

School Organisation Policy 2018 – 2024





September 2018

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1.1

Under **Section 14** of the Education Act 1996, the council has a statutory duty to provide sufficient school places for resident children and is committed to working with schools, academies and Multi-Academy Trusts for the benefit of children and young people in Portsmouth. This duty requires the council to forecast future pupil populations so that it can ensure that sufficient places are provided. Through this forecasting work, the council considers the capacity in Portsmouth schools, and determines whether action needs to be taken to meet anticipated future demand for school places by Portsmouth resident children.

1.2

Portsmouth City Council's approach is documented in the following suite of four key documents:

- School Organisation Policy
- Primary School Place Strategy
- Secondary School Place Strategy
- SEND Provision Place Strategy

1.3

Each Strategy covers a 6-year period, but also looks forward to the longer term demand for places. This ensures that prompt action can be taken in a timely way if a future shortfall is identified.

1.4

These documents bring together information from a range of sources and set out the issues and solutions to ensure that the council can meet its statutory duties for providing school places for the period 2018–2024 and beyond.

1.5

The over-arching purpose of the four documents is to:

- Commission additional school places to meet increasing demand
- Prioritise the capital investment that is required to address sufficiency (basic need)
- Ensure the council meets its statutory duty of providing sufficient local school places for every child of school age whose parents / carers wish them to have one
- Set out the council's policy on managing school organisation

1.6

Each of the three strategy documents includes present and predicted future pupil numbers on roll, together with information about birth rates, school capacity, pupil mobility, pupil ethnicity and new housing developments that will impact on school places. There is an analysis of the changes in the number of school places available over recent years and forecasts about future places and the changes that are likely to occur.

1.7

The Strategy documents set out priorities for capital investment to address sufficiency of school places.

1.8

The Policy document sets out how the council will work in partnership with maintained schools and academies on school organisation matters.

1.9

The four documents will be reviewed on an annual basis to take account of refreshed forecast data and new or emerging intelligence.

1.10

The council works in partnership with schools, academies and Multi-Academy Trusts when making decisions about priorities for capital investment on school premises. School organisation and pupil forecasting information is shared and regular dialogue ensures that informed decisions are made about future investment on school sites. This fair and transparent process supports decision making on how the demand for school places is achieved and the council's education capital funding priorities. It also provides assurance that capital projects are soundly based and represent good value for money.

1.11

26 schools are maintained by the council (known as the Local Authority), and 38 schools are academies within a Multi Academy Trust (as at September 2018). There are currently 12 Multi Academy Trusts operating within the city and one standalone Academy Trust (UTC Portsmouth).

1.12

In July 2018, the Education and Skills Funding Agency highlighted Portsmouth in the top 20 Local Authorities for the efficient delivery of value for money education capital projects. This supports the assertion that school expansions in Portsmouth offer value for money.

1.13

Section 2 summarises the national context and procedures introduced by government for making changes such as opening, closing or expanding schools.

1.14

Section 3 outlines the local policy which applies to school organisation planning and decision-making.

Setting up a new school – the academy free school presumption

2.1

The Education Act 2011 changed the arrangements for establishing new schools and introduced section 6A (the “free school presumption”) of the Education and Inspections Act 2006 which requires that, where a LA identifies the need for a new school in its area, it must seek proposals to establish an academy (free school).

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/706171/Academy_and_free_school_presumption_departmental_advice.pdf

Prescribed changes to a maintained school

2.2

The council must also have due regard to the prescribed changes statutory guidance when considering changes to a LA maintained school, including:

- Enlargement of the school premises
- Expansion on to an additional site (“satellite” site)
- Quality of new places created by expansions
- Change in number of pupils in a special school
- Reducing pupil numbers in LA maintained schools
- Change of age range
- Adding or removing a Sixth Form
- Closing an additional site
- Transfer to a new site

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/514548/16-04-06_FINAL_SO_Guidance__PA_Regs.pdf

Prescribed changes to an academy

2.3

Academies / Multi-Academy Trusts are responsible for following any related guidelines that relate to academies and the prescribed amendments listed in section 2.2.

3.1

The Portsmouth City Council Plan, *Working together: putting people at the heart*, includes a corporate priority to “*Make Portsmouth a great place to live, learn and play, so our children and young people are safe, healthy and positive about their futures*”.

3.2

The Portsmouth Education Partnership (PEP) brings together Multi Academy Trusts, individual schools and academies, colleges, early years settings, the Regional Schools Commissioner, the University, the Dioceses, the Education Business Partnership and Portsmouth City Council to drive improved attainment and opportunity for all children and young people across the city. The PEP was launched in November 2016.

3.3

The *Education Strategy for Portsmouth 2017–2020: pulling together, achieving more* has been drawn up through the PEP. It explains the actions that are being taken to address together key priorities for the city, including:

Invest in school buildings to create additional school places and provide high quality learning environments that meet the needs of all children.

3.4

The most common types of schools are:

- Maintained schools which are funded and controlled by the Local Authority. These include community schools, foundation or voluntary schools, and community or foundation special schools.
- Academies, which are publically funded, but independent from the Local Authority and are overseen by the Department for Education.

3.5

The local policies in Portsmouth cover the following matters:

- School amalgamation (maintained schools)
- Hard Federation (maintained schools)
- Multi-Academy Trusts and Academies
- New schools
- Free schools
- Surplus places

School Amalgamation (maintained schools)

3.6

The Local Authority supports the amalgamation of Infant and Junior schools on the basis that it can strengthen the capacity of schools to sustain school improvement, provide financial sustainability and reduce the number of transition points that pupils have to go through in their education. The policy reflects changes across the country that has resulted in fewer Infant and Junior schools in favour of all through Primary schools.

3.7

A summary of the key benefits arising from an amalgamation is set out in **Table 1** overleaf.

Table1: Rationale for amalgamation of Infant and Junior schools to form an all through Primary School

1	Leadership and vision <ul style="list-style-type: none"> Single governing body and one agreed vision and set of values to continue to drive up standards and promote continuity and progression Parents and carers of children who attend the primary school will benefit from knowing one school and one staff. They will know and understand how the school works and will not have to adjust to the demands of a different school as their child gets older
2	Transition and supporting pupils' progress <ul style="list-style-type: none"> An amalgamation will allow for high levels of consistency to be achieved throughout a pupil's time at the school and will provide better capacity for sustained improvement Removal of the need to change a school at the transition point between Key Stages 1 and 2 will eliminate the achievement 'dip' that can often be experienced at this time and any anxiety felt by pupils. Tracking of pupil progress and early intervention will significantly be enhanced for those pupils moving between Key Stages 1 and 2 Expectations for behaviour and learning would be more consistent than if the schools were operating in two separate ways Pupils will have greater opportunities to access aspects of the curriculum which might otherwise be denied to them because of the phase in which they are working. Some pupils in Key Stage 1 might be ready to access aspects of the curriculum and staff in Key Stage 2 but this is difficult to achieve outside of an all through primary school
3	Sharing of resources / expertise and efficiency gains <ul style="list-style-type: none"> A better opportunity to build on the sharing of resources and expertise across Key Stages 1 and 2 which in turn will support an enriched curriculum. Enable the single Governing Body to make efficiencies in the running of the primary school (particularly in respect of leadership, finance, administration and caretaking but also in other areas such as pastoral care, IT, etc.).
4	Admissions <ul style="list-style-type: none"> All through primary schools support parents and carers by automatically allowing their children to continue through their primary education to the end of Key Stage 2 without the need for making an application during Year 2 for a place in a Junior School. The security of a guaranteed place in Year 3 would be attractive for parents and carers if the two schools were to amalgamate. Portsmouth has a growing school population and there are fewer school places in the City and less choice for parents and carers, particularly in the primary phase. An amalgamated school would therefore be of significant benefit to parents and carers of pupils attending the schools providing them with the certainty of a school place for their child throughout the primary phase.

Table continues on next page

5	Recruitment and retention of staff
	<ul style="list-style-type: none"> Amalgamation is likely to lead to a more effective policy of recruitment and retention of staff. Nationally, there are significantly more primary schools than infant and junior schools, and teaching staff and non-teaching staff find that posts in Primary Schools are more attractive than posts in infant and junior schools as they offer better career development opportunities. A larger school, covering the full primary age range, offers improved opportunities to develop staff which in turn aids the retention of staff. Expertise can be targeted across the primary age range enabling senior leaders to more effectively deploy staff
6	Role models / social development of pupils
	<ul style="list-style-type: none"> Opportunities for children to work across Key Stages 1 and 2 and support each other. 4 year olds will not be educated alongside 11 year olds, but pupils will have the opportunity to interact with different aged children. This can include older pupils having some appropriate pastoral responsibilities for younger children
7	Ofsted / financial audit
	<ul style="list-style-type: none"> An amalgamation will mean just one financial audit each year and one Ofsted inspection.

3.8

The local policy for the amalgamation of Infant and Junior schools is as follows:

The Local Authority will actively explore proposals when two or more of the following criteria or 'triggers' apply:

- The standards of pupil achievement would be improved by the proposal and would strengthen outcomes through learning and teaching*
- The schools are on the same site or in close proximity to each other*
- One or both of the Head Teacher posts at the schools has become, or will shortly become, vacant*
- One or both of the schools currently has surplus capacity of 15% or more, or is projected to reach that point in the foreseeable future*

3.9

The amalgamation of schools is a prescribed alteration under the *School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013*.

The council would need to follow the statutory process to close a maintained school and establish a new school under section 11 of the Education and Inspections Act 2006 (outside of the free school assumption). The Schools Adjudicator is the decision maker for a Local Authority proposal. The statutory process has 5 steps.

See table 2 overleaf

Table 2

Stage	Description	Timescale	Comments
Stage 1	Consultation	No prescribed timescale.	Informal / pre consultation. Recommended to last a minimum of 6 weeks. School holidays should be taken into consideration and avoided where possible. Likely to be no longer than 12 months.
Stage 2	Publication	Publication of the statutory notice and proposal 164	
Stage 3	Representation	Must be 4 weeks from date of publication.	Formal consultation. As prescribed in the Establishment and Discontinuance of Schools Regulations and cannot be shortened or lengthened.
Stage 4	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator.	Where permitted appeals must be made within 4 weeks of notification of the decision.
Stage 5	Implementation	No prescribed timescale.	However the date must be as specified in the published notice, subject to any modifications agreed by the decision-maker.

Hard Federation (Maintained schools)

3.10

A number of schools in Portsmouth have chosen to federate before considering amalgamation whereby the existing schools remain as separate schools, but there is shared governance and leadership across the schools – otherwise known as a ‘hard’ federation.

3.11

The potential benefits of a ‘hard’ federation are very similar to an amalgamation with the exception of the admission arrangements and having a single Ofsted inspection and financial audit (see **Table 1** on pages 8–9).

3.12

In terms of policy, the council’s preference is for amalgamation as opposed to a federated approach. However, there are occasions where a ‘hard’ federation, as an initial step towards future amalgamation, would be preferable.

3.13

The council will seek to work with federated schools and, wherever possible, to formally amalgamate the schools into a Primary School and realise the benefits set out in section 3.7.

3.14

Federation is not a prescribed alteration under the *School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013*. It is governed by *The School Governance (Federations) (England) Regulations 2012*. The Governing Boards of two or more schools must agree a proposal to Federate. It is not something that the council can propose.

3.15

The process is summarised in the Regulations as follows:

- A governing body / bodies proposing to federate must first consider a report on the proposal. The consideration of the report must be specified as an item on the agenda for the meeting of which notice has been given in accordance with regulation 11(4) of the Procedures Regulations.
 - The governing bodies proposing to federate jointly publish proposals for federation¹.
 - The proposal must contain:
 - a. the name or names of the governing body or bodies with which the governing body propose to federate and confirmation that that governing body, or those governing bodies agree with the proposal to federate
 - b. the proposed size of the governing body of the federation
 - c. the proposed number of governors for each category of governor
 - d. the proposed arrangements for staffing the schools within the federation
 - e. the proposed federation date
 - f. the identity of the admission authority or authorities for the schools within the federation
 - g. the date, not less than six weeks after the publication of the proposals, by which written representations may be made to any governing body regarding the proposals and the address to which they should be sent
 - h. such other matters as the governing bodies consider appropriate
 - The governing bodies proposing to federate must publish the proposals by sending them to:
 - the Secretary of State
 - the relevant local authorities
 - the Headteacher of each school
 - in the case of any school with a foundation –
 - the foundation governors
 - the trustees of any trust relating to the school
 - where any of the schools are designated under section 69(3) of SSFA 1998 as having a religious character, the appropriate diocesan authority in the case of a Church of England or Roman Catholic Church school, or the appropriate religious body in the case of any all staff paid to work at any of the schools
 - every person known to them to be a parent of a registered pupil at any of the schools
 - such other persons as the governing bodies consider appropriate
- A copy of the proposals must be made available for inspection at all reasonable times at each school.
- The governing bodies proposing to federate must jointly consider any responses to the proposals and each governing body must determine whether:
 - to proceed with the proposals for federation as published
 - to proceed with the proposals for federation with such modifications as the governing body consider appropriate
 - not to proceed with the proposals for federation
- Any modifications referred to in paragraph may not include a change in the identity of the governing bodies proposing to federate.

¹ A 'hard' federation requires shared governance and leadership changes, whereas a 'soft' federation is simply collaborative working across two or more schools.

- *All the governing bodies which determine to proceed must jointly give notice of that fact to the relevant local authority or authorities and the Secretary of State within one week of the determination. Any governing board which determines not to proceed must give notice of that fact to the Secretary of State within one week of that determination. The governing boards produce a draft Instrument of Governance for approval by the Local Authority.*

Multi-Academy Trusts and Academies

3.16

Academies are publicly funded independent schools.

3.17

In Portsmouth, all schools are encouraged over time to become part of a strong Multi-Academy Trust (MATs). Through MATs, schools are able to receive stronger support and challenge, and closer collective development with other schools, than has been possible through the local authority alone, particularly as funding for the school improvement role of local authorities has reduced. The best MATs, working within a strong wider partnership and accountability framework, provide a robust and resilient operating framework for individual schools.

3.18

60% of schools in the city are now part of a Multi-Academy Trust and 65% of pupils in the city attend an academy.

3.19

The council and the Regional Schools Commissioner are working together on the development of MATs in Portsmouth, with the aim that all MATs operating in the city:

- Act as strong engines for school improvement, bringing in support and challenge from outside of the city as well as from within.
- Promote the smoothest possible transition for children and young people between different stages of education
- Provide a resilient and sustainable structure for schools due to the economies of scale MATs can bring—supporting rigorous financial management
- Commit to inclusive practice and working together with all schools and other MATs across the city.

3.20

The council will continue to liaise closely with the Regional Schools Commissioner to ensure that school looking at options in relation to academy status have up to date information about Multi-Academy Trusts which have capacity to grow and a good track record in terms of supporting schools to improve.

New schools

3.21

If a new school was required in Portsmouth, this would have to be an academy under the statutory regulations. A new school does not have to be limited to a specific phase of education such as primary or secondary, although this may be selected for good reasons.

3.22

Whenever a new school is being proposed the council will consider the potential for an all-through school if two or more of the following criteria or 'triggers' apply:

- Current pupil numbers and trends within the planning area where the school is located demonstrate a need for places in both phases
- The provision of all-through provision on the site would not destabilise other schools (linked to pupil forecasts, pressure on places, demand)
- There is sufficient land within/ on the planned site (taking account of BB103 national guidelines for the composition of the school)
- The provision of an all-through school is financially viable and sustainable in revenue terms
- The provision of an all-through school offers value for money for a capital build, compared to national bench-marking.

3.23

For clarity, it should be noted that existing primary and secondary maintained schools in the city do not have the physical capacity (as per BB103 national guidelines) to expand to include an additional phase of education. An example of this expansion would be where a primary school maintained its current primary numbers but added secondary school provision, or vice versa.

3.24

Due to the pressure on school places, the council could not support reducing the current capacity, and therefore the all through option is not considered feasible at present in our existing schools. This position will be reviewed as part of the annual review of this School Organisation Policy statement.

3.25

It is anticipated that discussions about new all through schools will be most productive when considering new schools as a response to housing developments, or when formally bidding to the Department for Education for additional capacity in the city.

Free Schools

3.26

A free school is a type of academy which is publically funded, but independent from the Local Authority. Oversight is from the Department for Education.

3.27

Free schools are often set up by teachers, parents, existing schools, charities or community groups. The council supports exploratory discussions with free school proposer groups in order to inform their planning and preparation for a potential bid. The proposer group would submit a bid to the Department for Education for consideration.

3.28

Occasionally, there are government funding rounds which allow the council to bid for a new free school. Options within Portsmouth are very limited due to its densely populated nature, and bids would usually require the identification of a site for the free school.

3.29

The council actively explores the potential for free school bids, which are usually subject to specific criteria.

3.30

For example, following a bid in 2016, a special free school for children with autism is being built on the site of the old Wymering Community Centre. In October 2018, a bid was submitted for a special free school for post-16 students to be co-located on the Redwood Park school site.

Surplus places

3.31

The Government uses an assumption of 2% surplus for both primary and secondary as the basis for basic need funding allocations to Local Authorities. In light of this, the council uses the aim of a 2% surplus for school place planning purposes and measures this as a citywide figure within both primary and secondary phases.

3.32

There is currently very limited surplus capacity in the city, and future pressure on places has been identified. Therefore, there are no plans to address surplus places at this time.

3.33

If the situation changed in the future, the council would take steps to manage the overall level of surplus places across Portsmouth, including reducing increasing admission numbers and removing or re-designating accommodation.

3.34

In these circumstances the following criteria will be used to identify schools where future action should be explored:

- Schools with significant surplus capacity as at the annual census
- Schools where the forecast Number on Roll (NOR) identifies a 15% surplus capacity through a decline in the expected number of pupils
- Schools within a catchment area that identifies a 15% level of surplus capacity which is expected to continue for 5 years or more.

3.35

When schools are identified through the above criteria, discussions would take place on the appropriate course of action. This would depend on the local context and the circumstances at the individual school.



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