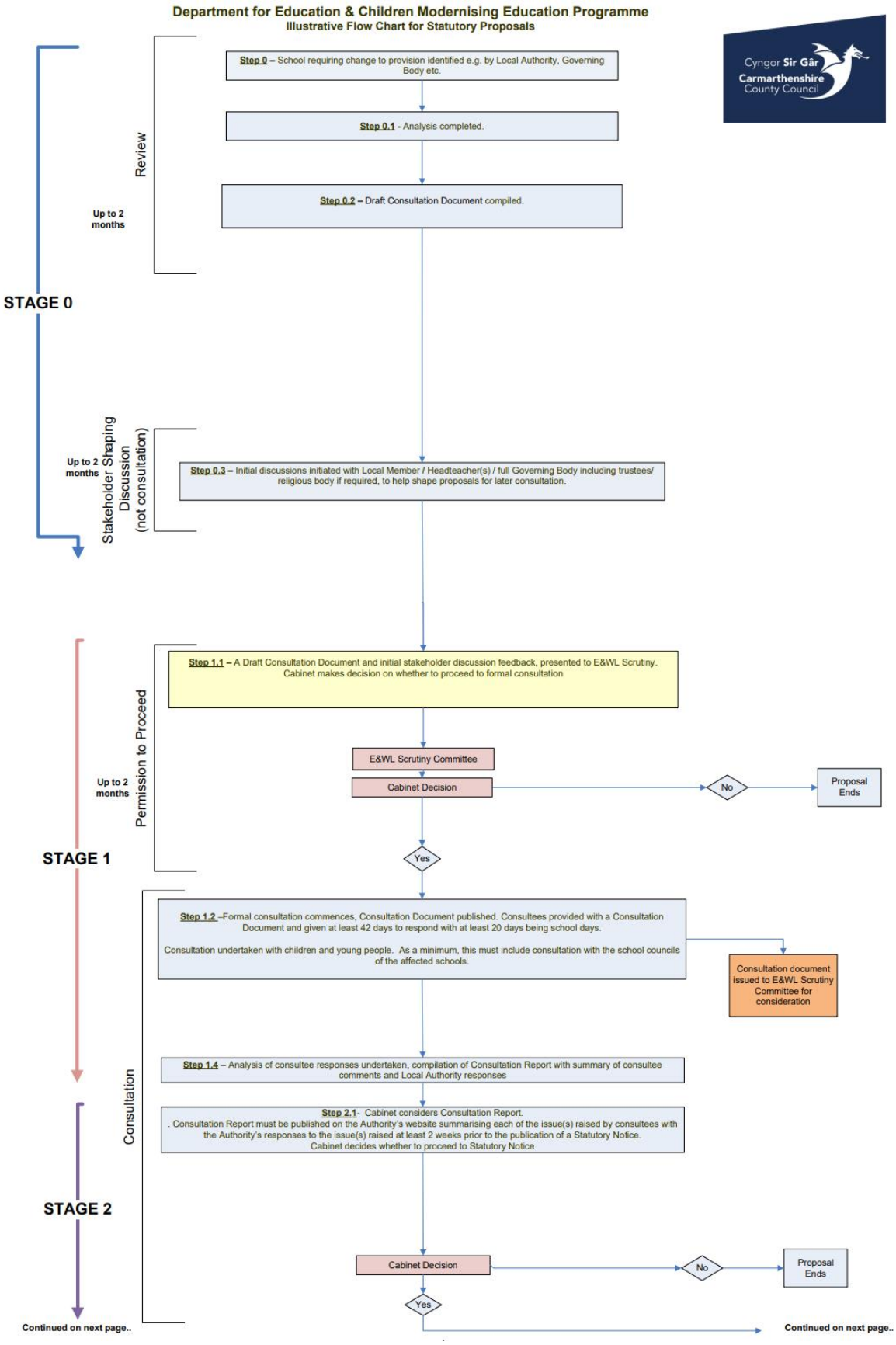
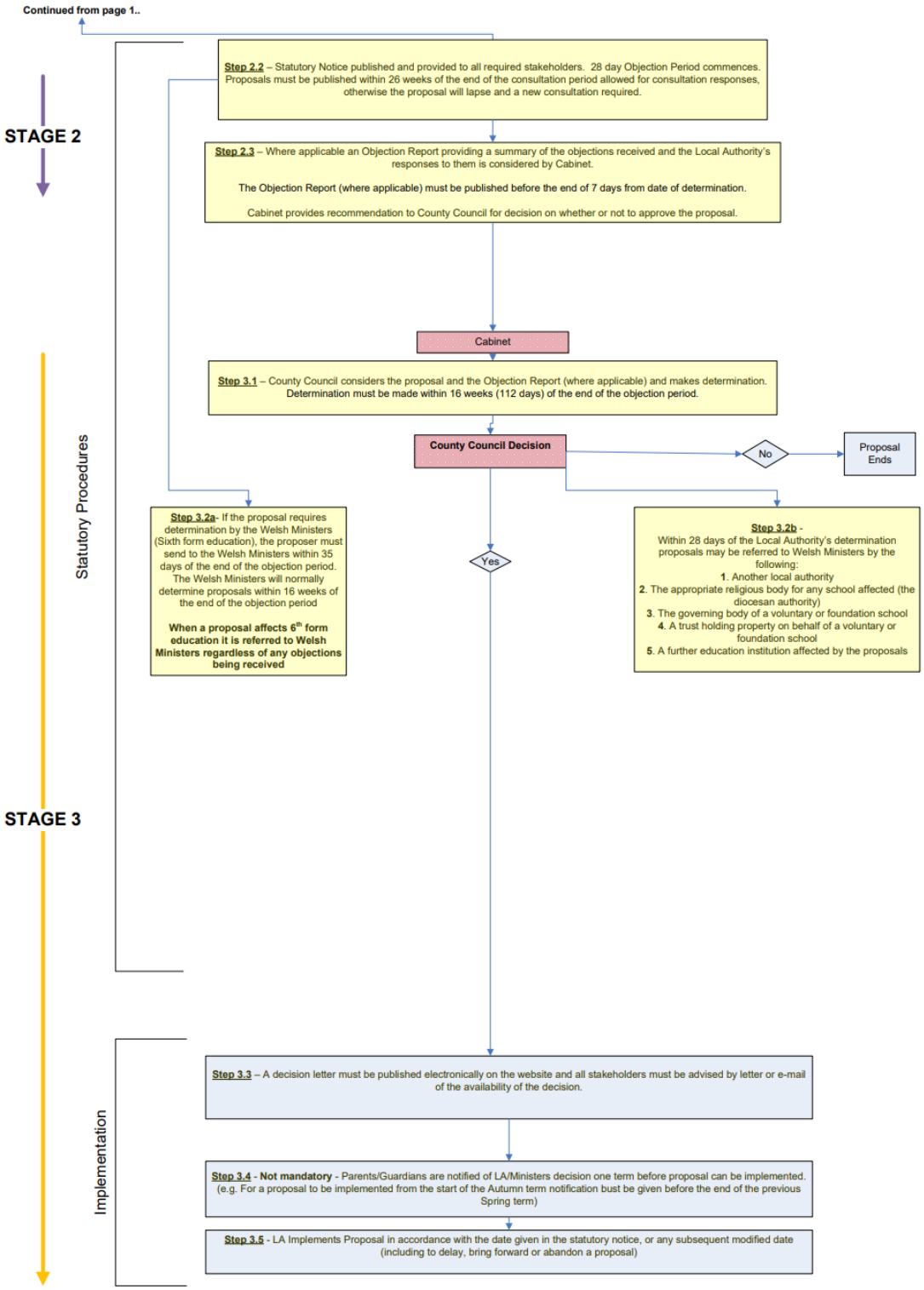
Appendix 1


Department for Education & Children Modernising Education Programme
Illustrative Flow Chart for Statutory Proposals
Cyngor Sir Gâr
Carmarthenshire
County Council
STAGE 0
Review
Up to 2 months
Step 0 – School requiring change to provision identified e.g. by Local Authority, Governing Body etc.
Step 0.1 - Analysis completed.
Step 0.2 – Draft Consultation Document compiled.
Stakeholder Shaping Discussion (not consultation)
Up to 2 months
Step 0.3 – Initial discussions initiated with Local Member / Headteacher(s) / full Governing Body including trustees/ religious body if required, to help shape proposals for later consultation.
STAGE 1
Permission to Proceed
Up to 2 months
Step 1.1 – A Draft Consultation Document and initial stakeholder discussion feedback, presented to E&WL Scrutiny. Cabinet makes decision on whether to proceed to formal consultation
E&WL Scrutiny Committee
Cabinet Decision
No
Proposal Ends
Yes
Consultation
Step 1.2 –Formal consultation commences, Consultation Document published. Consultees provided with a Consultation Document and given at least 42 days to respond with at least 20 days being school days.
Consultation undertaken with children and young people. As a minimum, this must include consultation with the school councils of the affected schools.
Consultation document issued to E&WL Scrutiny Committee for consideration
Step 1.4 – Analysis of consultee responses undertaken, compilation of Consultation Report with summary of consultee comments and Local Authority responses
Step 2.1- Cabinet considers Consultation Report.
. Consultation Report must be published on the Authority's website summarising each of the issue(s) raised by consultees with the Authority's responses to the issue(s) raised at least 2 weeks prior to the publication of a Statutory Notice.
Cabinet decides whether to proceed to Statutory Notice
STAGE 2
Cabinet Decision
No
Proposal Ends
Yes
Continued on next page..
Continued on next page..


Continued from page 1..
STAGE 2
Step 2.2 – Statutory Notice published and provided to all required stakeholders. 28 day Objection Period commences. Proposals must be published within 26 weeks of the end of the consultation period allowed for consultation responses, otherwise the proposal will lapse and a new consultation required.
Step 2.3 – Where applicable an Objection Report providing a summary of the objections received and the Local Authority's responses to them is considered by Cabinet.
The Objection Report (where applicable) must be published before the end of 7 days from date of determination.
Cabinet provides recommendation to County Council for decision on whether or not to approve the proposal.
Cabinet
Step 3.1 – County Council considers the proposal and the Objection Report (where applicable) and makes determination. Determination must be made within 16 weeks (112 days) of the end of the objection period.
County Council Decision
No
Proposal Ends
Yes
Statutory Procedures
Step 3.2a- If the proposal requires determination by the Welsh Ministers (Sixth form education), the proposer must send to the Welsh Ministers within 35 days of the end of the objection period. The Welsh Ministers will normally determine proposals within 16 weeks of the end of the objection period
When a proposal affects 6th form education it is referred to Welsh Ministers regardless of any objections being received
Step 3.2b - Within 28 days of the Local Authority's determination proposals may be referred to Welsh Ministers by the following:
1. Another local authority
2. The appropriate religious body for any school affected (the diocesan authority)
3. The governing body of a voluntary or foundation school
4. A trust holding property on behalf of a voluntary or foundation school
5. A further education institution affected by the proposals
STAGE 3
Implementation
Step 3.3 – A decision letter must be published electronically on the website and all stakeholders must be advised by letter or e-mail of the availability of the decision.
Step 3.4 - Not mandatory - Parents/Guardians are notified of LA/Ministers decision one term before proposal can be implemented. (e.g. For a proposal to be implemented from the start of the Autumn term notification bust be given before the end of the previous Spring term)
Step 3.5 - LA Implements Proposal in accordance with the date given in the statutory notice, or any subsequent modified date (including to delay, bring forward or abandon a proposal)