

Division(s): Shrivenham Also affecting: Faringdon
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## **CABINET – 15 OCTOBER 2013**

### **FINAL REPORT ON RESPONSE TO STATUTORY NOTICE TO EXPAND WATCHFIELD PRIMARY SCHOOL**

#### **Report by Director for Children's Services**

#### **Introduction**

1. At the meeting on 16 July 2013, the Cabinet agreed to the publication of formal proposals to expand Watchfield Primary School from 1.5 form entry to 2 form entry. The report outlining the basis for this decision is available to view on Oxfordshire County Council's website under the Cabinet papers.
2. The statutory notice (attached at Annex 1) was published by the Authority in the Swindon Advertiser on 4 September 2013 and expired following 4 weeks of formal consultation on 2 October 2013. In accordance with legislation the notice was also posted at the school gate and sent to the local library. A copy of the full proposal (attached at Annex 2) and the notices were sent to the governing body and the Secretary of State and additionally made available on the Oxfordshire County Council website.
3. The decision-making power in terms of determining the notice lies with the Cabinet or can be delegated to the Cabinet Member for Schools Improvement (if there have been no objections). In meeting as 'decision-maker' the Cabinet or Cabinet Member must have regard to government guidance and statutory timescales otherwise a decision can be referred to the independent Schools' Adjudicator for reconsideration. The decision must be made within 2 months of the close of the notice period; as a consequence, it is necessary for the Chairman of the Council to determine that the decision cannot be subject to 'call-in' as this would, in most cases, prevent a decision being finalised within the required timescale and mean that the Cabinet's role would be negated by referral to the Schools' Adjudicator.
4. As a final decision on the expansion must be made before the school converts to an Academy in November, this item is going before October's Cabinet meeting. The proposed implementation date for the expansion is 1 September 2014.

#### **The Proposal**

5. The proposal is to increase the formal published admission number from 45 to 60 children, on a permanent basis from September 2014. This will eventually increase the school's total capacity from its current 315 places in Years F1- Y6 to a maximum of 420.

6. Additional classroom and supporting spaces will need to be created at the school to accommodate the increase in pupil numbers and a feasibility study will investigate how these can best be provided.
7. Watchfield Primary School plans to convert to an academy in November 2013, joining a Multi-Academy Trust. The proposal to expand the school has been discussed with the MAT co-ordinator prior to commencement of the consultation process. They are supportive of the proposal.

## **Representations**

8. The formal representation (Statutory Notice) phase was from 4 September 2013 – 2 October 2013 and a Statutory Notice (Annex 1) was publicly displayed at Watchfield Primary School, was also available on the OCC website and was published in The Swindon Advertiser newspaper on 4 September 2013.
9. 2 over all one received in favour of the proposal.
  - One response was in favour of the proposal, from a governor at Faringdon Infant School.
  - Watchfield Parish Council responded and was not opposed in principle but raising some concerns. These were about the lack of finalised plans for the proposed capital scheme as yet, and therefore concerns about the outdoor play area of the school, should it grow.
10. In response to the concerns, the feasibility work on a potential capital scheme is still ongoing, and on reaching an agreed final solution to provision of additional accommodation, should expansion be approved, then the final scheme would be submitted for planning permission in the usual way. At that point all plans can be viewed and commented on by any interested party. It is noted that the Parish Council has offered to work with the county council in thinking about encouraging pedestrian access to the school site.
11. Watchfield Primary School is due to convert to academy status in November 2013. In order to facilitate this process, the decision on whether to implement the expansion proposal is referred to the Cabinet meeting, rather than delegated to the Member for Children, Education & Families. This is in order to achieve a final decision on expansion before the school's conversion date.

## **Legal background**

12. School expansions are subject to statutory procedures, as established by The Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended). Local authorities also have a duty to have regard to statutory guidance, in this particular case 'Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form', ("the Guidance"). When reaching a

decision, Cabinet Member must have regard to The Guidance. Cabinet Member is referred in particular to pages 19 to 40 of The Guidance.

13. In terms of reaching a decision all proposals should be considered on their merits but the following factors should be borne in mind but are not considered to be exhaustive. The Decision Maker should consider the views of all those affected by the proposals. The Member for Education, as Decision Maker, must be satisfied that the statutory consultation has been carried out prior to the publication of the notice. Details of the consultation should be included in the proposals. The Decision Maker must be satisfied that the consultation meets statutory requirements. If the requirements have not been met, the Decision Maker may judge the proposals to be invalid and should consider whether they can make a decision on the proposals. Alternatively the Decision Maker may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposals as a whole.
14. **The effect on standards, school improvement and diversity.** The government aims to create a dynamic system shaped by parents that delivers excellence and equality, closing weak schools, encouraging new providers and popular schools to expand. Decision Makers should be satisfied that the proposals will contribute to raising local standards of provision and improved attainment and consider the impact on choice and diversity. They should pay particular attention to the effect on groups that tend to under-perform including children from certain ethnic minorities and deprived backgrounds. The decision-maker should consider how the proposals will help deliver the 'Every Child Matters' principles.
15. **School characteristics.** The Decision Maker should consider whether there are any sex, race or disability discrimination issues that arise and whether there is supporting evidence to support the extension and take into account the existence of capacity elsewhere. The Decision Maker needs to consider the accessibility of the provision for disadvantaged groups as the provision should not unduly extend journey times or cost.
16. **Need for places.** The Decision Maker should consider whether there is a need for the expansion and should consider the evidence presented for the expansion. There is a strong presumption that proposals to expand popular and successful schools should be approved. (At its last inspection in December 2012, Ofsted graded Wolvercote Primary School as Good. The school received 52 first preference applications for a Reception (F1) year place for September 2012 with a published Admission Number of 30. It is therefore considered that Wolvercote Primary School should be categorised as a successful and popular school.) If surplus capacity exists in neighbouring schools the Decision Maker should ask how it is planned to tackle any consequences for other schools.
17. **Funding and land.** The Decision Maker should be satisfied that any land, premises and capital required to implement the proposals will be available.

## **Financial and Staff Implications**

18. The financial implications of this report are linked to the cost of the capital works that will be carried out should the proposal be approved. The scheme is not individually identified but budget provision has been earmarked in the current Capital Programme (Existing Demographic Pupil – Basic Need Allocation). Approved by the County Council in February 2013.
19. In accordance with OCC Capital Governance requirements this will be the subject to a separate Stage 2 – Full Business Case/ Project Approval in due course. At the Initial Business Case stage of reporting, the capital implication of the expansion of the school was estimated at £1.5m approximately.
20. Funding will also be sought from S106 developer contributions from planned housing development in the area.
21. There will also be on-costs to the school for additional staff and for increased maintenance requirements. These will need to be funded from the school's delegated School Budget Share, which will increase in proportion to increases in pupil numbers. Resources for School Budget Shares are provided by government through the Dedicated Schools Grant, which will increase proportionately to increases in overall pupil numbers in Oxfordshire.

## **Equality and Inclusion Implications**

22. The Equality Impact Assessment of Oxfordshire's Pupil Place Plan (December 2012) identified that increasing school places at the heart of their communities has a positive impact on equalities through promoting social inclusion and minimising barriers to accessing education.

## **Decision**

23. In considering the proposals for a school expansion, the Decision Maker can decide to:
  - Reject the proposals;
  - Approve the proposals;
  - Approve the proposals with a modification (e.g. the implementation date); or
  - Approve the proposals subject to them meeting a specific condition (see the Guidance).

## **RECOMMENDATION**

24. **The Cabinet is RECOMMENDED to approve the permanent expansion of Watchfield Primary School with effect from 1 September 2014.**

**JIM LEIVERS**

Director for Children's Services

Annexes:                      Annex 1: Statutory notice  
                                     Annex 2: Statutory proposal

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