STATUTORY PROPOSALS AND CHANGES TO ADMISSION ARRANGEMENTS

The Local Authority can publish expansion proposals for any category of maintained school within its area. The Governing Body of a voluntary (Voluntary Controlled and Voluntary Aided) may also publish such a proposal. It is also possible to publish expansion proposals jointly i.e. by both the Local Authority and the Governing Body

Proposals must contain the information specified in the School Organisation Regulations 2007. Part of the information is published in a statutory notice, but the complete proposal must be sent to a range of copy recipients. Proposals should be published within a reasonable timeframe following consultation so that they are informed by up-to-date feedback, preferably within 12 months of consultation being concluded.

A statutory notice containing certain aspects of the complete proposal and stating how complete copies of the proposals can be obtained must be published in a local newspaper, and also posted at the main entrance to the school(s) (and all the entrances if there are more than one) and at some other conspicuous place in the area served by the school (e.g. the local library, community centre or post office etc.). Proposers may circulate a notice more widely in order to ensure that all those substantially affected have the opportunity to comment.

The proposer [Local Authority and/or Governing Body] must send a copy of the complete proposal, within a week of publication, to the Local Authority / School Governing Body (as appropriate) and to any person who requests a copy. In addition, a complete copy of the proposal along with a copy of the statutory notice that appeared in the local newspaper must be sent to the Secretary of State within a week of publication.

Once proposals are published there follows a statutory period during which representations (e.g. objections or comments) can be made. These must be sent to the Local Authority. The period for comments and objections in the case of the primary school expansions is 4 weeks.

The representation period is the final opportunity for people and organisations to express their views about the proposals and ensure that they will be taken into account by the Decision Maker who will determine the proposals. Decisions on school organisation proposals are taken by the Local Authority or by the Schools Adjudicator.

Regulations set out who should decide proposals for any prescribed alterations such as school expansions. The 2007 School Organisation Regulations make detailed provision for the consideration of prescribed alteration proposals. Decisions on expansions will normally be taken by the Local Authority.

The process by which a local authority carries out its decision-making function in respect of statutory proposals is not prescribed by regulation (e.g. full Executive or
delegation to a member of The Executive and/or officials). This is a matter for the local authority to determine but the requirement to have regard to statutory guidance applies equally to the body or individual that takes the decision.

In respect of those circumstances where the expansion requires a significant enlargement in the physical capacity of the school’s buildings through a major building project (a significant enlargement is defined as an enlargement of more than 30 pupils and by 25% or 200 pupils (whichever is the lesser), the publication of statutory proposals will be required.

For the comparable set of decisions relating to the September 2011 expansions, The Executive took the decision to authorise the publication of statutory proposals for expansion with The Executive Member and the Director authorised to determine the proposals through a Delegated Decision Notice (DDN), probably in the second half of October. Of course, the Notice can still be called into The Executive if required.

If the Local Authority fails to decide proposals within 2 months of the end of the representation period it must forward proposals, and any received representations (i.e. not withdrawn in writing), to the Schools Adjudicator for decision. They must forward the proposals within one week of the end of the 2 month period.

For all of the schools involved, such expansion will also require a permanent increase in the Published Admission Number with effect from September 2012. The School Admissions Code advises that if an admission authority for a maintained school wishes to increase the admission number of a school after their admission arrangements have been determined, as a result of a major change in circumstance, they must, except in very limited circumstances, refer a variation to the Schools Adjudicator. The determination by the Schools Adjudicator should follow the approval by the local authority of any related proposals for enlargement of the school.

The admission authority for a community school is the Local Authority. The admission authority for a voluntary aided school is the Governing Body. It is important that the set of changes associated with this phase of primary school expansion for September 2012 should be well co-ordinated and to that end, it is proposed that officers should liaise closely with the governing bodies of the VA schools (and with the Diocesan Authorities as necessary) in order to provide a co-ordinated and consistent set of documentation to the Schools Adjudicator in order to assist him or her to make a determination as expeditiously as possible.

Clearly, it is of utmost importance that parents are made aware from the outset of these possible changes and are notified in good time before the deadline date (Sunday 15 January 2012) for the submission of preferences for admission to Reception Year for the school year commencing September 2012 as to exactly what the admission arrangements are. Accordingly, the School Admissions Code advises that a request to the Schools Adjudicator to increase admission numbers should not delay the local authority in co-ordinating admissions in order to make all offers to parents.
The core of the decision to be taken by The Executive is therefore to do with progressing proposed expansions of schools through the publication of statutory proposals and taking forward changes to the admission numbers.

As indicated previously, the representation period required following the publication of statutory proposals is four weeks which means that a final decision to determine the statutory notices can be taken, at the earliest, in the second half of October.

There is also scope for certain parties – the governing body of the school to which the proposal relates and the local Dioceses (Anglican Diocese of Southwark and Catholic Archdiocese of Southwark) – to appeal to the Schools Adjudicator following the determination of the statutory proposals if they are unhappy with the decision. If this were to happen, there is a possibility that the appeal could be upheld but, in any case, the process would introduce delay possibly of up to 8 to 10 weeks. This could also lead to some delay in starting on site with the building works with the consequence that there could be a significant impact on our ability to deliver the necessary accommodation in time for September 2012. In that eventuality, we would have to consider alternative measures including the provision of temporary accommodation if absolutely necessary.