

Decision Makers Guidance

Decision Makers are required to have regard to guidance issued by the Secretary of State when they take a decision on proposals. Paragraphs 4.16 to 4.64 of the 'Decision Makers Guidance for Expanding a Maintained Mainstream School or Adding a Sixth Form – A guide for Local Authorities and Governing Bodies' contain the statutory guidance.

http://www.dfes.gov.uk/schoolorg/data/guidance_Documents/ExpansionGuide%20DM%20ONL%202007-05-24.doc

The factors contained in the guidance should not be taken to be exhaustive. Their importance will vary, depending on the type and circumstances of the proposals. All proposals should be considered on their individual merits.

The **odd-numbered sections** below contain relevant extracts from the Decision Makers Guidance.

The **even-numbered sections** contain the views of officers on how the Harrow Sixth Form Collegiate proposals meet the factors the Decision Maker must have regard to in reaching a decision.

EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT

A system Shaped by Parents

1. The Decision Maker should take into account the extent to which the proposals are consistent with the new duties (Education and Inspections Act 2006) on local authorities to secure diversity in the provision of schools and to increase opportunities for parental choice when planning the provision of schools in their areas.
2. The Harrow Sixth Form Collegiate proposals build on the outcomes of the extensive debate and consultation among key stakeholders in Harrow about developing post-16 provision in Harrow's high schools, and have been developed by the key partners. Choice for individual learners will be increased significantly by Harrow's proposals, which are founded on the commitment to deliver choice, diversity of provision, and progression opportunities for all local learners, developing a truly integrated, complementary provision amongst all partners and guaranteeing a place to every young person.

Standards

3. Decision Makers should be satisfied that proposals for a school expansion will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They should pay particular attention to the effects on groups that tend to under-perform with the aim of narrowing attainment gaps.
4. The Harrow Sixth Form Collegiate proposals concentrate on meeting the needs of the most disadvantaged learners: those still working at Entry level or Level 1, and those at risk of becoming NEET, and aim to meet the target of 100% of Harrow students in post-16 education and training by 2010. In support of this, the Collegiate will make extensive use of information technology to support the tracking of learners to ensure that no young person is lost to the system. The Collegiate partners are confident their proposals will take them forward to 100 per cent participation by 2010, contribute to raising standards in post-16

education, receive the support of young people and their parents, and help all 16-18 year olds fulfil their potential.

Diversity

5. Decision Makers should consider how proposals will contribute to local diversity. They should consider the range of schools in the relevant area of the local authority (LA) and whether the expansion of the school will meet the aspirations of parents, help raise local standards and narrow attainment gaps.
6. There are eight 12-16 high schools in Harrow, two 11-16 faith schools, and two 11-19 special schools. Currently, the three colleges (St Dominic's Sixth Form College, Stanmore College and Harrow College) provide 16-19 education and training in Harrow, with opportunities being provided and developed through franchise arrangements for some students to be based at high schools for their AS studies. All three colleges have distinctive course offers and ethos, and offer a quality experience for young people, attested by consistently good OFSTED inspection grades. However, many young people and their parents prefer the option of a school-based post-16 environment. Without post-16 provision at local schools, significant numbers of 16 year olds studying in Harrow's high schools apply and are accepted to a wide range of school sixth forms in neighbouring boroughs. Additionally many parents opt at 11 to transfer to secondary schools outside Harrow in order to have continuous provision for 11-19. Some young people choose vocational courses at institutions outside Harrow, many of which have vocational facilities or a stronger range of courses at entry, and levels 1 and 2 than in Harrow, and some young people drift into work or simply do not choose anything at all.

An additional 1,000 16-19 places locally will mean the development of new post-16 provision in schools and the Skills Centre, enabling individual providers to focus on what they do best and ensuring that those currently not in education or employment can access appropriate courses and opportunities.

Every Child Matters

7. The Decision Maker should consider how proposals will help every child and young person achieve their potential in accordance with Every Child Matters' principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being. This should include considering how the school will provide a wide range of extended services, opportunities for personal development, access to academic and vocational training, measures to address barriers to participation and support for children and young people with particular needs, e.g. looked after children or children with special educational needs (SEN) and disabilities.
8. As a key element in the 14-19 Strategy, the Harrow Sixth Form Collegiate is included as a specific action within the Achieving Economic Well Being Group's work. The Harrow Sixth Form Collegiate will also contribute to achievements more widely, for example the targets for enjoying and achieving and making a positive contribution to the community and society.

Post-16, key themes underpinning *Every Child Matters* will be integrated into the tutorial and enrichment offer for all partners. Key post-16 themes will include the opportunity to participate in a wide range of sports, voluntary/community activities, work experience/enterprise, focused events on personal health and well-being, together with extensive personal support and learning support. Helping all students to understand their

place in the global family and especially for those from BME communities to relate to their countries of origin and their home in the UK.

Harrow Council has been working with schools to increase the use of facilities for the school and local communities. Part of this work has been to review school accommodation, including in some situations surplus accommodation, and to consider how this could be used to increase opportunities for use by the school and its local community. This approach will be continued with the high schools in the light of capital development for the purposes of the Harrow Sixth Form Collegiate.

Harrow's admissions policy, agreed by all schools, gives highest priority to the admission of looked after children. The Collegiate will adhere to this policy. It is recognised that Harrow's looked after children are particularly vulnerable with regards to progression at post-16, and it is recognised that rigorous tracking and monitoring of performance will be needed and a careful look at the requirements of this group.

SCHOOL CHARACTERISTICS

Equal Opportunity Issues

9. The Decision Maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that there is equal access to single sex provision for the other sex to meet parental demand. Similarly there needs to be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

10. As part of the work to prepare Harrow's bid, a paper was written to explore the demand and demographic case to support change and development at post-16, specifically to increase capacity by 1000 learners, 500 per annum. Harrow partners seek to build on current success whereby over 85% of Harrow learners choose full-time education routes. The trend is a gradual increase in the percentage remaining in full-time education. In the 2004 cohort, the gender split was about 50:50. The largest ethnic groups were: 37% White, 35% Asian and 11% Black. The aim is to achieve 100% staying-on rate for learners post-16 by 2010 and a significant increase in the number of Harrow residents who choose to continue their post-16 education within local Harrow provision.

The Collegiate will be inclusive to all learners. Learners with additional needs will be supported as appropriate and in accordance with the Collegiate Special Education Needs policy and strategies accordingly. The Collegiate will have an Equal Opportunities Policy. The learners within the Collegiate will be able to access courses at any institution within the Collegiate providing they meet course entry and admission criteria where spaces are available. Each learner will have a 'Home Institution' that will be responsible for pastoral support including Tutorials and Information, Advice and Guidance (IAG). The Collegiate will monitor curriculum developments and demand to ensure that course provision meets changing needs. Where it is not possible to provide a course within the Collegiate, it will seek to collaborate with other providers outside of Harrow to secure appropriate provision. The Collegiate would look to work with the local Learning and Skills Council (LSC) to develop and secure this provision.

NEED FOR PLACES

Creating Additional Places

11. In considering proposals, the Decision Maker should consider the supporting evidence presented for the increase, and take into account the existence of spare capacity in neighbouring schools, but also the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for places in the school proposed for expansion. The existence of surplus capacity in neighbouring less popular or successful schools should not in itself prevent the addition of new places.
12. The schools and colleges in Harrow have a strong tradition of working together to achieve solutions across the borough to meeting the needs of Harrow young people. Within the context of post-16 provision they have been working together in four local Consortia, and collectively as members of the Harrow Collegiate, and the 14-19 Advisory Group to develop the Harrow Sixth Form Collegiate proposals. Discussions about the proposals with London West Learning and Skills Council (LWLSC) resulted in a request from LWLSC to provide 1,000 additional places for post-16 provision in Harrow, which led to the successful bid for capital funding.

Harrow's proposal recognises that additional provision will have an impact on existing providers. Harrow colleges already recruit from neighbouring areas, and will use the opportunity to vary their curriculum offer to help meet overall London targets for participation of 16-18 year olds.

In relation to schools currently recruiting students from Harrow, the additional places proposed do not equate to the total of Harrow's young people receiving their education outside Harrow. We are also mindful of the London West Learning and Skills Council view that in an area like Hillingdon, with lower post-16 participation, providers can help raise levels of participation in Hillingdon by proper targeting of any additional capacity. Data about Hillingdon Sixth Forms suggests there has not been a significant effect on Hillingdon Sixth Forms during 2006-2007, the first year of the franchise arrangement in Central Consortium. Hillingdon Sixth Form Pupils in September 2005 totaled 3,216, and in September 2006 totaled 3,267. These figures suggest that significant effect is unlikely in the future.

13. Where the school has a religious character, or follows a particular philosophy, the Decision Maker should be satisfied that there is satisfactory evidence of sufficient demand for places for the school to be sustainable.
14. The two Catholic high schools, Salvatorian College and the Sacred Heart Language College, continue to establish the extent of demand for additional faith-based vocational provision. Questionnaires have been distributed to the Year 10 and 11 students. This has been combined with destination data for the past two years to demonstrate the level of demand. The schools plan to create a joint sixth form provision that will provide a vocational offer that will enhance and complement the sixth form provision at the three institutions. The schools are currently engaged in negotiations of a commercially sensitive nature for the purchase of an additional site. There has been initial planning and costing. The tenure would be freehold. The proposal would be for shared use of this site, with the two schools developing a vocational centre for daytime use. The proposed site is close to both Schools. The two schools would manage it jointly.

The Catholic Consortium have also considered issues such as funding, curriculum, pastoral support, ethos, ICT and quality assurance, as well as structural issues in conjunction with the Diocese of Westminster and Salvatorian Fathers. These elements will be combined through the consortium to create for the first time a truly comprehensive faith-based offer in Harrow. These plans have the full support of the Diocese and are welcomed greatly by the families and communities of these schools. The Consortium is fully supportive of the Harrow Collegiate, and will bring a particular strength in the range of languages available between St Dominic's and Sacred Heart, a specialist language college. St Dominic's provide French, German, Italian, Spanish at Level 3 and Sacred Heart has the intention to develop Mandarin and Portuguese at Key Stage 4 with the possibility of extending this at post-16 within the Harrow Collegiate at Levels 2 and 3.

Expansion of Successful and Popular Schools

15. The Government is committed to ensuring that every parent can choose an excellent secondary school for their child. When there is a demand to expand school provision, LAs and Governing Bodies should take account of the wishes of parents in deciding which schools should expand. The Secretary of State also wishes to encourage LAs to reorganise provision in order to ensure that places are located where parents want them. For the purposes of this guidance, the Secretary of State is not proposing any single definition of a successful and popular school. The strong presumption is that proposals to expand successful and popular schools should be approved. The existence of surplus capacity in neighbouring less popular schools should not in itself be sufficient to prevent this expansion, but if appropriate, in the light of local concerns, the Decision Maker should ask the LA how they plan to tackle any consequences for other schools. The Decision Maker should only turn down proposals for successful and popular schools to expand if there is compelling objective evidence that expansion would have a damaging effect on standards overall in an area, which cannot be avoided by LA action
16. The Harrow Sixth Form Collegiate proposals are being presented for determination as linked proposals. Harrow's high schools are successful schools. The proposals seek to meet the wishes of all stakeholders for increased post-16 opportunities in Harrow, and to increase participation and achievement.

See section 12 above for a response about the consequences for other schools.

17. Before approving proposals the Decision Maker should confirm that the admission arrangements of schools proposed for expansion fully meet the provisions of the Schools Admissions Code.
18. Harrow Council is the Admissions Authority for community high schools. Following agreement reached among all collegiate partners, Harrow Cabinet will be recommended to delegate the Admissions Authority for community high school sixth forms to the school governing bodies, and schools will manage the applications, admissions and place allocation processes for sixth form places at their schools. This approach is in full accordance with the collaborative, partnership arrangements enshrined in the borough wide Harrow Sixth Form Collegiate that will be established from September 2008. All the governing bodies of community high schools have agreed common statements of Admissions Arrangements to the sixth forms for September 2008. For September 2009, all the governing bodies of community and voluntary aided high schools have agreed common statements of Admissions Arrangements to the sixth forms that will be consulted on in the

Autumn Term 2007 as part of the statutory consultation process. The admission arrangements will fully meet the provisions of the Schools Admissions Code.

The proposed Admissions Arrangements for September 2008 are as follows:

Admission to Harrow Sixth Form Collegiate

Sixth forms in Harrow are available to all a school's existing students. All students must meet the entry requirements of the course(s) selected in order to be accepted into the Sixth Form. Contact the school for a Sixth Form Brochure for further details.

A collegiate system operates at sixth form level within Harrow and some courses are offered through this arrangement. As a result some students from other schools and/or colleges join courses at a particular sixth form and some students from the school may join sixth form courses in other schools and/or colleges.

Applications should be made to the school by 8 February 2008.

Appeals

You may appeal against the decision not to offer a place at the sixth form by writing to the Admissions Officer at the School.

Travel and Accessibility for All

19. In considering proposals for the reorganisation of schools, Decision Makers should satisfy themselves that accessibility planning has been properly taken into account. Facilities are to be accessible by those concerned, by being located close to those who will use them, and the proposed changes should not adversely impact on disadvantaged groups.

In deciding statutory proposals, the Decision Maker should bear in mind that proposals should not have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. Proposals should also be considered on the basis of how they will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

20. Harrow's bid recognises that a key component of quality from the learner's perspective will be availability of provision which meets their needs within a reasonable travel-to-study area. Involvement of all schools ensures that every learner in Harrow can choose to maintain continuity of learning and pastoral support from their own high school if they wish, or change to a wide range of other high quality providers. Furthermore local views of parents and students confirm that they are actively seeking an all through 11 – 19 education model. This will enable many more students to remain in their education communities through the Collegiate. This not only supports environmental issues, but is likely to increase staying on rates as travel is minimised. Timetabling will ensure that travelling between institutions will be usually during the lunch period.

The Collegiate will develop its own Transport Policy, which will be underpinned by a number of principles including: learners will access a maximum of two institutions; the needs of

learners with disabilities or health issues will be addressed; provision for travel assistance for pupils/students with disabilities or significant health needs; travel costs between institutions for courses will not be the responsibility of the learner.

ADDITION OF SIXTH FORMS BY 'HIGH PERFORMING' SCHOOLS

Presumption in favour of the approval of proposals for a new sixth form for high performing schools

21. Where a new sixth form is proposed by a specialist school that has met the 'high performing' criteria and which has opted for a vocational specialism, capital funding will be available from the 16-19 Capital Fund.
22. The capital allocation made by the LSC takes account of the two Harrow high schools that have met the high performing criteria and are opting for a vocational specialism, and the capital allocation has been enhanced accordingly.
23. It is important that any new school sixth form works in partnership with other providers to ensure young people have access to a wide range of learning opportunities. In assessing proposals from 'high performing' schools to add a sixth form, Decision Makers should have regard to the importance of collaborative working.
24. The Harrow Sixth Form Collegiate proposals are the product of collaborative working, and represent a partnership of equals. LSC consultants reviewed Harrow's proposals and considered Harrow's 14-19 Collegiate model to be at the forefront of national developments and to have the potential to be exemplary as it addresses many aspects of the Government's 14-19 implementation plan.

16-19 Provision 'Competitions'

25. Non statutory competitions for new 16-19 provision were introduced from January 2006. They are being administered by local LSCs, in line with their role as commissioner of 16-19 provision. Where proposals to establish sixth forms are received, and the local LSC is running a 16-19 competition, the Decision Maker must take account of the competition when considering the proposals.
26. Harrow's bid was submitted at the invitation of LWLSC under transition arrangements whereby 16-19 competitions were not required where local partners had well-advanced 16-19 reorganisation plans that were required to follow a statutory process and where the first step in the relevant statutory process had been taken by 28 February 2006 (i.e. publication of statutory notices).

16-19 Provision

27. The Learning and Skills Act 2000 provides an entitlement to further education and training for young people aged 16-19. Schools and colleges should offer high quality provision that meets the diverse needs of all young people, their communities and employers. 16-19 provision should be organised to ensure that, in every area, young people have access, within reasonable travelling distance, to high quality learning opportunities across schools, colleges and work-based training routes. In September 2003 Ministers set out their **five key principles** for the reorganisation of 16-19 provision, following requests from partners (including LSC and LAs) for more clarity on Government expectations. Decision Makers

should therefore consider all proposals which affect local 16-19 provision (ie both proposed school expansions and proposals to add a new sixth form) in the context of these principles.

- a. quality – all provision for all learners should be high quality, whatever their chosen pathway;
 - b. distinct 16-19 provision – all young people should be attached to a 16-19 base which will meet the particular pastoral, management and learning needs of this group;
 - c. diversity to ensure curriculum breadth – well-managed collaboration between popular and successful small providers will enable them to remain viable and to share and build on their particular areas of expertise;
 - d. learner choice – all learners should normally have local access to high quality 16-19 provision in a range of settings and any proposals for change to this provision should take into account the views of all stakeholders;
 - e. affordability, value for money and cost effectiveness – proposals for change should include how any capital and recurrent costs and savings will lead to improved educational opportunities.
28. The Harrow Sixth Form Collegiate embodies the principles and aims of current government policy in secondary education as outlined in recent policy documents. It has the learner's needs firmly at the centre, is research-based, ambitious in its aspiration, and has at its heart partnership, inclusivity, diversity, choice, quality of service and value for money.

All learners will have equal opportunity and access to post-16 provision regardless of which high school they attend, and the quality of provision in all schools will be preserved. Each learner will have a 'Home Institution' that will be responsible for pastoral support including Tutorials and Information, Advice and Guidance.

The approach to capital development has been to maximise flexibility and value for money across the Collegiate. Capital investment on school sites will ensure that schools are able to provide appropriate accommodation to fulfil their contribution to the Collegiate curriculum and for post-16 learners. The plans have been designed to make the best use of existing facilities and maximise the use of resources within each school's specialism. Whilst some schools do require more capital investment because of the structural requirements, the overall investment represents very good value for money in a borough where land is at a premium. The spread of the provision across all sites is essential to ensure that any new build does not put excessive pressure on the existing infrastructure including access and space for recreation, which is at a premium. As separate proposals, Harrow College, Stanmore College and St Dominic's Sixth Form College are submitting major capital plans which will transform their ability to offer high-quality vocational training to their own students and those of Collegiate partners.

FUNDING AND LAND

Capital

29. The Decision Maker should be satisfied that any capital required to implement the proposals will be available. Normally, this will be some form of written confirmation from the source of funding on which the promoters rely (e.g. the LA, DfES, or LSC).
30. On 29 March 2007, the National Capital Committee of the Learning and Skills Council (LSC) allocated £24,785,634 for capital build on high school sites to establish the Harrow Sixth Form Collegiate.

Land Tenure Arrangements

31. For the expansion of voluntary or foundation schools it is desirable that a trust holds the freehold interest in any additional site that is required for the expansion. Where the trustees of the voluntary or foundation school hold, or will hold, a leasehold interest in the additional site, the Decision Maker will need to be assured that the arrangements provide sufficient security for the school.
32. The two voluntary aided schools are currently engaged in negotiations of a commercially sensitive nature for the purchase of an additional site. The tenure would be freehold.

SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION

Initial Considerations and Key Factors

33. When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change, local authorities should aim for a flexible range of provision and support that can respond to the special educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories of provision according to special educational need or disability. There are a number of initial considerations for local authorities to take account of in relation to proposals for change, and key factors in their planning and commissioning in order to meet the requirement to demonstrate that the reorganisation or new provision is likely to result in improvements to SEN provision.
34. The special high schools are full members of the Collegiate. There is strong practice including special schools within developments both between special schools and high schools and between special schools and colleges. The special schools are already providers 16-19. The maintained high schools have a good record in Key Stage 3 and 4 with regard to support for young people with special needs. Ofsted reports often identify this as a strength in their provision. Two of the high schools are additionally resourced at KS3 and KS4, one for physical disability and one for hearing impaired. Provision mapping is currently being developed in collaboration with the South East regional SEN partnership. This has been described as a model of good practice and is in line with removing barriers to achievement. The collaboration between high school Special Educational Needs Co-ordinators (Sencos) in this work is highly regarded across London. Similarly the colleges also enjoy a very strong record in this area. The Collegiate provides an opportunity to build upon this through enhanced tracking, IAG and transition and the commitment to the Every Child Matters agenda across council services which emphasises access and participation, especially for this vulnerable group.

OTHER ISSUES

Views of Interested Parties

35. The Decision Maker should consider the views of all those affected by the proposals or who have an interest in them including: pupils; families of pupils; staff; other schools and colleges; local residents; diocesan bodies and other providers; LAs; the LSC (where proposals affect 14-19 provision). This includes statutory objections and comments submitted during the representation period. The Decision Maker should not simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead the Decision Maker should give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals.

36. Annexe C summarises the consultation that has occurred, lists all the written communications received and provides an officer response to the issues raised by those who have written to Harrow Council. The LWLSC Council meeting on 30 January 2007 gave unanimous approval to Harrow's bid, which was then recommended to the LSC National Capital Committee meeting on 29 March 2007.