High school and he went on a managed move to enable him to trial this. I can now tell you that this was unsuccessful and he is back settled in the nurturing environment of Almondbury community school. In the 8 days he attended Newsome High school, 6 of these resulted in him coming home unhappy. He was unable to attend all of the classes he has started for his GCSE's such as history and computing due to them either not having the room in terms of numbers in the class or because they were near completing the first year of a 2 year BTEC course and he wouldn't be able to join now or he could do the work at home during the summer holidays to maybe be able to catch up.

Safe to say that we have experienced the consequences that can arise from the proposed changes. Children will not easily be able to transition into a new school as the council seem to think, they may not be able to continue with their choice of GCSE's due to the availability in the other schools, they will more than likely receive lower grades due to the stress and anxieties caused and many other consequences that individually affect children at the most pivotal stage of their education.

Whilst I can agree that finances are a priority and are leading the way for the decision to close the school, for myself and all other parents our children's well-being, mental health, education and Future are the priority and the proposed plans are a threat to this.

I would also like to point out that the other schools proposed to take on the students from ACS are full in terms of capacity in space and numbers.

Kind regards

### **Representation R28**

Hi,

I am writing regarding the proposal to close Almondbury community school to reduce the upper age range. My daughter started going to this school 3 months ago and the school has been excellent at accommodating her with her ADHD. Most schools avoid children with these sort of issues to look better on statistics so there are very few schools that can help give the help required to allow all children to learn. I really hope you change your mind in relation to the school range change as it will take away the safe and constructive environment she is happy in now. I believe schools should be there for all and not just the centre field students and I believe Kirklees will lose an important asset if this change happens.

Best Regards

### **Representation R29**

I am writing in response to the closure of Almondbury Community School. I object to the closure I feel this has been a rushed decision and a knee jerk reaction to an incident that occurred at the School. This is a School at the heart of the Community. The children have always come first with staff and management and good relationships have been fostered with parents who now are being railroaded into sending their children to other Schools. Great expense has been spent on Executive heads who could work to improve the School but at the moment seem to just be working towards closure, no one feels safe. I feel undue pressure is being put on staff who no longer know if they are going to have a job and because of financial security are now having to seek employment elsewhere. I feel the whole way it has been handled has been unprofessional and many parents and staff have been misled.

Yours sincerely

### **Representation R30**

Please can you reconsider closing Almondbury Community School?

All 3 of my kids go/have gone to this fantastic school and are thriving because of the quality teaching they have received here, I also live in Lepton and would be stuck in a horrible situation with siblings split over 2 schools which will make collecting them a nightmare.

### **Representation R31**

To whom it may concern

As a parent of a child in year 8 due to start year 9 in September I strongly oppose the closure of the high school.

My child is smart and thriving within the school reaching targets and has amazing friendship circle! As a child of dual heritage she has never faced any form of racism or attacks!

She is doing well within the school and has been massively effected by the threat of closure and been moved and up routed to a school away from friends and prevented from choosing her school options because of all this situation. Non of this is been done in thoughts of the children currently in the school and how they are been made to feel/effects of the unsettled decisions!

Children within the school which parents have chosen to send there are threatened with sending there children to schools we wouldn't want them to attend! Which could go against there learning structure! Cause issues and effect there learning/grades.

I would like my daughter to finish her final years there and my son to attend there in the next 2 years when he is of high school age!

Chances are your children do not attend this school and you are not living or seeing the effect this is having on our children on a day to day basis! The unsettled behaviour within the school is horrible for both children and teachers and they are currently watching teachers they have bonded with and been supported by leaving as there jobs are at risk!

If this is truly what's best for the children then listen to the parents, teachers and the children who attend the school and support them in making there school better not closing it!

Thank you

### **Representation R32**

Dear Sir/ Madam,

In respect of the proposed closure of Almondbury Community School I would like to advise you of my disagreement on this matter.

My son is currently attending this school in year 6, due to move up to the secondary phase year 7.

He is thoroughly enjoying his time at this school and is progressing extremely well academically.

Since the suggestion of closure he has become very stressed with the thought that he does not know what will happen and what school he would need to go to.

I find it very unreasonable to close the school as the staff there are amazing and without the school we would struggle to find one that is as local to us as ACS. As I understand King James is already nearly full to capacity.

I also think that the way the council has handled this proposal in respect of keeping parents updated and providing support has been unacceptable in that we are still really in the dark at this crucial time.

I can only hope for my son's sake and the other children that would like to attend the high school that the council see the error in all this and focus on improving the school instead.

Regards

### **Representation R33**

I strongly oppose the proposals to close the secondary phase at Almondbury community school

1: My daughter is happy and settled and exceeding in her subjects moving her will have a negative impact on her mental wellbeing.

2: The staff at ACS are amazing they have a wonderful ability to bring the best out of the children

3: Most local schools are at capacity except newsome which to me is not an option as its 3.3 miles from our location. I would not want my daughter travelling this distance twice a day by herself.



4: I don't think you can guarantee that my daughter will be kept in the same friends group, the ones she's known since primary and this will mentally destroy her confidence in what is an important stage of her education. She is now in year 7 and this is the time where she needs stability and a strong direction so she can focus on her education and not worry about moving schools again. The whole proposal does not take into account any of the above issues and concerns.

#### **Representation R34**

I am one of the students that attends ACS, and I, for one, don't believe it should close. I have been there all my life and I have had no problems. I am in top sets for English and maths.

The teachers in ACS are always trying their hardest to help me and other children learn. They are always there to help and believe that every child will succeed.

If the school closes then I might be separated from my friends. There is no guarantee that I will get into the same school.

Now that the proposals have been made children in my school have been experiencing anxiety, afraid of leaving friends and teachers behind. Some of these children are only 12 years old, me included. We shouldn't have to feel this way, and moving schools will only increase our anxiety.

If children move it could effect their learning as they will have new teachers and will be surrounded by new people.

Improvement should be made to ACS, you can't just give up on a school that has the potential to be great.

#### **Representation R35**

We are strongly opposed to the closure of Almondbury Community School on the grounds of increased school related traffic in Sharp Lane (where we reside); more pupils at King James' will of course, mean more 'school run traffic' which is already a safety issue. It is only a matter of time before there is a serious road traffic collision.

As residents of Sharp Lane for over 25yrs we have seen a huge increase in school run traffic, especially from 08:15 to 08:45hrs ( it would appear children no longer walk to school?!). There is a constant stream of cars passing our home, many travelling far faster than the (supposed) 30mph. Along with this, there are regular 'near misses' as vehicles attempt to exit the junction of Arkenley Lane to Sharp Lane which has very limited visibility for drivers; it is best described as a blind junction. The 'noise nuisance' aspect of this convoy of traffic is most unpleasant, and should not be ignored. We urge you to take the time to visit Sharp Lane at 'peak school run times' to experience this issue, and then appreciate why we are wholly opposed to the closure of Almondbury Community School.

Yours faithfully

#### **Representation R36**

Objection to change the upper age range of Almondbury Community School

I am the grandfather of 2 grand daughters who currently attend the school, 1 of whom will join yr 7 in September 2019 and 2 younger children whom would have joined yr 7 in 2 years from All Hallows.

The main reasons for my objection(s) are:

The proposals seem to be deficient on detail and leaves many questions to be answered which I have itemised in the second part of this objection.

Is the option to use King James's (KJ) dependable on the building of their extension

As part of the transition mentioned in the proposal are the council planning to allow teachers from Netherhall, Newsome and KJ to use ACS to teach pupils. If so will the funding for the pupils be paid to Netherhall, Newsome and KJ. This will result in a greater deficit.

On the question of finance the cabinet meeting 19<sup>th</sup> March (purpose of report: To seek approval to undertake a non-statutory consultation about future options for Almondbury Community School in the context of wider basic need for school places across Huddersfield South East and South West) considered the following agenda items which were signed by the Strategic Director, Service Director (Finance) and Service Director for Legal Governance and Commissioning.

Key Decision Is it likely to result in spending or saving £250 K or more or to have a significant effect on two or more electoral wards answer yes Have the council not a more exact figure or decide if it is +£250K or -£250K?

If the proposal to change the upper age range is passed are the council definitely going to stick to September 2020.

#### Part 2 of objection

The proposal shows that the senior schools are;

South and east and Kirkheaton: -Almondbury, King James(KJ) and Netherhall

South West: Newsome

Planned entry(s) for yr 7 2019/20 are

Almondbury	120
KJ	186
Netherhall	131
Newsome	183
Total	620

You have also stated that the plans include using KJ but quite rightly state that KJ is not subject to control of Local Authority.

If, as planned, the last intake of yr 7 to ACS will be 2019/2020 then the total available places will change. I have sent 2 different possibilities for the number of year 7 places available including the places at KJ and excluding the places at KJ.

In section 2 of your proposal you state:

This proposal is not dependent upon the creation of additional places at other schools either within or beyond the planning area. The local authority is of the view that if the proposal is implemented it will remain able to meet its duty to ensure that there are sufficient school places for secondary education in the area without the need to create extra places.

Next sentence states:

The Local Authority is working with local secondary schools to explore the opportunity for a small increase in places?

Is there a need for more places or not?

Breakdown of figures

Starting with 2020 there will be no places at Almondbury

By comparing the figures for pupils resident in planning areas (as shown on your proposal) we come to the totals in South east and Kirkheaton and South west for the years 2020 to 2026.

2020-613, 2021-666, 2022-628, 2023-650, 2024-621, 2025-558, 2026-621

Places available at schools including KJ

2020-2026 is 500

Places available excluding KJ

2020-2026 is 314

This shows a deficit of available places as;

Places available

	KJ incl	pupils	deficit	no KJ	deficit
2020	500	613	113	314	186
2021	500	666	166	314	352
2022	500	628	128	314	314
2023	500	650	150	314	336
2024	500	621	121	314	307
2025	500	558	58	314	244
2026	500	621	121	314	307

The figures are based on the statement that no extra places are needed.

With an average of 160 pupils accessing school places outside the area section 2 of the proposal this shows a deficit in 2021, see figures above assuming that KJ agree to become involved and that their plans for further capacity are agreed. If king James do not agree the deficit of places is between 352 and 244.

Unless there has been a change in the figures since 7<sup>th</sup> June or the proposal has other figures missing this seems an impossible situation.

The council leader stated at the meeting on 29<sup>th</sup> May that he was determined to fully involve the parents and to keep them informed.

When will the council officers and councillors meet this promise as getting information at the moment is lacking.

### **Representation R37**

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As part of the transition mentioned in the proposal are the council planning to allow teachers from Netherhall, Newsome and KJ to use ACS to teach pupils. If so will the funding for the pupils be paid to Netherhall, Newsome and KJ. This will result in a greater deficit.

On the question of finance the cabinet meeting 19th March (purpose of report: To seek approval to undertake a non-statutory consultation about future options for Almondbury Community School in the context of wider basic need for school places across Huddersfield South East and South West) considered the following agenda items which were signed by the Strategic Director, Service Director (Finance) and Service Director for Legal Governance and Commissioning.

Key Decision Is it likely to result in spending or saving £250 K or more or to have a significant effect on two or more electoral wards answer yes Have the council not a more exact figure or decide if it is +£250K or -£250K?

If the proposal to change the upper age range is passed are the council definitely going to stick to September 2020.

Part 2 of objection

The proposal shows that the senior schools are;

South and east and Kirkheaton: -Almondbury, King James(KJ) and Netherhall

South West: Newsome

Planned entry(s) for yr 7 2019/20 are

Almondbury	120
KJ	186
Netherhall	131
Newsome	183

Total 620

You have also stated that the plans include using KJ but quite rightly state that KJ is not subject to control of Local Authority.

If, as planned, the last intake of yr 7 to ACS will be 2019/2020 then the total available places will change. I have sent 2 different possibilities for the number of year 7 places available including the places at KJ and excluding the places at KJ.

In section 2 of your proposal you state:

This proposal is not dependent upon the creation of additional places at other schools either within or beyond the planning area. The local authority is of the view that if the proposal is implemented it will remain able to meet its duty to ensure that there are sufficient school places for secondary education in the area without the need to create extra places.

Next sentence states:

The Local Authority is working with local secondary schools to explore the opportunity for a small increase in places?

Is there a need for more places or not?

Breakdown of figures

Starting with 2020 there will be no places at Almondbury

By comparing the figures for pupils resident in planning areas (as shown on your proposal) we come to the totals in South east and Kirkheaton and South west for the years 2020 to 2026.

2020-613, 2021-666, 2022-628, 2023-650, 2024-621, 2025-558, 2026-621

Places available at schools including KJ

2020-2026 is 500

Places available excluding KJ

2020-2026 is 314

This shows a deficit of available places as;

Places available

	KJ incl	pupils	deficit	no KJ	deficit	
2020	500	613	113	314	186	
2021	500	666	166	314	352	
2022	500	628	128	314	314	
2023	500	650	150	314	336	
2024	500	621	121	314	307	
2025	500	558	58	314	244	
2026	500	621	121	314	307	

The figures are based on the statement that no extra places are needed.

With an average of 160 pupils accessing school places outside the area section 2 of the proposal this shows a deficit in 2021, see figures above assuming that KJ agree to become involved and that their

plans for further capacity are agreed. If king James do not agree the deficit of places is between 352 and 244.

Unless there has been a change in the figures since 7th June or the proposal has other figures missing this seems an impossible situation.

The council leader stated at the meeting on 29th May that he was determined to fully involve the parents and to keep them informed.

When will the council officers and councillors meet this promise as getting information at the moment is lacking.

### **Representation R38**

I would like to make an objection to the proposal on the following grounds:

Department for education making significant changes(prescribed alterations)to maintained schools dated October 2018 states:

Annex A

Information to be included in a prescribed alteration statutory proposal sets out 7 sections which the department as a minimum would expect the proposal to include.

School and LA details Covered by LA

Description of alteration and evidence of demand LA sets out lots of reasons why they want to make changes but lots of meetings and Cabinet meetings with public attendance showed total evidence of no demand

Objectives (including how the proposal would increase educational standards and parental choice LA sets out their argument of educational standards except with their suggestion for using Newsome High school. This is classified by Ofsted as requires improvement. Parental choice is not covered as 2 of the 3 options would mean much longer walking distances

The effect on other other educational institutions in the area. LA have suggested 3 schools, 1 of the schools needs more classrooms and the planning permission not yet agreed. It is an academy and no agreement with LA yet.

Project costs and indication of how these will be met, including hoe long-term value for money will be achieved This is the section where the LA has FAILED to answer.

There is no explanation of how the costs will be met, what long-term value there is: Cabinet meeting dated 29th May agenda 9 stated that it was likely to result in spending or saving £250K or more but no mention on the current PFI for the school

The 2 other sections were covered by the LA proposal.

Nothing in the proposal covered the potential extra costs to be covered by parents in extra uniform costs, travel costs.

Section 5 also states that a proposal should not extend journey times, increase transport costs or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. There is no comment from LA

## **Representation R39**

Dear Ms Sanders

Please find below comments relating to the statutory consultation regarding future options for Almondbury Community School.

As a resident of St Helen's Gate we have grave concerns about student safety as well as impact at several levels on the community immediately surrounding school with the proposed increased student intake at King James School proposed under your options document.

We have also been subject to on going criminal damage and trespass to our property over the past 15 years by KJS students which looks to worsen with a further 150 students that will mainly come by foot past our property under your proposal.

There will also be impact to the local wildlife with increased littering on the road, in our garden as well as the footpath that runs up to Grasscroft that runs behind our property.

Measures must be put in place to address these concerns.

Other questions are:

1. What is the predicted cost of the school closure?

I understand that the council are paying about £650,000 a year to the management company and there is 15 or so years to run on the PPP contract.( £650k x 15 = £9.75million). How will you fill that gap?

2. However it also seems that according to information supplied at the time of the proposed extension to All Hallows that the cost would only be £3m to get out of the PFI contract. What is the actual cost?
3. Have Officers provided the report referred to on page 11 of the public papers issued for the cabinet meeting dated 29th May 2019, on the impact of changes upon the future use of the site and options for use of the site/ buildings.
4. If not when will this be?
5. Are there any restrictions of use of the school site?
6. Not all students are academic. Has the council looked at the options of re-positioning the high school part of the Community school as one that focuses on being a secondary modern (i.e. lower level qualification / practical skills attainment)?. By being niche this could lead to higher student numbers and lower cost curriculum provision. Or develop the high school as a specialist autism focused school that will attract PPP funding?
7. The report at the 29th May cabinet meeting recommends that all AHS students are re-allocated as of September 2020. This appears to contradict the statement that a phased increase of an

additional 30 places per year at KJS leading in time to an increase of 150 students on roll. KJS is an oversubscribed, cramped school with no physical room for more students currently. KJS already uses "outside" i.e. don't use a physical room as a classroom and are oversubscribed. If KJS does not get planning permission to extend what is your plan?

8. KJS is an academy and they can set their own PAN which requires consultation. How is the council going to ensure KJS increases its PAN to meet your recommendation in the timelines of Sept 2020?
9. Have the comments and objections lodged in relation to the proposed extension of KJS been reviewed and considered as part of the proposal recommendation to move to next stage?
10. What health & safety review and impact analysis has been done with regards to the infrastructure and community/ residents of St Helens Gate, St Helens Fold, Dark Lane, St James Court, Birks Lane, Arkenley Lane, Sharp Lane, Grasscroft and Fenay Lane (i.e. all roads that will be affected) if a further 150+ students from Almondbury are put on roll at KJS?
11. St Helens Gate is seriously overloaded at school times. Dark Lane does not have a footpath and the footpath to and from Grasscroft is crumbling and not maintained. What actions do the council propose to stop children being injured on their way to KJS?
12. What actions will the council and the police take about the dangerous parking at the top of St Helen's Gate to ensure safety of drivers and pedestrians as there will be increased 'traffic' as result of these proposals.
13. Due to the significant impact of the proposal with specific regard to transfer of students to King James School on the infrastructure and community/ residents around the school (St Helens Gate, St Helens Fold, Dark Lane, St James Court, Birks Lane, Arkenley Lane, Sharp Lane, Grasscroft and Fenay Lane (i.e. all roads that will be affected)) –

why have the residents of all properties around King James School NOT been formally consulted in writing (as they received no written communication in the recent consultation phase that has now closed), as 'any other interested organisation / person that the proposer thinks are appropriate'.

Please can you kindly confirm receipt of this email.

Regards

## **Representation 40**

Good afternoon,

I would like to make the following comments in relation to the statutory proposals as follows:

I do not believe the proposals are satisfactory for all children living in the South East planning area as;

- 1.The PAN figure for ACS secondary provision is misleading and distorts the actual picture as they no longer admit the children who fed into the school from All Hallows in KS2 as they continue at All



Hallows until the age of 11 years so I believe the true figure that should be relied upon is 50 children less than the 120 quoted.

2. Looking at the table you have provided showing pupils resident in the South East planning area in Yrs 7, 8, 9, 10, and 11 in 2018, then comparing them with the current and predicted pupils resident in South East planning area, for yrs 2019, 2020, 2021, 2022, 2023, 2024, all these years show an increase in pupils across this planning area and this only dips in 2025 to 436, then increases to 473 in 2026. I would like clarification as to whether these predicted figures include additional pupils from the houses in the Local Plan, which are:

Homes in Lepton/Fenay Bridge area 1050

Means an additional average 21 secondary pupils per year group attending King James School, plus 12 secondary pupils per year group from the developments in Kirkheaton. There will be 33 additional primary places required, from the homes in Lepton or year group and 18 primary places per year group for Kirkheaton, plus additional places for secondary pupils from the development off bank end Lane, Almondbury at both primary and secondary.

3. The tool used in the Local Plan to assess sufficient places at schools was based on distance to nearest school, taking the spare places at Newsome into account, this then defeats the assessment used in the Local Plan and makes a total nonsense of the Local Plan! Some children in the Almondbury area are no doubt unable to travel to Newsome school by car, it is too far to walk, they will therefore have to resort to catching two buses each way to school. This is unacceptable, it will lengthen their school days and be more tiring for them. Additionally some of them may be carers for someone at home and this situation would make things very difficult for them. It simply isn't right or fair. Additionally houses are now being planned to be built in Huddersfield town centre, which forms part of the Newsome Ward, so presumably any children living in these planned homes will be living in the catchment for Newsome Secondary, so I therefore question whether there will be sufficient places in the future as you are currently predicting!

4. While you state a quarter of Secondary pupils are attending schools outside their area, I have spoken with the following schools who have informed me of the following:

Shelley College 360 places. Full, oversubscribed, and already has housing being built within its catchment area through the Local Plan. Pupils applying outside the area come under criteria 5 in their admissions criteria and I was informed would be highly unlikely to be offered a place, but would have to join a waiting list, furthermore the college has been inundated with enquiries since ACS proposals were published.

Moorend: is full from its own catchment, oversubscribed with 60 children on the waiting list. Children applying from outside the catchment would be at Criteria level 5 so low down the list and therefore unlikely to be admitted. Moorend is an outstanding school, so I believe this would reduce a child's chance of being admitted even more where they live outside the area.

Honley High School, is currently oversubscribed, but doesn't fill from within its catchment. Distance to school is part of the criteria used in assessing whether a child meets their admissions criteria and again a child outside the area would be low down on meeting the criteria.

The assessment tool used in the Local plan to work out school places measured distance to nearest school, so travelling to other schools to have their needs met defeats the objectivity of that test used in the LP.

Netherhall Campus wasn't brought into this until issues around enough school places caused by the Local Plan were raised. Netherhall is full, so again there are no spare places, while this may be extended in the future, what will be the cost of that?

Royds Hall Community School – rated inadequate so parents will not bother sending their children there.

Newsome is rated inadequate and needs more pupils but is 2 bus journeys away for many pupils living in the Almondbury area. Now an Academy with plenty of places to fill. The explanation for giving this academy status and not ACS was ACS doesn't have the pupil numbers. But Newsome only had a hundred or so more on roll than ACS.

I therefore feel that while that may currently be the case, it will not continue due to lots of housebuilding taking place and children outside admission areas being rated at criteria level 5 or 6, with little chance of being accepted.

Thus, the statement "Given the size of schools in the surrounding areas, future child population cohorts and longstanding patterns of parental choice, this position is not expected to change significantly", I believe this statement to be false and misleading as the pattern emerging from the schools I have spoken with shows a very different picture! Additionally no mention is made of additional children from the houses in the Local Plan! I believe therefore that there will be insufficient places for pupils in Almondbury and that as Newsome is rated inadequate, it would simply not be fair or right to close secondary provision at ACS and expect children to travel to Newsome.

Finally, I do not believe it is fair or right to expand the upper limit of numbers per class to accommodate children being admitted to ACS secondary September 2019 which I understand may be the case. I would like to receive a note of the number of pupils being admitted to ACS September 2019 Yr 7 which may be above 30 for each class and flies in the face of current Government policy if the number is more.

Finally families in Lepton are now fearful for the education of their children at King James School and are looking for alternative schools, but they are all full. Additionally some pupils entering Yr 11 at ACS this September will not have access to their usual subject teachers as I understand that all the maths, science and IT teachers have left. This is an outrageous situation for those pupils at the school who are caught up in this mess and I sincerely hope they will be given the specialist support they need in this the most crucial of years.

Please note my comments and my continued opposition to these proposals.

Kind regards,

## **Representation R41**

Decisions made in the past have contributed to the financial situation currently faced by ACS (extension of PAN for KJS in the past, extension to a KS2 provision at All Hallows) and the drop in local birthrate has not helped. It might have been possible to ride out this issue especially given the building works planned in the local area over the next few years which would have boosted local pupil numbers. However the OFSTED decision has forced everyone's hand. (I have my own views on the merits of this decision - there was no likelihood of a different decision being made after the incident hit the national press last year.) The fact remains that the financial situation of the school is unsustainable in the short term and no academy provider is likely to want to take the school as it stands. Therefore closure of KS3/4 provision is probably the only solution and one which is highly disruptive for those students who will be affected by it - current Y7 to Y9 and those currently in Y6 who will only have one year in the secondary phase before having to move on. I hope the council intend to offer good support to parents and children at this difficult time particularly those with SEND. ASC had a strong Nurture provision which is not something every secondary school has and which supported many of those young people.

I feel that the next year will be particularly hard with children remaining in school but knowing they will move on and probably moving on to other schools if the odd place becomes free during that year. All this will be disruptive for their classmates and also teachers. It will be hard to retain the staff for this next year - has any thought been given to what would be done if a key member of staff eg maths or MFL were to leave? It would be almost impossible to recruit anyone in this area of shortage with any quality for this short term period with a large risk to those sitting their GCSE in 2020. I note with approval some creative ideas here eg the suggestion that new jobs might be offered in other schools with staff remaining at ACS for the last year. Work does need to take place to reassure staff and redeploy where you can while trying to retain quality teaching for this last year. Despite the OFSTED comments there is a lot of good work going on in that school.

A PAN of 30 for the remaining KS1/2 school may not be a high enough figure. Numbers have not usually been as high as the current 60 PAN but are usually over 30. I would not like to think this lower figure would deprive a local family of a place. Current Almondbury provision is 30 at All Hallows and 60 at ACS and I think current numbers in the 2 schools are generally over 60 per year which would mean moving to a PAN of 30 wouldn't provide enough Almondbury places.

As a local resident I think it is important that Almondbury retains a KS3/4 provision for its children and young people. So if ACS has to close then the suggestion that King James is the school for most of this local area is welcomed. I would urge the council to encourage KJS to welcome the change to its PAA. In practice many local Almondbury children do attend KJS already. Children living within the proposed PAA will tend to walk to school - there isn't an environmental cost of them being driven to other schools further away or using buses.

What will happen to the school site is also of concern. The KS1/2 provision will continue on the Greenside site but that leaves a rather large building unoccupied in the village. It would be a waste of resources not to use it so what are the plans for it as well as for the assets within it eg the library books and other equipment? There is a sports centre on the site which was shared with the local community which would also be lost once the school closes. Additionally the swimming pool is used by other schools and providers for swimming lessons. If the school is closed who will open and close up this site securely for the swimming pool or will it too close? This would be a loss to the community. There is a risk of it just being opened for swimming that as no-one else is on site you will get vandals etc entering the site. I don't know whether the site on which Mulberry Bush sits is owned by them or yourselves but is there any risk that if the school closes that provision will also cease?

## **Representation R42**

Good Morning

I totally object to the 'potential' closure of the High School element at Almondbury Community School. I gave my reasons in the consultation booklet.

Both my children have attended here - my daughter is currently in year 8 so this has a massive impact on all of us. They have both been happy here and the teachers they've both been taught by couldn't do enough for them!

My daughter has already gone through the merger with Juniors into the High School site and that was traumatic enough for her. We looked around King James School and Almondbury High School at the time of choosing which one to go to and chose Almondbury hands down. We thought the council would surely do everything in their powers to bring the school back to where it should be - they wouldn't let it fail after all the money that was spent on it and all the upset and upheaval for the children. How wrong we were, given the current situation and how foolish we feel when a lot of their friends jumped ship and moved from AJS to King James at that time. We put our trust in Kirklees! The community of Almondbury needed this to work. If we'd jumped ship with the rest and chosen King James our daughter would not be facing a very uncertain future in her education now, along with the affect this will have on her mentally too!!

Almondbury has so much to offer - it's a fantastic site, great playing fields, great gym and swimming facilities that other members of the community also enjoy the use of. The school is light and airy with a good feel about it. As mentioned, the teachers have always been very accommodating in our experiences. Plus it's the local school and our children get to walk there and interact with their friends- that's what it's all about- gaining that independence and confidence within the confines of what's local, safe and familiar. If I wanted my daughter to catch a bus to a school further away from our home, I would have applied to a different school in the first place!!

Almondbury Community School should not be allowed to close.

I suspect you will have a low number of responses by email but that doesn't mean people don't care what happens to the school and their children!! On the contrary, we've been burned before with the earlier merger and are sick to the stomach with the situation we are in now. Luckily we have a few good, determined parents prepared to fight for us. Hope it will make a difference.

Regards

## **Representation R43**

My email is to object to the closure of this school. I have 3 children in acs from September 2019 the school is in walking distance from home I know my children will be safe getting to school and back if this school stays open. They have a wide range of friends here and are familiar with all the teachers I have never heard anything as daft as closing a school right in the middle of a housing estate it really isn't fair on the children and I hope it does not go ahead

#### **Representation R44**

I am writing this e-mail on protest against you closing Almondbury Community School. My daughter attends King James School which is fantastic I choose to send my daughter there as we had problems with bullies. Almondbury Community School did nothing about the situation so my daughter had her last 3 years of junior school ruined. Since you are closing Almondbury Community School down and intending to send them to King James School my daughter's anxiety has returned. I for 1 will be fighting all the way to keep Almondbury Community School open so that these bullies will not be making my daughter's life miserable again. And if you do close Almondbury Community School you will have made 2 child's mental health a hell of a lot worse than what it is.

#### **Representation R45**

Good Morning

I am emailing today to express my disappointment in Kirklees Council treatment of Almondbury children. They have been persistently let down by ineffective management. This whole fiasco started when Kirklees failed to notice that Almondbury Junior School was heading rapidly towards special measures. I noticed this when I visited the school for an open evening in October and sure enough the following April it was in special measures. If I was able to spot this in an hours visit how was this missed by school improvement?

The utter contempt that was then shown to parents when expressing concerns about the merger was disgusting. The meeting with councillors and those employed by Kirklees remains as the worst meeting I have ever attended because of the complete disregard for parental views.

Despite all that was promised for ACS to become a beacon school nothing was put in place, the same staff remained and no one was responsible for keeping a strong overview of what was happening.

Despite all this there has been no acknowledgement from Kirklees that mistakes have been made. Instead of trying to blame other schools and outside factors perhaps look inwards.

On a personal level the mismanagement and ineffective schooling has impacted on my children too many times already. One of my daughters had to have counselling after her time in ACS. They failed to deal with bullying and have such low expectations on all who attend there.

So I would urge Kirklees Council to accept that the children of Almondbury have already had to face too many poor educational outcomes compared to the rest of Kirklees. Each time Kirklees have failed to step up and provide what has been promised and left them floundering. When this has been accepted think about listening to parents and children and consider different options.

If the closure has to go ahead how will Kirklees properly and effectively support not only those who have to leave a school but also those who have chosen to move away from Almondbury because of the series of devastating experiences and now face further impact. Introducing 30 new students to settled year groups could bring negative repercussions for many. Transitions will need careful planning and a high level of support from experienced professionals such as psychologists.

Please do not further damage my children's education and mental health.

Yours sincerely

## **Representation R46**

To Director for Children's Services, Kirklees Council

I would like to register my objections to the above proposal.

I have lived in Almondbury for most of my life and attended the infant School on Fernside Avenue, the Junior School on Southfield Road and then the High School which is now the Community School on Fernside Avenue. These were not the best schools but they were good schools and they served the local community well.

In recent years we lost the Junior school on Southfield Road with the creation of the Community school being given as the reason why. A huge investment to accommodate the Junior school on the same site as the High School seems to have been a success. My daughter had to make the switch and apart from the usual worries and reservations when changing schools she settled in well.

The latest proposal to remove the High school age range from the site seems outrageous. Not only does it undo all the hard work already carried out but it also makes a mockery of the previous investment such a short time ago. I fail to understand how anyone could agree to such a huge investment knowing full well that it would all change again a few years later. This is a waste of public funds at a time when councils are making more and more cuts to services.

By removing the High school age range, the buildings would only be housing the Junior school age range. These buildings would be too big for just the Junior school so how long before they are moved into smaller premises. This would then leave the buildings empty and the site unused....is this what Kirklees Council are really trying to achieve?

The proposal is to move the children to schools which are already full.....how can this work? More investment will be required to modify existing buildings. More investment will be required for new buildings, some of which would need to be built on green belt land which would be against planning regulations. How can any of this make sense? There are so many questions which need answering.

I strongly feel that this proposal should be scrapped and the council should put its efforts into fixing the problems with ACS rather than its eventual closure. It is perfectly located with plenty of room for future expansion should the need arise and has plenty of facilities - some of which are not available at other schools in the area. With the right investment and leadership, ACS has the potential to become a good school once again. Some might say that good is not good enough, but in my opinion not every school can be the best school but every school should be allowed to be the best it can be. This can only be achieved with the support of the council...something which Kirklees council doesn't seem willing to do.

Thank you for listening.

Parent of pupil at ACS

## **Representation R47**

I'm 11 years old I am in year 6.

Please do not shut Almondbury secondary stage it is the only high school that is not too far away in my area. I love Almondbury community school it's amazing i'm moving into year 7 next year and I don't want to move to another school. I hope you find this letter and all the others like it as a reason not to shut almondbury high school.

Thank you,

### **Representation R48**

Hello,

Further to my email last night, I have a further issue I wish to raise:

DFE guidance on closing schools:

While a Local Authority can propose the closure of a maintained school, alternatively a governing body of a school can also take this step if it gives two years notice of its intention to close the school. The Governing body were I understand advised by Council to stand down. It could be said that this was to prevent the existing governing body at the time from making this proposal, so that the closure could be hastened!

Reasons for closing a maintained school could be for wider school reorganisation, meaning the school is surplus to requirements, but in the light of the information I provided in my earlier email, I do not believe the Council has proved this is the case and I understand in any event that despite the departments best efforts, 72 children are being admitted to ACS September 2019. This is the current number of children unable to find school places elsewhere. In the future while a decline in pupil numbers is predicted as I have already mentioned in my earlier email there is only one year when the figure dips.

Additionally while Netherhall may have an opportunity to expand by building additional classrooms, there will be a significant cost and those classrooms will have to be built. The numbers of children in future years is only predicted and could change. I therefore require more evidence before I am satisfied.

On March 19<sup>th</sup> I asked a question relating to whether pupil numbers from the Local Plan had been incorporated into this plan as no mention was made of them in the report to Cabinet of the 19<sup>th</sup> March. I received a vague answer which has led me to believe that at that point pupil numbers from the Local Plan had not been factored into this Plan to close secondary provision, yet it is clearly stated in DfE guidance that any closure of a school should accommodate the long term, I don't believe this issue was considered.

Finally from that same DfE guidance it states "The decision maker – L/A must be satisfied that there are sufficient places elsewhere in the local area to accommodate displaced pupils and the likely supply and future demand for places in the medium and long term. The decision maker should take into account the overall quality of alternative places in the local area and the popularity of other local schools. I do not believe the Council has satisfied this test as stated in my last email and request that ACS secondary remain open and continues to accept pupils post 2020.

Kind regards

### **Representation R49**

Dear Ms Sanders

I am writing to express my objections in respect of the statutory consultation on future options for Almondbury Community School.

My concerns include:

The main alternative school offered, King James is already crowded and fully subscribed. It will be difficult to absorb the additional proposed 150 students in a building where current student report overcrowded corridors and dining halls. This detrimental impact will affect current King James' students as well as transferring ACS students.

There are children at that school now, who would be required to move, that have settled and thrived at ACS when they did not do so at other schools. This is due to the support and skill at the school. By moving students to other schools, much of the great work that teachers at ACS have already achieved will be undone.

Students have firm, supportive friendship groups that will be broken up. This is particularly disruptive effect on these children both socially and in terms of their education.

The increase of danger to students around St Helens Gate. This is already a tight, congested area with little footpath space and no crossing points. During the time students are going to and returning from school, this area is already busy and congested and the majority of the proposed 150 additional students would use this route.

The increase in danger to student due to increased journey times. Many students will face lengthy journey times, on foot to alternative schools. Transport links to the alternatives offered are inadequate.

There will also be increased nuisance to residents around St Helens Gate and routes to the school caused by pedestrian students and increased school traffic, including littering, disturbance and increase in noise.

I do not think that options to utilise the site, possibly in conjunction with King James' have been fully explored. In particular, a split campus school, maybe with less academic / sports type subject taught at one site and more traditional subjects being taught at the other.

I do not think the full costs associated with this proposal have been fully made clear, especially in regard to the closure of the senior years, outstanding PFi payments and the additional cost to be incurred at the alternative schools. Questions have been asked at Council and Cabinet and not been fully answered.

Has consultation been carried out with the families at alternative schools regarding the impact on an influx of additional students? Has the impact on these schools been taken into account? I have not seen any evidence of this.

The notification of this proposal and consultation so far with students and families has been clumsy and badly handled. For example, I have heard of students having unsealed letters to take home announcing the consultation before teachers and staff at the school.

Staff, students and families have already endured enough stress and disruption regarding this matter. I strongly object to the proposal.

With Regards,

## **Representation R50**

Sir/Madam

As a parent, I have concerns about the proposals for Almondbury Community School, and am also dissatisfied with the process so far.



I accept that the secondary phase in its current state is unsustainable, but the closure plans do not seem to take due consideration of the pupils who will be in key stages 3 and 4 next academic year (2019/20). Particular concern is the students entering year 10 who will have to move school half way through their GCSEs. This will likely have a significant detrimental impact on their achievement (as will the inevitable departure of permanent teaching staff during 2019/20-

I also have concerns about the proposed 3-11 school. It appears that the plan is to use the Greenside Centre in its current form. I do not believe that the building is currently adequate for the pupil numbers and year groups involved, and I have not seen any mention of capital expenditure to address this. I am not sure that there has been any consideration of the issues of accommodating the older learners in a building designed for only those up to key stage one.

Overall, it seems that the proposals are a knee jerk reaction. I do not know what other options have been explored, for example use of the school site/facilities by King James; I am not sure if any have.

Finally, as a parent, I must express deep dissatisfaction with the consultancy process thus far. I attended sessions on consecutive days at the Greenside and Fernside Centres respectively. At the Greenside Centre, we received little more than reassuring tones and encouragement to participate in the online consultation. Council representatives were unclear about basic facts, and no more knowledgeable on any aspect than we were as parents. At the Fernside Centre things were better in terms of the competency and knowledge of the representative, but the only significantly useful information that we gained was that we were still going to be largely in the dark, with an uncertain future for our children.

Yours faithfully

ACS parent

### **Representation R51**

Short email

I want ACS to stay open and not close next year

I've worked here for almost 20years and my children came here

2 grandchildren came here

And foster children came here

DO NOT CLOSE IT!!!

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