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Preparation for consultation Feb 2023

Paragraphs 1.3 to 1.6 are applicable in the case of all proposals.

1.3 Quality and standards in education

Relevant bodies **should** place the interests of learners above all others. With reference to the five inspection areas of the Office of Her Majesty's Chief Inspector of Education and Training in Wales (Estyn) Common Inspection Framework (as of September 2017), they **should** consider the likely impact of the proposals on:

- standards and progress overall, of specific groups and in skills;
- wellbeing and attitudes to learning;
- teaching and learning experiences (quality of teaching, the breadth, balance and appropriateness of the curriculum, and the provision of skills;
- care support and guidance (tracking, monitoring and the provision of learning support, personal development and safeguarding); and
- leadership and management (quality and effectiveness of leaders and managers, self evaluation processes and improvement planning, professional learning, and use of resources) at the school or schools which are the subject of the proposals and at any other school or educational institution which is likely to be affected.

Relevant bodies **should** pay particular attention to the impact of the proposals on vulnerable groups, including children with Special Educational Needs (SEN)² .

Relevant bodies **should** also consider the ability of the school or schools which are the subject of the proposals to deliver the full curriculum at the foundation phase and each key stage of education. This consideration **should** include the quality of curriculum delivery and the extent to which the structure or size of the school is impacting on this.³

Where proposals involve the transfer of learners to alternative provision there **should** normally be evidence that the alternative would deliver outcomes and offer provision at least equivalent to that which is currently available to those learners (including learners with SEN). Advice from Estyn might reasonably be used as evidence in relation to alternative provision which is brand new. Proposers **should** ensure that the disruption to learners is minimised.

In assessing the impact of proposals on quality and standards in education and how effectively the curriculum is being delivered, relevant bodies **should** consider any relevant advice from Estyn, refer to the most recent Estyn reports or other evidence derived from performance monitoring, and take into consideration any other generally available information available on a school's effectiveness.

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1.4 Need for places and the impact on accessibility of schools

Local authorities **must** ensure that there are sufficient schools providing primary and secondary education for their area. Schools are regarded as sufficient if they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education⁴. In order to fulfil these duties, local authorities **must** ensure that they plan thoroughly and engage fully with relevant partners, including the appropriate religious bodies⁵ for schools serving their area which have a designated religious character.

In the light of the above, relevant bodies **should** have regard to the following factors: Where a school closure⁶, reduction in capacity or age range contraction is proposed:

- whether alternative school-based provision will have sufficient capacity and provide accommodation of at least equivalent quality, for existing and projected pupil numbers;

In considering proposals relevant bodies **should** have regard to the relevant Building Regulations and associated Building Bulletins, and to the 'Welsh Government's circular on 'Measuring the capacity of schools in Wales' (Circular No: 021/2011). In addition, the Education (School Premises) Regulations 1999 set out the standards for school premises, including minimum areas of team game playing fields to which schools **must** have access. Statutory proposals **should** ensure that these standards are met.

- with reference to the nature of the schools subject to proposals, whether the alternative school-based provision is sufficient to meet existing and projected demand for schools of the same:

a. language category as set out in "Defining schools according to Welsh medium provision" Welsh Assembly Government Information document No: 023/2007 or any successor documents; and

b. (if relevant) designated religious character.

Proposals **should** ensure that the balance of school provision reflects the balance of demand. This means that where school provision is being reduced or removed, alternative school provision of the same nature (language category or, if relevant, religious character), wherever possible, **should** remain available and accessible to pupils in the local area. However in some areas it may not be compatible with the cost effective provision of education to continue to maintain access to schools of the same nature.

In all cases, existing pupils of compulsory school age at a school where a school closure, reduction in capacity or age range contraction is proposed **must** be able to continue receiving an education in their current language medium. Specific transition arrangements may be necessary in order to achieve this.

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Where proposals affect schools where Welsh is a medium of instruction (for subjects other than Welsh) for some or all of the time, local authorities should carry out a Welsh Language Impact Assessment.

In all cases local authorities **should** consider:

- The extent to which the proposal would support the targets in the approved Welsh in Education Strategic Plan (WESP).
- How the proposal would expand or reduce Welsh language provision and in the case of the latter, set out why provision will be reduced.

In the case of proposed school closures local authorities **should** consider:

- the nature of journeys to alternative provision and resulting journey times for pupils including SEN pupils; in particular whether primary school pupils will have one-way journeys in excess of 45 minutes or secondary school pupils one way journeys of over an hour.

Arrangements for accessing the alternative provision **should** encourage sustainable transport; and should address the possible effect of any transport difficulties on pupils' engagement with and attendance at school. Likely walking or cycling routes for safety and accessibility **should** be assessed prior to bringing forward proposals⁷

Where a new school, increase in capacity or age range expansion is proposed;

- that there is evidence of current or future need/demand in the area for additional places, with reference to the school or proposed school's language category, designated religious character, and the gender intake (i.e. co-educational/single sex);

The demand for additional provision of any type in an area **should** be assessed and evidenced. (In the case of Welsh medium provision this would include an assessment of the demand for Welsh Medium education conducted in accordance with any regulations made under section 86 of the 2013 Act).

- whether proposals will improve access for disabled pupils in accordance with requirements under the Equality Act 2010.

1.5 Resourcing of education and other financial implications

It is important that funding for education is cost effective. Relevant bodies should take into account the following factors in relation to the resourcing of education:

- What effect proposals will have on surplus places in the area;

Some spare places are necessary to enable schools to cope with fluctuations in numbers of pupils, but excessive numbers of unused places that could be removed mean that resources are tied up unproductively.

Where there are more than 10% surplus places in an area overall, local authorities **should** review their provision and **should** consider whether to make proposals for their removal if this will improve the effectiveness and efficiency of provision. A

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significant level of surplus provision is defined as 25% or more of a school's capacity (as defined in Circular 21/2011) **and** at least 30 unfilled places.

Although local authorities are asked to manage excessive surplus places this does not automatically mean closing schools. Sections 1.7 and 1.8 of the Code encourage proposers to look at other options available to them and their schools, for example clustering, collaboration or federation with other schools to increase the school's viability or making use of the existing buildings as a community resource. They are also encouraged to rationalise school space by co-locating services within the school to offset costs.

It **should not** normally be necessary to provide additional places at schools when there are others of the same type with surplus places within a reasonable distance. 7 The Learner Travel Statutory Provision and Operational Guidance June 2014 Chapter 5. 9 However, proposals to increase the number of places in response to demand for a particular type of provision, e.g. Welsh medium, may still be appropriate; particularly if effective provision of school places is planned for the local authority area.

- whether proposals form part of the local authority's 21st Century Schools Investment Programme and contribute to the delivery of sustainable schools for the 21st Century and to the better strategic management of the school estate.

Relevant bodies **should** also take into account the following factors in relation to finance:

- the recurrent costs of proposals over a period of at least 3 years and whether the necessary recurrent funding is available;
- additional transport costs incurred as a result of proposals;

Proposers **should** take into account the requirement on local authorities to provide free transport provision under the Learner Travel (Wales) Measure 2008 and **should** seek the advice of the relevant local authority transport department in relation to the impact the proposal might have on associated transport costs and their affordability.

- the capital costs of proposals and whether the necessary capital funding is available;
- the scale of any projected net savings (taking into account school revenue, transport and capital costs); In relation to proposals where substantial upfront capital investment is required (for example to support a substantial remodelling, refurbishment or a new build project), the costs and savings of the proposals should be calculated over the lifespan of the relevant building, and compared against the costs and savings associated with the maintenance of the status quo.
- whether, without the proposals, the schools affected would face budget deficits;
- whether any savings in recurrent costs will be retained in the local authority's local schools' budget; and

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- whether the proceeds of sales (capital receipts) of redundant sites are to be made available to meet the costs of the proposal or contribute to the costs of future proposals which will promote effective management of school places.

In general, local authorities **should** look to recycle assets from any surplus school buildings and sites in their ownership into the overall improvement of their schools estate rather than allocate those proceeds to projects outside the education portfolio, although these decisions ultimately rest with local authorities.

1.6 Other general factors

Relevant bodies should take into account the following general factors:

- what impact proposals will have on educational attainment among children from economically deprived backgrounds;
- any equality issues, including those identified through equality impact assessments; and
- whether the school or schools involved are subject to any trust or charitable interests which might be affected by the proposals, for example in relation to the use or disposal of land.

Proposals which affect charities must be consistent with charity law or the stated purpose of the charitable trust.⁸ Advice **should** be sought from the Charity Commission or the Welsh Ministers (as the Principal Regulator of governing bodies which are charities) where there is any uncertainty.

Under section 82 of the School Standards and Framework Act 1998 the Welsh Ministers have the power to order modifications of a trust deed. The power is discretionary and Welsh Ministers would ordinarily expect trustees to approach the Charity Commission first.

1.14 Additional factors to be taken into account in preparing, publishing, approving or determining proposals for the reorganisation of SEN provision

Policies and principles

The principles and plans set out elsewhere in this Code **should** be taken into account in the consideration of proposals for the reorganisation of maintained special schools and specialist resource bases in mainstream schools.

Relevant bodies **should** consider how proposals fit with the local authority's plans for promoting inclusion (i.e. providing for a higher proportion of pupils with SEN to attend mainstream settings) wherever that is appropriate in meeting a child or young person's individual needs, and with its overall strategy for ensuring adequate provision for the full range of SEN.

Relevant bodies **should** have regard to the factors set out below in relation to proposals affecting special schools and specialist resource bases in mainstream schools.

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Standards of provision

In addition to the usual considerations in relation to standards of provision, relevant bodies **should** consider:

- whether proposals will improve standards of accommodation for pupils with SEN, including building accessibility;
- how proposals will address any health, safety and welfare issues;
- how proposals, where appropriate, will support increased inclusion; and
- the impact of proposals on other SEN provision within the immediate and wider local authority area including out of county where appropriate.

Need for places and the impact on accessibility of schools

In addition to the considerations listed in 1.4, relevant bodies **should** consider:

- whether there is a need for a particular type of SEN provision within the area;
- whether there is surplus SEN provision within the area;
- whether SEN provision would be more effective or efficient if regional provision were made; and
- the impact of proposals on the transportation of learners with SEN.

Other factors Relevant bodies **should** consider:

- how changes to SEN provision in schools are likely to impact on all other services provided in an area for pupils with disabilities and/or SEN.

1.15 Factors to be taken into account in approving/determining school organisation proposals

When approving proposals, relevant bodies who are the proposer:

- must consider whether there are any other related proposals;
- must ensure that the statutory consultation has been conducted in accordance with this Code (the requirement to consult does not apply to proposals to discontinue a school which is a small school);
- must ensure that the proposal has been published in accordance with this Code and the notice contains all the required information;
- must consider the consultation document and consultation report;
- must consider the objections and the objection report and any responses to the notice supporting the proposals;
- should consider, in the case of a proposal to change the category of a school, whether, there are any benefits. If no benefits can be identified, such proposals should not be approved; and

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- must not approve change of category proposals where a variation in the trust deed is necessary but has not yet taken place.

When determining proposals relevant bodies:

- must consider whether there are any other related proposals;
- must consider the extent to which the statutory consultation has been conducted in accordance with this Code (the requirement to consult does not apply to proposals to discontinue a school which is a small school);
- must consider the extent to which the proposal has been published in accordance with this Code and whether the notice contains all the required information;
- must consider the consultation document and consultation report;
- must consider the objections and the objection report and any responses to the notice supporting the proposals;
- should consider, in the case of a proposal to change the category of a school, whether, there are any benefits. If no benefits can be identified, such proposals should not be approved; and
- must not approve change of category proposals where a variation in the trust deed is necessary but has not yet taken place

3. Consultation

3.1 Principles Section 48 of the 2013 Act requires that before school organisation proposals are published under sections 41-45, they **must** first be subject to consultation. In addition, proposals published under section 68 by the Welsh Ministers to secure regional provision for special educational needs or published under section 71 to reorganise sixth forms **must** also be subject to prior consultation.

The requirement to consult does not apply to proposals to discontinue a small school¹⁵ made under section 43. However, where a closure proposal relates to a small school with fewer than 10 pupils which is designated as a rural school local authorities and governing bodies bringing forward such proposals **should** still take into account the factors set out in Chapter 1 this Code, including the further requirements which relate to the closure of rural schools set out in 1.8 “Presumption against the closure of rural schools”.

Case law has established that the consultation process **should**:

- be undertaken when proposals are still at a formative stage;
- include sufficient reasons and information for particular proposals to enable intelligent consideration and response;
- provide adequate time for consideration and response; and;

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- ensure that the product of consultation is conscientiously taken into account when the ultimate decision is taken.

The process and guidance which follow have been developed with due regard to the principles listed above. Those considering bringing forward proposals will need to be fully aware of this process and guidance. However, proposers **must** be mindful of the four underlying principles and take any necessary additional steps to ensure that those principles are fully upheld.

3.2 Attention to detail

It is essential that proposers seek and achieve high standards both in the information that underpins school consultations and in the consultation documents that are published. These will be examined closely by communities, school staff and parents, and errors in details can easily undermine confidence in a proposal. Failure to provide accurate, high quality consultation documents can result in consultations being abandoned, taking much longer than expected and to increased conflict with communities.

From time to time proposers will have conducted 'informal' consultation with particular stakeholders at an earlier stage in the development of proposals. Such consultation **must not** be seen as a substitute for any part of the formal consultation processes set out below.

3.3 Procedures

There is no requirement for proposers to hold consultation meetings although there will be circumstances where proposers will consider that meeting with certain groups of consultees will assist greatly in the dissemination of information and provide a suitable platform for the consultees to make their views known.

Proposers may use other ways to engage consultees as they think appropriate. For example, open days or 'drop-in' sessions might provide interested parties with a convenient way to access information seek clarification and provide comments.

In the case of proposals to reorganise schools for which land and/or buildings are held on trust or which have a designated religious character, the proposer **must** conduct consultation with the trustees and/or appropriate religious body before the consultation document is published. The proposer **must** allow 28 days for the receipt of comments and must have due regard to those comments before any decision is made to proceed to general consultation. Where, in the course of consultation, a new option emerges which the proposers decide to pursue, they **must** consult afresh on this option before proceeding to publication.

3.4 Consultation document

Those bringing forward statutory proposals **must** publish a consultation document in hard copy and electronically on their website or that of the relevant local authority. Hard copies must be available on request. Consideration should be given to publishing in other formats where accessibility might otherwise be an issue.

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The consultation document **must** be published on a school day of the school or schools subject to the proposal and consultees must be given at least 42 days to respond to the document, with at least 20 of these being school days.¹⁶

Consultation documents should not be published on a school day which includes a school session which is devoted (wholly or mainly) to improving teaching standards or management practices of staff at the school (INSET days).

The following **must** be advised by letter or email of the availability of the consultation document and that recipients can, if they wish, obtain a hard copy of the consultation document on request (but see also section 3 on Consultation with Children and Young People):

- Parents (and where possible prospective parents) carers and guardians, and staff members of schools affected by the proposals;
- in the case of proposals affecting secondary provision, parents of pupils attending primary schools from which pupils normally transfer to that secondary school;
- the maintaining or proposed maintaining authority for any school likely to be affected by the proposals;
- any other local authority (including those in England, where appropriate) likely to be affected - including in the case of dedicated SEN provision any authority placing or likely to place pupils with SEN in it;
- the Church in Wales and Roman Catholic Diocesan Authority for the area in which any school likely to be affected is located;
- any other appropriate religious body for any school likely to be affected by the proposals;
- the governing body of any school which is the subject of the proposals;
- the governing body of other schools which the proposer consider are likely to be affected by the proposals;
- the Welsh Ministers*;
- Constituency and Regional Assembly Members (AMs) and Members of Parliament (MPs) representing the area served by/intended to be served by any school which is the subject of the proposals;
- Estyn;
- teaching and staff trade unions representing teachers and other staff at any school which is the subject of the proposals;
- the relevant Regional Education Consortium;
- the Police and Crime Commissioner for the area served by/intended to be served by any school which is the subject of the proposals;

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- any community or town council for the area served by/ intended to be served by any school which is the subject of the proposals;
- in the case of proposals affecting nursery provision any independent or voluntary providers who may be affected including Mudiad Meithrin;
- in the case of proposals affecting nursery provision, the Children and Young People's Partnership and/or the Early Years Development and Childcare Partnerships where present;
- in the case of proposals affecting SEN provision, any relevant health or third sector bodies with an interest;
- in the case of proposals affecting secondary provision, any further education institutions serving the area of the school; and
- in the case of proposals affecting Welsh language provision, the Welsh Language Commissioner.

* In the case of the Welsh Ministers emails should be sent to the following Welsh Government mailbox: Schoolsmanagementdivision3@gov.wales. It is not necessary to send emails to individual Welsh Ministers.

In the case of all proposals, the consultation document **must** contain the following information:

Description and Benefits

- a detailed description of the status quo setting out its strengths and weaknesses and the reasons why change is considered necessary;
- a detailed description of the proposal or proposals (a proposer may consult on more than one potential proposal), the projected timetable for statutory procedures and for implementation of the proposals and any proposed interim arrangements which might be necessary for their implementation. In describing the proposals, proposers **should** normally refer to them using the terms set out this Code (e.g. school closure) but where two or more existing schools become one school operating on more than one site (e.g. where former infant and junior schools become a primary school) the terms 'merger' or 'amalgamation' might be used;
- the expected benefits of the proposals and disadvantages when compared with the status quo;
- any risks associated with the proposals and any measures required to manage these;
- a description of any alternatives considered and the reasons why these have been discounted (but see para 1.8 "Presumption against the closure of rural schools");
- information on any changes to learner travel arrangements were the proposals to be implemented and the impact on accessibility of provision.

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Details of affected schools

- the names, locations and categories (i.e. community, voluntary controlled, voluntary aided, foundation) of all existing schools likely to be affected by the proposals (for example, in the case of a proposal to close a school information **should** be provided about all the surrounding schools to which it might reasonably be considered that pupils may wish to transfer);
- the number of pupils on roll currently¹⁷ and the figures recorded for the previous four annual school censuses at all existing schools likely to be affected by the proposals;
- five year forecasts of pupil rolls at all existing schools likely to be affected by the proposals both currently (i.e. based on the existing configuration of schools) and if the proposals are implemented;
- the pupil places capacity¹⁸ of all existing schools likely to be affected by the proposals;
- the number of nursery places at any existing school likely to be affected by the proposals;
- information about the quality of accommodation at all existing schools likely to be affected by the proposals including reference to the local authority's most recent condition survey using the categories of the original 21st Century Schools Survey;
- the language medium of all existing schools likely to be affected by the proposals (using the Welsh Government Circular 23/2007 "Defining schools according to Welsh medium provision").

Quality and standards in education

- an analysis of the likely impact of the proposals on the quality of the following (reference to relevant Estyn five inspection areas are included in brackets):
 - a) standards (standards and progress overall, of specific groups and in skills); wellbeing and attitudes to learning;
 - b) teaching and learning experiences (quality of teaching, the breadth, balance and appropriateness of the curriculum, and the provision of skills;
 - c) care support and guidance (tracking, monitoring and the provision of learning support, personal development and safeguarding); and
 - d) leadership and management (quality and effectiveness of leaders and managers, self evaluation processes and improvement planning, professional learning, and use of resources)

at the school or schools which are the subject of the proposals and at any other school or educational institution which is likely to be affected.

- information from the most recent Estyn reports for each school likely to be affected;

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- the likely impact of the proposals on the ability of school or schools which are the subject of the proposals or any other school which is likely to be affected, to deliver the full curriculum at the foundation phase and each key stage of education.

Welsh in Education Strategic Plan (WESP)

- the extent to which the proposal would support the targets in the approved Welsh in Education Strategic Plan.
- How the proposal would expand or reduce Welsh language provision. In the case of the latter, set out why provision will be reduced.

Finance

- the financial costs of the proposal and any potential savings (including where appropriate the current costs per pupil and the projected costs upon completion) – capital and recurrent (including school transport and staff costs);
- the sources from which capital funding will be provided;
- how any capital receipts or recurrent costs savings will be deployed;

Land and buildings

- details of any potential transfer or disposal of land or buildings that may need to occur as a result of the proposals.

Consultation details

- details of how people can make their views known including the address to which comments in writing can be made and the deadline for those comments;
- details of how people can ask further questions about the proposals or suggest alternatives to the proposals;
- a statement to the effect that responses to consultation will not be counted as objections to the proposal and that objections can only be registered following publication of the notice;
- an explanation of the publication process, the making of objections and determination of published proposals.
 - a space for consultees to respond to the consultation
- an opportunity for consultees to register their wish to be notified of publication of the consultation report. Where proposals involve establishing a new school the following information must also be included in the consultation document:
 - the new school's:
 - a. proposed admission number and admission arrangements;
 - b. age range; c. pupil places capacity and/or number of nursery places;
 - d. location; e. category (i.e. Community, Voluntary Aided or Voluntary Controlled);

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- f. language category (as defined by Information document No. 023/2007);
- g. details of the proposed accommodation to include a list of proposed facilities;
- h. in the case of a special educational needs (SEN) resource base in a mainstream school or a special school, information on the special needs of the pupils proposed to be admitted;
- i. home to school transport arrangements (including any transitional arrangements) and the local authority's transport policy.

Where proposals involve the closure of a school the following information must be included in the consultation document:

- details of any alternatives to closure that have been considered and the reasons why these have not been taken forward (but see para 1.8 "Presumption against the closure of rural schools");
- the impact of proposals on the local community, the likely impact on staff of schools named in proposals;
- in the case of alternative provision:
 - a. the name and location of the proposed alternative provision;
 - b. a comparison of the quality and standard of education provided at the school from which pupils would be transferred and the proposed alternative school or schools and an outline of any steps necessary in order to ensure that any shortcomings in the latter are addressed;
 - c. admission arrangements at the proposed alternative school;
 - d. a comparison of the quality of accommodation at the school from which pupils would be transferred and at the proposed alternative and an outline of any steps necessary in order to ensure that any shortcomings in the latter are addressed;
 - e. information on any building works necessary to ensure that transferred children can be accommodated at the alternative provision;
 - f. the impact on pupils' journeys to school and on school transport costs; Section 3 of the Learner Travel (Wales) Measure 2008 sets a threshold for entitlement for free home to school transport provision at 2 miles or further for primary education and 3 miles or further for compulsory aged secondary school education.
 - g. information regarding available walking routes to the alternative provision;
 - h. the language medium at the proposed alternative school. Where proposals involve the closure of a rural school and the decision has been made to consult on the proposal, the following information must be contained in the consultation document along with the information that must be contained for all proposals:
 - The reason for the closure proposal (i.e. a description of the key challenges that the school faces and the proposer wishes to address);

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- The alternatives to closure that have been identified and an assessment of these alternatives to include:

- o the likely impact on quality and standards in education,
- o the likely impact on the community and o the likely effect of different travelling arrangements.

In addition consultees must be informed of their opportunity to:

- make representations regarding the alternatives to closure that have been identified by the proposer as well as the main proposal;
- suggest other alternatives to closure which would address the reasons for closure (i.e. the key challenges the school faces which the proposer is seeking to address). Where the proposal concerns adding or removing nursery provision.

The following information must be included in the consultation document:

- the sufficiency of accommodation and facilities offered, both in the classroom and outdoors, and the viability of any school that wishes to add nursery places;
- whether there is a need for additional nursery places in the area;
- the levels of demand for certain types of nursery education e.g. Welsh medium or provision with a religious character;
- the effect of the proposals on other institutions, including private and third sector providers; and
- the extent to which proposals will integrate early years education with childcare services or are consistent with an integrated approach.

Where the proposal concerns adding or removing sixth form provision. The following information must be included in the consultation document:

- whether proposals will lead to an improvement in the educational or training achievements of persons who are above compulsory school age but below the age of 19 in the area;
- whether proposals will contribute to an appropriate range of relevant courses and qualifications and high quality, employer informed, vocational learning routes targeted at pupils of all abilities, whilst maintaining GCSE, AS/A level and other established courses, as required under the Learning and Skills (Wales) Measure 2009 for 14-19 year old learners;
- whether proposals are likely to lead to increased participation in learning by pupils beyond compulsory school age, taking into account transport issues and costs to the learner and others, the affordability of such costs, and the likelihood of learners being willing to travel;
- the extent to which proposals contribute to the 14-19 agenda taking account of the views of local 14-19 networks and learning partnerships;

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- the effect of proposals on 11-16 provision in schools;
- how proposals would affect the viability of institutions already providing good-quality post-16 provision, including school sixth forms, Further Education Institutions and private training organisations;
 - how proposals might affect the sustainability or enhancement of Welsh medium provision in the local 14-19 network and wider area and promote access to availability of Welsh medium courses in post-16 education;
 - the extent to which proposals will provide additional learner benefits compared with the status quo and other tenable options for post-16 organisation; and
- how proposals might affect the discretionary transport provision a local authority may provide to learners above compulsory school age.

Where proposals relate to a special school or involve specialist resource bases attached to mainstream schools the following information must be included in the consultation document:

- the impact on SEN provision;
- how proposals will contribute more generally to enhancing the quality of education and support for children with SEN. Where the proposal concerns a change of language medium.

The following information must be included in the consultation document:

- projected demand from parents for the type of provision proposed; and 20 Section 6 of the Learner Travel (Wales) Measure 2008 gives a local authority the power to provide discretionary transport where they think fit to facilitate the travel of learners. Paragraphs 1.98 – 1.105 of the Welsh Government Learner Travel Statutory Provision and Operational Guidance 2014 provides further guidance on this provision.
- the extent to which existing provision, of the type proposed exceeds or falls short of demand or projected demand.

Where any school involved or affected provides teaching through the medium of Welsh the following information must be included in the consultation document:

- an assessment of the impact of proposal on the Welsh language (a Welsh language impact assessment must be included either in the main part of the consultation document or as an Annex); and
- an explanation of how the proposal forms part of the WESP.

Where the proposal concerns a school with a designated religious character the following information must be included in the consultation document:

- the impact on availability and access to places at a school with the same designated religious character. Where the proposal concerns a change of category the following information must be included in the consultation document:

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- the effect of the change of category on governance arrangements and the governing body's powers over policies and arrangements in respect of admissions, employment and the curriculum; and
- any proposed changes to policies and arrangements in respect of admissions, employment and the curriculum. In some circumstances, proposers may consider it appropriate to consult on a range of options rather than one specific proposal, but in such cases, all of the information set out above must be provided in relation to each of the identified options.

3.5 Consultation with children and young people Proposers must also make suitable arrangements to consult with pupils of any affected school (or part of a school in the case of provision reserved for children with SEN) and, where possible, with children and young people who are likely to attend those schools.

As a minimum, this must include consultation with the school councils of the affected schools, but should also include consultation with individual learners where this is appropriate and practicable. Governing bodies must help facilitate this aspect of the consultation.

The information given to children and young people must be presented in such a way that it is relevant to their age and level of likely understanding and allows them to reach an informed opinion. The agreed children and young people's participation standards for Wales are available on the Welsh Government's website; proposers should refer to these and act in accordance with them.

<https://gov.wales/topics/people-and-communities/people/children-and-youngpeople/rights/ParticipationforChildrenandYoungPeople/?lang=en>

If consulting with individual learners, proposers should produce and distribute a version or versions of the consultation document appropriate to the age/ages of the children and young people affected. The consultation document should also clearly explain to children and young people the difference between the consultation and objection periods and how and when they can object to proposals. Where necessary, proposers should provide assistance to children and young people who wish to submit a consultation response.