

## HAMPSHIRE COUNTY COUNCIL

### Decision Report

<b>Decision Maker:</b>	Cabinet
<b>Date:</b>	15 March 2022
<b>Title:</b>	School Organisation - amendment to current decision-making arrangements
<b>Report From:</b>	<i>Director of Children's Services</i>

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#### Purpose of this Report

1. The purpose of this report is to seek Cabinet approval to amend the Cabinet Report (item 5) of the 21 May 2007 **Education and Inspections Act 2006 – Implications for School Organisation Decisions**.  
<http://www.hants.gov.uk/decisions/decisions-docs/070521-cabine-R0706092244.html>
2. The proposed amendment would move all matters in relation to school organisation under the decision-making authority of the Executive Lead Member for Children's Services. Therefore, removing the current requirement for Cabinet to consider and decide upon school closures and if required linked proposals that currently fall out of the scope of authority of the Executive Lead Member for Children's Services. This brings it in to line with other related decisions such as school amalgamations, simplifying the decision making process and enabling all matters on school organisation to be treated as business as usual.

#### Recommendation

3. Cabinet approves that the decision making authority in relation to school closures and where required linked proposals be transferred from the Cabinet to the Executive Lead Member for Children's Services (with immediate effect). This amends paragraph 2(c) of the Cabinet Report (item 5) of the 21 May 2007 Education and Inspections Act 2006 – Implications for School Organisation Decisions, which requires Cabinet to consider and decide upon school closures and if required linked proposals that fall out of the scope of authority of the Executive Lead Member for Children's Services.

4. All other recommendations set out in the 21 May 2007 Cabinet report Education and Inspections Act 2006 – Implications for School Organisation Decisions are not affected by this decision.

## **Executive Summary**

5. This report seeks to amend paragraph 2(c) of the Cabinet report (item 5) of 21 May 2007, Education and Inspections Act 2006 – Implications for School Organisation Decisions. Therefore, bringing it in to line with other related decisions such as school amalgamations, simplifying the decision making process and enabling all matters on school organisation to be treated as business as usual.
6. On the 21 May 2007, the Cabinet considered and approved a report (Cabinet item 5) by the Director of Children’s Services that set-out the implications of the Education and Inspections Act 2006 on School Organisation decisions.
7. The report detailed how (i) the decisions making process in relation to school organisation would need to change following the abolition of the School Organisation Committee and, (ii) the requirement to hold ‘competitions in most cases where new schools are required.
8. School closure decisions and where required linked proposals are service driven and therefore, should as with all other School Organisation decisions sit under the scope of authority of the Executive Lead Member for Children’s Services. This proposed change would not preclude the Executive Lead Member seeking the support of Cabinet in the future should they feel the need to.

## **Contextual information**

9. In 2006 the Department for Education (DfE) revised the 1990 Education and Inspections Act. Some key amendments impacted on the way decisions around school organisation issues would have to be taken in the future and, the requirement to hold competitions in most cases where new schools were proposed.
10. Until this point any decisions on reorganisations, closures and other alterations were made by the School Organisation Committee. Once abolished a majority of school organisation decisions would fall upon the local authority to take.

11. The May 2007 Cabinet Report, Education and Inspections Act 2006 – Implications for School Organisation Decisions recommended that decision making be undertaken through three authorities. (i) The Director of Children’s Services in accordance with the County Council’s constitution to be able to take decisions linked to local consultation and certain proposals that had not received any objection during the statutory consultation phase. (2) The Executive Member for Education to consider and decide upon all other prescribed alterations except where under certain circumstances a school closure is involved. (3) The Cabinet to consider and decide upon school closures and if required linked proposals that fall out of the scope of authority of the Executive Member for Education.
12. A proposal should be regarded as ‘linked’ if its implementation (or non-implementation) would prevent or undermine the effective implementation of another proposal.
13. As set out in the Department for Education Opening and closing maintained schools - Statutory guidance for proposers and decision-makers November 2019, the decision-making sits with the Local Authority, it is for the local authority to decide how this is met within its decision making framework.
14. There is no legal requirement that Cabinet must consider and decide upon school closures and if required linked proposals. Having had the current process in place for 15 years, it now makes sense to streamline how decisions on school organisation are taken and bring all the required authority under the Executive Lead Member for Children’s Services.

## **Finance**

15. There are no financial implications linked to the recommendation in this report for County Council.

## **Performance**

16. There are no performance related matters linked to this report.

## **Consultation and Equalities**

17. The subject of this report does not require any form of consultation to be undertaken.
18. No equality impacts have been identified.

## **Climate Change Impact Assessment**

19. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience impacts of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.

20. **Climate Change Adaptation and Mitigation.**

Not relevant in regard to the content of this report or decision being sought.

21. **Carbon Mitigation**

Not relevant in regard to the content of this report or decision being sought.

**Conclusions**

22. Cabinet approved in May 2007 a report **Education and Inspections Act 2006 – Implications for School Organisation Decisions**. This report set-out changes that would be required in regard to school organisation decisions upon the abolition of School Organisation Committees, as result of changes to the Education and Inspections Act 2006.

23. The report put a majority of the decision-making powers on school organisation matters under the then Executive Member for Education and Director of Children's Services. However, it put the decision-making power in relation to school closures and linked decisions under the Council's Cabinet.

24. There is no legal or other reason/s why decisions on school closures and linked decisions cannot rest with the Executive Lead Member for Children's Services. These as with all other school organisation decisions are service specific and do not overtly impact the wider County Council.

25. In order to streamline and simplify the current arrangements as set-out in the May 2007 report it is recommended that Cabinet moves its current role in relation to school closures to the Executive Lead Member for Children's Services.

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

<b>Hampshire maintains strong and sustainable economic growth and prosperity:</b>	yes
<b>People in Hampshire live safe, healthy and independent lives:</b>	yes
<b>People in Hampshire enjoy a rich and diverse environment:</b>	yes
<b>People in Hampshire enjoy being part of strong, inclusive communities:</b>	yes

**Other Significant Links**

<b>Links to previous Member decisions:</b>	
<u>Title</u>	<u>Date</u>
Education and Inspections Act 2006 – Implications for School Organisation Decisions	May 2007
<b>Direct links to specific legislation or Government Directives</b>	
<u>Title</u>	<u>Date</u>
Education and Inspections Act	2006

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

<u>Document</u>	<u>Location</u>
None	

## **EQUALITIES IMPACT ASSESSMENT:**

### **1. Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

### **2. Equalities Impact Assessment:**

- (a) The recommendation in this report will have no impact on groups with protected characteristics.

