

**DERBYSHIRE COUNTY COUNCIL**

**CABINET**

**13 December 2016**

**Report of the Strategic Director for Children's Services**

**REPORT ON THE OUTCOME OF THE STATUTORY CONSULTATION ON THE  
PROPOSAL TO CLOSE THE SIXTH FORM PROVISION AT NEW MILLS  
SCHOOL & SIXTH FORM – (CHILDREN'S SERVICES)**

**1. Purpose of the Report**

To advise Cabinet of the responses to a statutory consultation on the proposal to close the sixth form provision at New Mills School and Sixth Form and to make recommendations based on that consultation.

**2. Information and Analysis**

In March 2016, the Governors of New Mills School agreed to consult on a proposal to close the sixth form at their school. This proposal is motivated by the worsening financial position of the School. The consultation was opened on 15 April 2016 and ended on 16 May 2016, and was reported to Cabinet on 20 September 2016 when approval for the Local Authority to hold a statutory consultation was sought and given.

A statutory notice was published and the consultation held between 22 September and 21 October 2016. The details of the proposal were available on the Council's web site and through the school. The notice was published in two local newspapers and was displayed at entrances to the school as required. A copy of the prescribed information is included at Appendix A.

Thirty-six responses to the consultation were received, of which thirty-five opposed the proposal and one supported it. In addition, a copy of a generic statement was submitted with seventy-seven signatures appended to it.

The issues raised are examined below. The text of all the responses is held on file and can be made available on request.

## **Level of Community Support**

Fourteen of the responses, together with the generic statement, referred to the level of community support demonstrated in the earlier school consultation when over 1,800 signatures were appended to the petition in support of keeping the sixth form open. Many outlined their belief that the Council is not listening to the local community and that the school has not engaged with the community. It was suggested that the Council needs to give the community time to develop ideas that would ensure the future of the sixth form, and pointed out that 90% of respondents to the original consultation wanted the sixth form to remain open.

## **Discussion**

The Authority recognises the strength of support that has been expressed. This proposal has been suggested by the Governing Body of the school as one of a number of measures aimed at addressing an increasing financial difficulty at the school. Increasingly, post-16 funding, and school funding generally, are determined nationally. The regulations around the pre-16 funding formula used to allocate funding to schools are set by the Department for Education (DfE) and leave little scope to provide additional funding to one particular school over another. The post 16 funding formula is entirely a matter for the Education Funding Agency.

## **High standard of teaching and results in the current sixth form**

Nine responses to the consultation raised issues around the standard of teaching, the results and the influence of the sixth form on the whole school. It was stated that sixth form sets the tone for the behaviour and attitude of the whole school and a loss of the sixth form could lead to a loss of standards across the whole school. The responses claimed that for many years New Mills School has had a very popular and successful sixth form that has out-performed other schools. Respondents quoted from both the 2011 and 2015 OfSTED Reports on New Mills School which were both very positive about the sixth form and identified the teaching as 'good'.

## **Discussion**

Support for the sixth form has identified OfSTED comments as evidence in keeping the provision open. The Cabinet report of 20 September 2016 provided detailed analysis of the other post-16 provision with which New Mills School could be compared in the High Peak area. It is clear that an examination of a standard range of performance measures used by the DfE show that it would be inaccurate to contend that New Mills has the most successful sixth form provision in the area. In the key attainment measure of Average Point Score (APS) per entry, both Aquinas and Buxton perform

better in relation to 'A' level outcomes. In relation to value added, the margin of difference across all schools is small, but Aquinas is the highest performer. It should be noted that all the other institutions offer a significant amount of vocational provision with strong value added performance at both Aquinas and Glossopdale. New Mills does not offer any vocational provision; if breadth of curriculum offer is a measure of success then it would not be accurate to claim that New Mills is the most successful. Finally, if Ofsted judgement of sixth form provision is regarded as a key measure of success, then four of the other providers have sixth forms graded as Good whilst New Mills is judged currently to be Requires Improvement.

This analysis is not intended to question the quality of the provision at New Mills School and Sixth Form but it is sufficient to establish that the provision of the alternative providers cannot be considered to be of poorer quality.

### **Parental choice of New Mills School based on the sixth form**

The choice of New Mills School for admission of their child/children was identified by fourteen respondents as being because of the sixth form provision available. Most of these commented that they would have chosen an alternative school had they known that the sixth form would be closed. Concerns were expressed that the period of uncertainty about the future of the sixth form during this consultation was encouraging parents to move their children to other schools with the associated negative impact on New Mills School. To remove the sixth form from the school would be to remove aspiration for the pupils and the impact on the school and community would be profound.

### **Discussion**

There is a clear view in the responses that a sixth form has wider benefits to a school. Across the county, there are 19 secondary schools without sixth forms and 26 with them. However, where pupil numbers have fallen, a sixth form can add to the financial problems of a school. This is why two smaller schools have taken steps recently to remove their sixth forms. In addition, there are many successful 11-16 schools, including some rated Outstanding by Ofsted. Parental choice of secondary school is driven by a number of factors. The three most popular schools for parents who live within the New Mills normal area but who choose to send their children to the another school are: Chapel-en-le-Frith High School, St Thomas More Catholic School, Hope Valley College. All of these schools are 11-16. This suggests that the presence of a sixth form is not a key consideration in parental choice.

### **Derbyshire County Council's failure to fulfil its legal obligations**

Twenty two respondents asserted that the Council had failed to fulfil its legal obligation to secure sufficient and appropriate education and training.

Several of these pointed out that the sixth form provision in other Local Authorities close to New Mills School are oversubscribed already and are unlikely to have places for Derbyshire pupils. Many felt that the definition of 'secured places' is not applicable when the places are in another Local Authority and not under the control of the Council. The detail of Aquinas College's admission criteria were quoted and, it was felt, proved that Derbyshire children would not be able to secure places at this sixth form provision whilst Marple's sixth form was described as offering the least in terms of aspiration for the future.

## **Discussion**

The Local Authority has a duty to ensure there is sufficient provision but it is not under a duty to make all provision within its geographic area. In the case of New Mills and the central High Peak, a high level of provision is made out of the area and outside Derbyshire currently. The Education Funding Agency has confirmed that there is capacity within the FE sector colleges within Stockport to accommodate the increase in demand that would result from a closure of the sixth form at New Mills and that the sector is able to expand provision where there is demand to do so. The school has made enquiries with all neighbouring post-16 providers who have indicated that they do have some places available. This proposal does reduce choice but it is expected that, overall, there are sufficient post-16 places. It is understood that the Greater Manchester review, which has been running since August last year, is aimed at identifying gaps in provision and meeting local and employer needs.

Bus services are organised to Cheadle and Marple sixth form college which serve both Buxton and Glossop. Both of these areas are served by schools with sixth forms where student numbers are well below capacity. This confirms there is no overall shortage of capacity at 16+.

The guidance from the DfE has been updated and the latest version is dated September 2016 and is included below.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/561546/Participation-of-young-people-in-education-employment-or-training.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/561546/Participation-of-young-people-in-education-employment-or-training.pdf)

This confirms the duty to secure 'sufficient suitable provision' as a duty set out in the 1996 Education Act. The guidance goes on to state in paragraph 13 that funding for education and training provision for 16-19 year olds is provided to schools, colleges and training providers by the Education Funding Agency (an agency of the DfE). Paragraph 14 goes on to state:

Where local authorities feel that there is a specific gap in provision that cannot be addressed by existing providers, there is a process by which this

can be brought to the attention of the EFA for consideration and action as appropriate.

This point is dealt with in detail in the legal considerations.

### **Proposal that Derbyshire County Council should give the school more time and more support**

Thirteen respondents felt that the Council should be improving the school and that this would lead to increased numbers on roll. There was recognition that numbers had fallen because the school had been in Special Measures, but increased funding was seen as the route to an increased staying-on rate at sixth form. It was felt that Governors should be given a chance to seek partners to achieve this investment if it is not available from the Council.

### **Discussion**

Officers have been supporting the school with respect to its budgetary problems which are due to falling pupil numbers and reduced funding for 16+ places. Whereas funding for 11-16 pupils is provided by the Authority, funding for 16+ is allocated by the Education Funding Agency. This funding has fallen from £4,280 per head in 2013/14 to £3,947 in 2016/17. Two other small schools' sixth forms have closed in Derbyshire and other closures have taken place nationally. The Statutory Guidance from the DfE (see Legal Considerations) indicates that new sixth forms should not be approved unless they are expected to attract at least 200 students. The budget deficit at the school at 31<sup>st</sup> March 2016 was £0.512 million, an increase of £0.270 million on the previous year's figure. Without the closure of the sixth form, the deficit is projected to rise to well over £1.2 million within three years. Officers were satisfied that a formal consultation on the proposed closure of the sixth form was appropriate in the context of the financial problems faced by the school.

### **The DfE Guidelines quoted in the support of the proposal are not appropriate for this consultation, and the Local Authority has applied the school organisation guidance to this consultation in a different way to that held regarding Glossopdale's move to a single site**

Fourteen respondents felt that the Local Authority was mis-quoting DfE guidelines and using guidance that is not appropriate to the closure of a sixth form. The case was made that the guidance quoted is to open a new sixth form and this would need very different parameters and funding. Some felt that the consultation had been difficult to access and that there had been limited information provided. The leaflet drop to local residents in Glossopdale was not repeated in New Mills and the consultation not advertised to parents of the local feeder primary schools. There was an accusation that the Council has done the bare minimum to fulfil its obligation required by law to follow through the proposal for closure.

## **Discussion**

The consultation process is prescribed in statute and guidance provided to all Local Authorities - 'Making Prescribed Alterations to Maintained Schools' (April 2016). The Council has followed the process set out on this guidance through the consultation on the proposed closure of the sixth form of New Mills School. The Local Authority is required to ensure that it fulfils its duty to follow the prescribed guidance. The statutory guidance does not contain any guidelines on the number of students with respect to proposals to close sixth forms. It does however state the figure of 200 as a minimum to ensure the viability of a new sixth form and sets some other criteria. The number of 16+ students in the school is well below 100, and the school's governing body has proposed closure on the grounds that the sixth form is not viable. In this context it is reasonable for the Authority to consider this proposal alongside statutory guidance stating that 200 students is needed for any new sixth form to ensure viability.

The consultation on creating a single site school for Glossopdale Community College included a leaflet drop to neighbours of the Hadfield site to ensure that they were aware of the impact of the building project on the site next to their homes.

## **Issues around the deficit and the perceived mis-management of the school by Senior Management Team, Governors, and Derbyshire County Council**

Of the twenty-five respondents who raised this issue, many recognised the need to address the deficit and to balance the books for the school. Some understood that there was cross-subsidisation between the 11 – 16 and the post-16 costs of the school, whilst others took the line that both areas of the school budget were in deficit and so no cross-subsidisation could be assumed. All felt that the deficit was the result of mis-management whether this was the responsibility of the school's Senior Management Team, the Governors or the Council, a combination of these groups or all three together. It was suggested that the current senior managers and governors be dismissed and a new team put in place and given time to resolve the situation without recourse to closure of the sixth form. Some responses identified a too large senior management team squandering money for too long, with senior posts being replaced amidst the discussion of potential teaching staff redundancies. The change in school funding from government was seen as an irrelevant argument. The Council was seen as having exercised no checks on the school in getting to this situation, and then only giving three years to resolve it. This had forced the governors to make a proposal that no-one wanted but was short-term expediency.

## **Discussion**

The Senior Management and the Governing Body of the school have been working hard for some time to address the financial position of the school, and has sought help and assistance with this process from the Local Authority. There have also been significant recent changes in the senior leadership of the school. The context of this proposal is reduced funding from the Education Funding Agency and other closures of sixth forms across the rest of the country as well as within the county. It is not appropriate to accuse or blame in these circumstances, but it is important to address the issue by understanding the causes and seeking a solution. Falling rolls and changes in funding for post-16 have been significant challenges to the school's Senior Management and Governing Body whilst maintaining the school and its delivery of education to all pupils.

### **The reduction in courses offered by the sixth form, particularly vocational courses, and failure of the school to respond to the community with courses that are wanted**

The structure of the course offer and lack of vocational courses was the theme of seventeen respondents. Many felt that removing vocational courses from the sixth form offer was poor judgement and the reason for the falling rolls at post-16. The fact that twenty-one courses had been offered at an open evening in October 2015 and then students turned away and only thirteen of them delivered was seen as poor organisation and commitment to students. Some requested that the Council invest in widening the course offer at the sixth form to make it attractive and this would see pupil numbers rise in the next two years. Alternative solutions relating to offering Higher Education qualifications and opening the courses to mature students were seen as options to be explored.

### **Discussion**

The potential demand for Higher Education entry courses at New Mills is not clear, particularly as these courses are already available at nearby colleges. This is specialist provision, particularly as the expertise required is different from that of delivering a post-16 curriculum to 16-19 year olds. Whilst the school may be able to identify a demand and could possibly deliver a course, this would do little to change the viability of the existing provision. It is difficult to envisage that there would be sufficient demand to fundamentally change the economic viability of the sixth form.

It is quite common for post 16 providers to only run those courses that attract sufficient students to make them viable.

## **Options for alternative post-16 education will mean significant time and money will be spent on travelling across Derbyshire and into neighbouring Authorities**

The issue of alternative provision of post-16 courses received much attention during the consultation. Twenty-seven respondents identified this as a significant issue. It was noted that pupils are making choices already to go to other establishments for post-16 education such as that at Marple. Bus routes and bicycle options for travel were seen by one person as making this easy to travel to and from for students. Others had timed the potential journeys by bus, train and even walking to some alternatives and suggested that a single journey could take as much as 90 minutes, exceeding the guidance for maximum travel time by students. Various sources of information were quoted as stating that transport costs would be from £235 to £1,000 per year per student. Therefore, the argument was made that this closure would reduce options for those least able to afford to travel to alternative locations. The issue of reduction in rural transport options was a common theme and the fact that there is disruption to networks in the winter. It was suggested that a proposal that increases travel across the County is not in keeping with plans for more sustainable communities and environmental concerns.

## **Discussion**

The Authority does not pay transport costs for students aged over 16 other than in specific cases. The distance to Marple Sixth Form College is around 5 miles, Aquinas Sixth Form College and Glossopdale Community College (11-18) are around 8 miles from New Mills and Buxton Community College is around 11 miles away. Whilst many students from New Mills currently choose post-16 provision outside the town, this proposal will mean that some students will no longer have the option to remain within the town for sixth form, and, therefore, will face a transport cost. They will, however, only be in the same position as other young people in other locations within the county who do not have a local 11-18 school – such as in Chapel-en-le-Frith. In addition, many students who live within the area of an 11-18 school face transport costs to get to their sixth form due to the wide catchment areas of many schools in the Authority. This proposal will not disadvantage students from New Mills in comparison to many others in the County.

With respect to the environmental issue, the other providers can be accessed by existing public transport so there may be no major effect.

Commercial bus and rail connections are available to Marple, Stockport and Buxton where other post-16 providers are located. These services are not subject to the current Authority consultation on subsidised buses. In addition, 16-19 year olds can benefit from the B-line card which gives access to a 25% reduction on some fares. In addition, Cheadle and Marple Sixth Form College does organise bus services to assist students from across the High Peak to



attend the college. The locations served by these services include Buxton, Chapel-en-le-Frith, New Mills, Hayfield and Glossop.

### **Belief in political manipulation of consultation to secure pre-decided outcome**

Fourteen of the responses suggested the Authority had acted cynically and created a situation where closure was the best option. Those who had attended the Cabinet meeting in July only to find the paper had been deferred to the September meeting had initially welcomed Cllr Western's comments about providing time for proper consideration of the petition that had been submitted along with other proposals by the Campaign to Save the Sixth Form. This positive sense of political consideration had been changed when the school did not accept applications for the next round of post-16 places because of the delay in considering whether to proceed with the consultation. Many felt that the decision to close New Mills School sixth form has been made already. One respondent pointed out that two Children's Centres are closing in New Mills whilst two are remaining open in Glossop, and compared this consultation to the time when a replacement primary school for Thornsett had been promised and then the proposal withdrawn. One responses posed the question "Can Derbyshire County Council Members explain how this can be consultation when it is manipulated in this way?"

### **Discussion**

The deferral of the cabinet report from July to September had very little impact on the overall timescale of the project as it resulted in the closure of the statutory notice period moving back from 7 October to 21 October. The school would always have faced a position of not taking enrolments from students for entry in September 2017 until the proposal had been decided. The deferral allowed late responses to the consultation to be fully addressed in the September cabinet paper. It is not accepted that the outcome is predetermined in any way and the purpose of this report is to fully consider the proposal.

### **Belief there are sufficient numbers of pupils across central High Peak to support a sixth form**

Twenty-seven of the responses received felt that there is sufficient numbers of pupils within the central High Peak area to support a sixth form provision at New Mills School. A large Year 6 and Year 7 group, the latter being 120 pupils, was identified as moving into the secondary school and will need a sixth form when they reach Year 12. It was pointed out that New Mills is at the centre of a larger population than Glossop, and that there are up to 1,000 new homes being proposed for the area which will increase demand for

school places. The Campaign to Save the Sixth Form identified a potential 16 – 19 population of between 350 and 400 which would sustain a sixth form of 200+ pupils. Higher numbers in primary schools will feed into the secondary school and sixth form, and this proposal is seen as a short term reaction that will close something that will not be re-opened even when needed. One response felt that now Chapel-en-le-Frith High School is full, numbers of pupils at New Mills School will increase.

## **Discussion**

The range of post-16 courses and providers in the High Peak/north Derbyshire Dales area is large. Hope Valley College is closer to Lady Manners School in Bakewell, which has a good sixth form, than it is to New Mills. Analysis of the destination of 16 year olds in 2015 shows that no students from the Hope Valley area chose to attend New Mills; around 26% chose to attend Lady Manners. Others accessed schools and colleges in Sheffield, Chesterfield and Buxton. From Chapel-en-le-Frith 78% chose to attend one of the following 5 colleges: Aquinas College, Cheadle and Marple sixth form college, Stockport College, Macclesfield College and Buxton and Leek colleges. 24% of young people living within the New Mills catchment chose to attend New Mills sixth form. From the wider area, only 9% chose to attend New Mills sixth form. Even though in-area and school-based provision is available, these figures show a strong preference for the offer available in the FE sector and by some school-based providers out of the area.

The new housing proposals referred to are part of the High Peak Borough Council's Local Plan, This covers housing up to 2031. The full impact of this housing, if fully delivered, on demand for 16+ places would be felt after that date. In any case, most of the housing is proposed in the area served by Chapel-en-le-Frith High School.

## **Comparison of proposal to close sixth form at New Mills School with investment in Glossopdale Community School**

The generic letter identified the spending of £21.7 million on a new secondary school with sixth form for Glossop as being in marked contrast to the proposals for closure of the sixth form at New Mills School. Four other respondents highlighted this as well, questioning why commit these funds to Glossopdale when the continuation of their sixth form is not clear, and New Mills is more centrally located to support the High Peak.

## **Discussion**

A scheme is underway to replace the buildings of Glossopdale Community College. This scheme was approved because the condition of the school's

buildings was very bad and a business case concluded that replacement was the best value for money option. Capital funds are allocated to school projects by the Authority using information from condition surveys to ensure the highest priority schemes are supported. New Mills School and Sixth Form has benefitted from substantial investments in the past. These capital investments are not relevant to the revenue budget problems faced by the school.

### **The threat of Academisation is driving this process**

Three responses identified the idea that Academisation is driving the process for the closure of the sixth form at New Mills School. The evidence quoted for this was taken from the Cabinet report of 20 September in which reference is made to the need to limit the deficit of the school because this will be a Council debt when the school becomes an academy.

### **Discussion**

It is clear from the Financial Considerations below that the Authority has a duty to assist schools with their financial planning to ensure they remain financially viable. It is the case that where schools are required by the Secretary of State to adopt academy status, the budget deficit of those schools does fall to the Authority to fund. This was reported to Cabinet on 20 September 2016.

The performance of New Mills Schools and Sixth Form is such that it does not currently meet the criteria for intervention by way of forced academisation by the Secretary of State for Education.

This proposal was brought forward by the governing body of the school as part of their plans to achieve financial viability and educational improvement as has been commented on elsewhere in this paper.

### **Proposal for creation of a new sixth form college to serve the central High Peak**

One respondent supported the proposal for the closure of the sixth form at New Mills School, but suggested that there should be a High Peak Sixth Form College developed to meet the full range of needs for Derbyshire students.

### **Discussion**

At a time of reduced resources, many schools are looking to work together to ensure most effective use of time, staffing and funding is achieved. It has been noted that some schools are closing their sixth form provision where

they are not economically or educationally viable. The establishment of an alternative High Peak Sixth Form would be based on analysis of existing provision and an understanding of whether there are gaps in this provision which need to be filled. The EFA would be responsible for agreeing and funding such a provision, and their commentary on the existing colleges in the area is that there is sufficient already available to provide choice for all students.

### **3. Financial Considerations**

The Derbyshire Scheme for Financing Schools sets out the overarching financial framework which governs schools' funding and the Scheme's contents are largely determined by the DfE. Section 4.9 of the Scheme requires governing bodies to plan to operate within the constraints of their cash limited budget.

The Scheme recognises that, in certain circumstances, a school may need to make expenditure in one year and partially finance it by anticipating the school's budget for the following year(s). Such an arrangement, known as a Licenced Deficit, may only be made with the prior approval of the Authority and the funding to allow such a deficit budget is provided from the collective surplus of other schools' balances held by the Authority. Section 4.7 of the Scheme confirms that the Authority has no power to write off the deficit balance of any school.

Schools in financial difficulty are supported via a 'Team Around The School' (TATS) process. The TATS process provides a challenge to the school's senior leadership which requires them to identify proposals to bring their budget into balance over a number of years. Having a viable medium to long term financial plan is a key requirement for a Licenced Deficit.

New Mills School is going through the TATS process and it has become clear that the school's sixth form, with only 87 students, is adding pressure to the school's 11-16 budget.

In addition to the above, the national funding landscape for schools is becoming more challenging. The Dedicated Schools Grant (DSG), the grant which is the main funding source supporting schools' budgets, is set to be cash flat for the duration of this Parliament and this has added further pressure onto all schools' budgets, including that of New Mills School.

Having looked at the above local and national considerations, it is proposed to close the sixth form to remove one of the pressures on the 11 -16 budget. The closure of the sixth form, and removal of the subsidy by July 2018, would not address fully the school's budget problems but would help to reduce the size of the anticipated deficit.

It is important to note that, should the school become a sponsored academy, the accumulated deficit would almost certainly remain with the Council. It is important therefore that the size of this deficit is kept as low as possible and the school's budget brought into balance at the earliest possible time.

Closure of the sixth form is likely to result in some additional home to school transport costs to the Council in respect of post-16 pupils with SEN who would, in future, have to travel to alternative providers.

#### **4. Legal Considerations**

The procedure for closing a sixth form provision is detailed by the Department for Education in its statutory guidance for proposers and decision-makers: 'Making Prescribed Alterations to Maintained Schools' (April 2016). The Local Authority must have regard for this guidance when exercising functions under The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, and The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013. The guidance requires that the formal consultation begins on the publication of a statutory proposal notice and must last four weeks. The formal and informal consultations must take place during term time.

Under section 9 of the Education Act 1996, in exercising its powers and duties under that Act, a local authority must have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents, so far as that is compatible with the provision of efficient instruction and training and the avoidance of unreasonable public expenditure. Furthermore, section 13 of the Education Act states that the Council must (so far as its powers enable it to) contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient secondary education and further education are available to meet the needs of the population of their area

There is a similar duty in section 15ZA of the Education Act 1996, which requires the Council to secure that enough suitable education and training is provided to meet the reasonable needs of persons in its area 16-19. This section expressly provides that the Council may comply with its duty "by securing the provision of education or training outside as well as within" its area. It has to have regard to specified factors, including the quality of education or training. It must act with a view to encouraging diversity in the available education/training and increasing opportunities to exercise choice. It must take into account education/training and increasing opportunities to exercise choice. It must take into account education/training that the Council thinks might reasonably be secured by another person. S15ZB requires local authorities to co-operate with each other in performing this duty.

The Council has an identical duty in respect of further education. Again, it can take into account the extent to which there is available 16+ secondary education when assessing its resident population's needs for further education. There is not an obligation to do anything outside of its powers in relation to further education, taking into account the Education Funding Agency's role. However, if it identifies that the further education for residents in its area is insufficient or inefficient, then it has an obligation to do anything that it within its powers to remedy that situation.

The complaint raised as part of the consultation process the Council has failed to fulfil its legal obligation to secure sufficient and appropriate education and training is not considered to be valid. The Council is entitled to take account of the secondary education available both within and outside Derbyshire. It can also take into account the overlap between secondary and further education for 16+ education, with the availability of appropriate further education potentially reducing the extent to which the Council's residents who are 16+ need secondary education. Both matters have been taken into account in determining that sufficient secondary education would be available and in formulating the proposal that Members are now considering.

## **5. Equality of Opportunity**

Under the Equality Act 2010, Cabinet Members are reminded that they are under a personal duty, when considering what decision to make, to have due regard to, in short, the need to protect and promote the interests of persons with protected characteristics (e.g. persons who are vulnerable on account of age, gender reassignment, pregnancy or maternity, race, disability, religion or belief, sex, sexual orientation).

Section 149 requires a public authority to have due regard to the need to-

- Eliminate discrimination, harassment, victimisation, and any other conduct that is prohibited by/or under the Act
- Advance equality of opportunity between persons who share a 'relevant protected characteristics' and persons who do not share those characteristics
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

This is referred in the Statutory Guidance which states that The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LA s / governing bodies, which requires them to have 'due regard' to the need to:

- Eliminate discrimination
- Advance equality of opportunity
- Foster good relations

In the case of the proposed closure of the New Mills 6th Form it was considered that the two protected characteristics which could potentially be affected are race and disability.

A number of respondents also suggested the proposal would unfairly impact on socially disadvantaged groups (non-statutory). Some referred to New Mills as being an area of high deprivation.

An Equality Impact Assessment has therefore been completed and is included at Appendix B. Members are asked to read the assessment in full. Members will note that the conclusion of the assessment is that it is considered that

there will be no significant adverse impact in respect of either of these protected groups. Members will note that there is a that there is a potential adverse impact in relation to increased travel costs which is mitigated by potential funding assistance as set out in the assessment.

## **6. HR Considerations**

The proposal to close the sixth form is likely to require the school to review its staffing structure. The school is already supported by the LA through the TATS process which will consider staffing levels, vacancy control and restructuring with regards to reducing the deficit and to minimise any impact on staffing wherever possible.

## **7. Other Considerations**

In preparing this report, the relevance of the following factors has been considered: - prevention of crime & disorder, equality of opportunity, and environmental, health, human rights, human resources, property and transport considerations.

## **8. Background Papers**

A file is held within the Children's Services Development Team.

## **9. Key Decision**

Yes

## **10. Call-in**

Is it required that the call-in period be waived in respect of the decisions being proposed within this report? No

**11. Officer's Recommendation**

That there be a phased reduction in delivery of provision with closure of the sixth form at New Mills School in July 2018 with the result that the age range in the school from September 2018 would be 11-16.

**Jane Parfremment**  
**Strategic Director for Children's Services**



## **Appendix A**

### **Derbyshire County Council**

#### **Prescribed Information for Statutory Proposes to make a prescribed alteration to New Mills School and Sixth Form to change the age range from 11-18 to 11-16.**

**Statutory consultation September – October 2016**

#### **Introduction**

New Mills School and Sixth Form is a community school maintained by Derbyshire County Council. Certain changes to maintained schools are known as *prescribed alterations*. The proposal and implementation of these changes is governed by national guidance.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/514548/16-04-06\\_FINAL\\_SO\\_Guidance\\_PA\\_Regs.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514548/16-04-06_FINAL_SO_Guidance_PA_Regs.pdf)

#### **Proposal**

The Governing Body of New Mills School and Sixth form has proposed changing the age range of the school from 11-18 to 11-16. The proposal would be implemented from August 2017 with the result that there would be no recruitment into year 12 at the school from September 2017. The proposal would not affect students who are currently (2016/17 academic year) in the sixth form at the school. These students will be able to complete their studies with the effect that there would be no students aged over 16 from September 2018.

#### **Rationale**

A public consultation was conducted on this proposal in April and May 2016. A copy of the consultation document, an analysis of the responses, some further responses and analysis are included in the attached paper that was presented to Derbyshire County Council's Cabinet on 20 September 2016.

[http://www.derbyshire.gov.uk/images/7qPropsoed%20Closure%20of%20Sixth%20Form%20at%20New%20Mills%20d4\\_tcm44-284055.pdf](http://www.derbyshire.gov.uk/images/7qPropsoed%20Closure%20of%20Sixth%20Form%20at%20New%20Mills%20d4_tcm44-284055.pdf)

The table below shows the pupil numbers at the school since 2001/2

| SchYear   | Age11 | Age12 | Age13 | Age14 | Age15 | Age16 | Age17 | Age18 | Age19 | SchNOR | 11 to 16 | 16+ |
|-----------|-------|-------|-------|-------|-------|-------|-------|-------|-------|--------|----------|-----|
| 2001/2002 | 163   | 149   | 171   | 162   | 151   | 67    | 68    | 4     | 0     | 935    | 796      | 139 |
| 2002/2003 | 191   | 158   | 149   | 172   | 161   | 51    | 57    | 6     | 1     | 946    | 831      | 115 |
| 2003/2004 | 142   | 189   | 157   | 147   | 170   | 89    | 46    | 9     | 0     | 949    | 805      | 144 |
| 2004/2005 | 137   | 138   | 189   | 162   | 150   | 72    | 72    | 5     | 1     | 926    | 776      | 150 |
| 2005/2006 | 122   | 131   | 137   | 187   | 164   | 85    | 64    | 9     | 1     | 900    | 741      | 159 |
| 2006/2007 | 119   | 128   | 140   | 138   | 188   | 89    | 65    | 0     | 0     | 867    | 713      | 154 |
| 2007/2008 | 116   | 119   | 133   | 138   | 138   | 103   | 57    | 18    | 2     | 824    | 644      | 180 |
| 2008/2009 | 81    | 113   | 121   | 132   | 133   | 71    | 85    | 6     | 1     | 743    | 580      | 163 |
| 2009/2010 | 103   | 85    | 113   | 126   | 132   | 49    | 49    | 21    | 0     | 678    | 559      | 119 |
| 2010/2011 | 96    | 101   | 82    | 111   | 125   | 56    | 39    | 13    | 3     | 626    | 515      | 111 |
| 2011/2012 | 85    | 99    | 102   | 86    | 114   | 59    | 41    | 3     | 2     | 591    | 486      | 105 |
| 2012/2013 | 84    | 86    | 100   | 103   | 87    | 55    | 48    | 7     | 0     | 570    | 460      | 110 |
| 2013/2014 | 104   | 85    | 90    | 100   | 107   | 30    | 46    | 11    | 0     | 573    | 486      | 87  |
| 2014/2015 | 81    | 99    | 85    | 90    | 99    | 53    | 33    | 0     | 0     | 540    | 454      | 86  |
| 2015/2016 | 101   | 84    | 100   | 86    | 87    | 47    | 40    | 0     | 0     | 545    | 458      | 87  |

Table 1 – Number on roll by year group at New Mills School and Sixth Form 2001/01 to 2015/15.

There has been a general decline in numbers attending the school with a consequential reduction in the size of the sixth form. This has reached a stage where the sixth form is no longer economically or educationally viable.

This proposal can be understood in the context of the requirements set by the DfE for the approval of proposals to open new sixth forms. These are set out in the statutory guidance which is referred to (with a hyperlink) in the introduction section of this document.

- The quality of pre-16 education must be good or outstanding

The last inspection of New Mills School and Sixth Form took place in June 2015 and the school was judged to Require Improvement.

- The proposed sixth form will provide places for a minimum of 200 students. It can be seen from table 1 above that the size of the sixth form in 2015/16 was 87. Over the last 15 years, the sixth form has never reached the 200 figure for the number of students and the average post 16 roll at the school over this period is 127.
- The proposed sixth form will provide either directly or through partnership a minimum of 15 A level subjects. The sixth form at New Mills is currently offering 13 A level subjects to students who entered Year 12 in September 2016.
- There is clear demand for a new sixth form (including evidence of a shortage of post 16 places and a consideration of the quality of L3 courses in the area). The Cabinet paper of 20 September 2016 (referred to with hyperlink under rationale above) analyses the performance of all the post 16 providers in the area (page 6) and presents evidence that across a range of measures, the other providers standards of performance are good and in many cases better than New Mills. Poor

quality of alternative provision cannot be sustained as an argument for retaining the New Mills sixth form.

The same paper also examines the demand for places at New Mills and concludes that overall there is no shortage of provision and that places are available within the FE sector colleges to meet the additional demand. In addition these colleges can provide additional places where there is sufficient demand.

As a consequence, whilst there is some demand for the places in the New Mills sixth form, it is not sufficient to generate a sixth form close to the viability level defined by the DfE. In addition, there is no rationale for the sixth form based on shortage of provision elsewhere or poor quality of provision elsewhere.

- The proposed sixth form is financially viable (and will not impact on 11-16 education by requiring cross subsidy).

The 'financial considerations' section of the Cabinet Report of 20 September 2016 (see page 9) makes clear that the school does face financial difficulties and has required additional support from the Authority to address them (Team Around The School Process). It also makes clear that the sixth form 'is adding pressure to the school's pre-16 budget'. The report makes clear on pages 2 and 3 that funding for sixth form students (which is provided by the Education Funding Agency) has fallen in recent years from £4,280 per head in 2013/14 to £3,947. This combined with the falling number of 16+ students recruited has added to the pressure faced by the school.

The school's Governing Body, via its consultation document, and financial officers of the Authority have agreed that the sixth form is not viable financially and currently requires subsidy from funding that is provided for 11-16 students.

## **Discussion**

Whilst the criteria for opening a new sixth form are not directly applicable to a proposal to close a sixth form, they are clearly relevant. The DfE has not provided statutory guidance for decision makers on proposals to close sixth forms. It is therefore relevant for the Authority as decision maker to take account of the closest relevant advice. In this case, it is clear that the sixth form at New Mills does not meet any of the criteria for opening a new sixth form.

Both the Governing Body of the school and officers of the Local Authority take the view that the change of the age range to remove the sixth form will allow the school to focus its financial and human resources on making improvements to the pre 16 school. The prime objective of this proposal would be to improve the financial health of the school with a corresponding improvement in performance 11-16.

This proposal will naturally reduce the number of post 16 providers that students and parents can choose from, although as stated below, young people living in the New Mills area are already accessing post 16 education at around 20 different post 16 providers.

Nevertheless, as the prime objective of this proposal is to improve the financial health of the school with a corresponding improvement in 11-16 performance, this should result in an increased ability of parents in the area to choose secondary school at age 11 that is rated good or better by Ofsted.

#### *Effect on other institutions*

The data in table 1 above has been analysed to assess the staying on rate into the sixth form (year 12) from the previous year 11 (15 year olds). Over the whole period covered by the table, the average staying on rate is 46.5%. The most recent rate in 2015/16 was 47.5% in line with the long term average. The majority of students who did not choose to stay in the sixth form chose to go to a number of FE sector colleges. The two most popular alternative providers and their number of 'full time equivalent students' (this is the number of students whose performance is reported in the 2015 performance tables published by the Department for Education) are set out in the table below. The figure for New Mills School and Sixth Form was 29.

| College                           | Number of Full time equivalent students at the end of A level study (DfE Performance tables 2015) |
|-----------------------------------|---|
| Aquinas College                   | 806.5   |
| Cheadle & Marple 6th Form College | 240.8   |

Table 2

Both of these institutions have been consulted about the proposed change of age range at New Mills School and Sixth form and neither has expressed any concern about a negative impact on their institution.

In 2015, young people living in the New Mills normal (catchment) area attended 20 different post 16 providers (other than the present New Mills sixth form). There is no evidence that there will be a negative impact on any of these institutions.

#### *Project costs*

No investment is required to deliver this proposal. The proposal is expected to improve the financial viability of the school. The Cabinet paper does report in the financial considerations on page 9 that there may be some additional costs for the home to school transport costs of SEN students who qualify for support under the Authority's policy.

#### **Conclusion**

The Derbyshire County Council's Cabinet agreed the request of the Governing Body to publish this proposal at its meeting of 20 September 2016.

#### **Contact Details**

There is a four week representation (consultation) period when any person or organisation can submit comments on or objections to this proposal. These comments will be taken into account by Derbyshire County Council before reaching a decision on the proposal. Representations can be made until the end of 21 October 2016.

Any comments in response to this consultation should be sent to –

Jane Parfremment, Strategic Director for Children's Services, Ref. DEV/DAH  
Development Team  
Chatsworth Hall  
Chesterfield Road  
MATLOCK  
Derbyshire  
DE4 3FW

E-mail [dee.hill@derbyshire.gov.uk](mailto:dee.hill@derbyshire.gov.uk)

## Appendix B

# Derbyshire County Council Equality Impact Analysis Record Form 2012



|  |                      |
|--|----------------------|
| Department                                     | Children's Services  |
| Service Area                                   | Schools and Learning |
| Title of policy/ practice/ service of function | Secondary Education  |
| Chair of Analysis Team                         | Kevin Firth          |

### Stage 1. Prioritising what is being analysed

- Why has the policy, practice, service or function been chosen?
- What if any proposals have been made to alter the policy, service or function?

The governing body of New Mills School and Sixth Form has proposed changing its age range from 11-18 to 11-16. The school and the sixth form has reduced in size over recent years. In addition, funding for 16+ students which is determined by the Education Funding Agency EFA has fallen. As a consequence of these factors, the school now finds itself in financial difficulty and it considers that the sixth form is no longer financially viable. The school has therefore proposed a change in the age range so that it can concentrate on improving its performance as an 11-16 school.

A change to the age range of a maintained school is one of a number of changes that are collectively known as 'prescribed alterations'. Prescribed alterations are subject to a statutory process and statutory guidance is published by the Department for Education which guides decision making.

For this proposal from the governing body of the school, Derbyshire County Council is the decision maker.

- What is the purpose of the policy, practice, service or function?

Secondary education is provided across Derbyshire by a mixture of 11-16 schools and 11-18 schools. Education at 16+ is provided by a range of providers including schools and Further Education Colleges.

### Stage 2. The team carrying out the analysis

| <b>Name</b>   | <b>Area of expertise/ role</b> |
|---------------|--------------------------------|
| Kevin Firth   | School Places Planning         |
| Simon Hobbs   | Legal                          |
| James Boulton | Information Management         |

### Stage 3. The scope of the analysis – what it covers

This proposal affects 16-18 year olds living in and around New Mills. The sixth form at New Mills attracts between 40-55 young people each year.

Some of the protected characteristics groups are not applicable to these proposals: in particular age, marriage and civil partnership religion or belief, and sex. Some others have low occurrence rates within the population as a whole such that meaningful analysis cannot be made on a yearly cohort of below 50. For example Gender Dysphoria is estimated to affect up to 1% of the population to some extent. Teenage Pregnancy rates in Derbyshire are around 20 per 1000.

There have been two consultations on this proposal, one run by the school, and a statutory consultation carried out by the Authority. These consultations generated considerable interest. The school consultation generated 202 responses and a petition signed by 954 people. The Authority's consultation attracted 36 responses. Only one protected characteristic group was identified in these consultations as being affected by this proposal. This was disability. This impact of this proposal on young people with disabilities in particular those with Special Educational Needs (SEN) will therefore be included in this analysis.

The proposal to close the sixth form at New Mills is one of a number of similar proposals that have been proposed nationally over recent years. This is for the same reason as New Mills – falling rolls and funding are leading to smaller school sixth forms not being viable. The Authority is aware that in some other locations, these proposals have had differential impacts on the protected characteristic group of race. As a consequence race will be also included in the analysis of the New Mills proposal.

The consultation also attracted the view that the proposal would negatively impact on poorer households. Whilst poverty is not a protected characteristic, the impact of this proposal on poorer people will be considered.

### Stage 4. Data and consultation feedback

#### a. Sources of data and consultation used

| <b>Source</b>            | <b><i>Reason for using</i></b>   |
|--------------------------|--|
| School Census            | The Authority is required to carry out a census of school pupil numbers three times a year. This census includes a wide spectrum of data on the children in schools, including age, ethnicity, sex, Special Educational Needs category, eligibility for free school meals.<br>This data allows the profile of the students in the school to be assessed. |
| Post 16 Destination data | The Authority is required to collect data on the education choices made by 16 year olds. This shows what institutions are also providing education at 16+ for people living in New Mills. The quality of provision of these providers can then be considered.  |
| Ofsted Reports           | Ofsted reports on the institutions providing post 16 education for people living in New Mills provides objective evidence on the adequacy of the services provided by these institutions, particularly with regard to the protected characteristic groups that are subject to this assessment.   |

## Stage 5. Analysing the impact or effects

### a. What does the data tell you?

| Protected Group                      | Findings  |  |  |  |  |                   |  |              |         |       |       |       |         |       |     |       |         |     |     |       |
|--------------------------------------|---|--|--|--|--|-------------------|--|--------------|---------|-------|-------|-------|---------|-------|-----|-------|---------|-----|-----|-------|
| Age                                  | Not applicable  |  |  |  |  |                   |  |              |         |       |       |       |         |       |     |       |         |     |     |       |
| Disability                           | <p>In order to assess the impact on pupils with a disability or on disadvantaged students an analysis has been carried out, comparing the staying on rates into the school's sixth form for its students. The results are set out in the table below.</p> <table><tr><th rowspan="2">Academic year of entry to sixth form</th><th colspan="3">Staying on rate to New Mills sixth form for students who attended the school</th></tr><tr><th>Students with SEN</th><th>Students in eligible for free school meals</th><th>All students</th></tr><tr><td>2014/15</td><td>14.3%</td><td>25.9%</td><td>45.3%</td></tr><tr><td>2015/16</td><td>17.6%</td><td>19%</td><td>33.3%</td></tr><tr><td>2016/17</td><td>25%</td><td>25%</td><td>29.9%</td></tr></table> <p>This shows that a smaller proportion of students in the disadvantaged categories stay on into the sixth form than for students from the groups without disadvantage. The closure of the sixth form of itself is therefore not discriminatory against these groups.</p> <p>Nationally, the proportion of children in school sixth forms with Special Educational Needs and Disability averages around 8.9% (DfE January 2016). At New Mills, the number fluctuates from year to year but the average over the last 3 years is 5.24%.</p> | Academic year of entry to sixth form       | Staying on rate to New Mills sixth form for students who attended the school |  |  | Students with SEN | Students in eligible for free school meals | All students | 2014/15 | 14.3% | 25.9% | 45.3% | 2015/16 | 17.6% | 19% | 33.3% | 2016/17 | 25% | 25% | 29.9% |
| Academic year of entry to sixth form | Staying on rate to New Mills sixth form for students who attended the school  |  |  |  |  |                   |  |              |         |       |       |       |         |       |     |       |         |     |     |       |
|                                      | Students with SEN   | Students in eligible for free school meals | All students   |  |  |                   |  |              |         |       |       |       |         |       |     |       |         |     |     |       |
| 2014/15                              | 14.3%   | 25.9%                                      | 45.3%  |  |  |                   |  |              |         |       |       |       |         |       |     |       |         |     |     |       |
| 2015/16                              | 17.6%   | 19%  | 33.3%  |  |  |                   |  |              |         |       |       |       |         |       |     |       |         |     |     |       |
| 2016/17                              | 25%   | 25%  | 29.9%  |  |  |                   |  |              |         |       |       |       |         |       |     |       |         |     |     |       |
| Gender (Sex)                         | Not applicable  |  |  |  |  |                   |  |              |         |       |       |       |         |       |     |       |         |     |     |       |
| Gender reassignment                  | Not applicable  |  |  |  |  |                   |  |              |         |       |       |       |         |       |     |       |         |     |     |       |
| Marriage and civil partnership       | Not applicable  |  |  |  |  |                   |  |              |         |       |       |       |         |       |     |       |         |     |     |       |
| Pregnancy and maternity              | Not applicable  |  |  |  |  |                   |  |              |         |       |       |       |         |       |     |       |         |     |     |       |
| Race                                 | <p>The ethnic profile of the student population at New Mills is very similar to the rest of the county (Derbyshire 94.1% white British, New Mills, 96.4% white British). Nationally, the white British proportion in school sixth forms is 70.9% (DfE school census January 2016). The ethnic profile of the sixth form at New Mills is very similar to the main school. It is therefore concluded that race is not a factor in the choice between the sixth form and other providers.</p> <p>It is considered therefore that there will be no adverse impact in respect of</p>   |  |  |  |  |                   |  |              |         |       |       |       |         |       |     |       |         |     |     |       |



|  |                       |
|--|-----------------------|
|  | this protected group. |
| Religion and belief including non-belief | Not applicable        |
| Sexual orientation                       | Not applicable.       |

## Non-statutory

|                |                |
|----------------|----------------|
| Socio-economic | See above      |
| Rural          | Not applicable |

- b. What does customer feedback, complaints or discussions with stakeholder groups tell you about the impact of the policy, practice, service or function on the protected characteristic groups?

| <b><i>Protected Group</i></b>            | <b><i>Findings</i></b>   |
|--|--|
| Age                                      | None   |
| Disability                               | There was some feedback that New Mills School would provide a better environment for students with disabilities and that a college setting may not be appropriate. |
| Gender (Sex)                             | None   |
| Gender reassignment                      | None   |
| Marriage and civil partnership           | None   |
| Pregnancy and maternity                  | None   |
| Race                                     | None   |
| Religion and belief including non-belief | None   |
| Sexual orientation                       | None   |

|  |  |
|--|--|
|  |  |
|--|--|

### Non-statutory

|                |  |
|----------------|--|
| Socio-economic | There was some feedback that the proposals were adversely affect lower income families due to the need to fund transport to alternative providers.                     |
| Rural          | The New Mills School and Sixth Form College serves a wider rural area as well as the town of New Mills. Some respondents cited rurality as a factor for consideration. |

- c. Are there any other groups of people who may experience an adverse impact because of the proposals to change a policy or service who are not listed above?

|    |
|----|
| No |
|----|

### d. Gaps in data

What are your main gaps in information and understanding of the impact of your policy and services? Please indicate whether you have identified ways of filling these gaps.

| Gaps in data       | Action to deal with this |
|--------------------|--------------------------|
| No gaps identified |                          |

## Stage 6. Ways of mitigating unlawful prohibited conduct or unwanted adverse impact, or to promote improved equality of opportunity or good relations

|   |
|---|
| The closure of the sixth form at New Mills will result in increased travel requirement for some |
|---|

students. Financial support is provided by the Education Funding Agency for students with particular needs. In particular, the 16-19 Bursary Fund pays a bursary of up to £1,200 a year to support young people in one of the defined vulnerable groups to participate in education. The eligible groups are students who are:

- In care or care leavers
- Getting income support or Universal credit
- Getting employment support allowance or universal credit and disability living allowance or Personal Independence payments.

Free meals are available for 16-19 year old students who qualify.

In addition to the above support, discretionary bursaries may be available from individual institutions. They are targeted on overcoming the individual barriers to participation a student faces such as transport, meals, books and equipment.

The Authority provides assistance with transport costs for students with SEND in certain circumstances. The scope of this assistance from 2017 is under review.

It is concluded that this proposal only affects a minority of students in the vulnerable groups and that a significant regime of support is provided by the Education Funding Agency which would tend to mitigate any adverse impact.

The question of the impact on students with disability and in particular whether the provision for these students in the alternative providers is likely to be as appropriate as that provided by New Mills School and Sixth Form College has been assessed by looking at the Ofsted reports from one of the key alternate providers. Cheadle and Marple Sixth Form College was inspected by Ofsted in September 2016. The college was judged to be 'good'. Its provision for 'learners with high needs' was judged to be good. In addition, the report noted that the college had 39 learners with high needs and stated 'learners benefit from good specialist additional support that is tailored to their individual needs'.

All young people in mainstream schools with statements of SEN (or Education Health Care (EHC) Plans which are gradually replacing them) receive support and advice in order to support their transition to further education post-16 options from the Personal Adviser in the local Multi Agency (MAT) Team. Annual reviews take place for each young person with a statement of SEND. The post-16 destinations or possible destinations should be discussed at their Annual Reviews from Year 9 onwards and especially in Year 11, in order to inform the transition arrangements. The purpose of these arrangements is to ensure the most appropriate post 16 provider is identified for each student.

## **Stage 7. Do stakeholders agree with your findings and proposed response?**

Two consultations have been carried out in relation to this proposal in recent months. Additional consultation is not proposed.

## **Stage 8. Main conclusions**

Equality issues were not raised by most respondents to the two consultations. Nevertheless, some points were raised relating to disability and poverty. Data analysis shows that the sixth form at New Mills is not more popular with these groups than the wider population. As a consequence it is concluded that it is not discriminatory to close the sixth form. There will be an impact for some students in terms of transport costs, and these will be more significant for poorer students, but mitigation is in place through the bursary scheme provided by the DfE. In any case, the journey distances to the nearest alternative provider in Marple (a rail journey of less than 10 minutes) are not unreasonable. In addition, it is understood this college also organises buses for students that already serve New Mills and wider areas of the High Peak.

In terms of students with special educational needs the special needs provision available, in particular, at Cheadle and Marple Sixth Form College is assessed as 'good' by Ofsted and there is no evidence has been identified that accessing this provision will put these students at any detriment when compared to the provision previously provided by New Mills.

As a consequence of this conclusion it is not considered that any actions are required arising from this assessment.

DRAFT