

**CABINET MEMBER FOR CHILDREN, EDUCATION & FAMILIES
21 MARCH 2016**

**REPORT ON THE PROPOSED EXPANSION OF DRAYTON
COMMUNITY PRIMARY SCHOOL**

Report by Director for Children's Services

Introduction

1. This report follows a public consultation period relating to the Governing Body's proposal to expand Drayton Community Primary School. The proposal has been supported by Oxfordshire County Council officers working together with the Governing Body of the school.
2. The school's public consultation ran from 11 January 2016 – 21 February 2016. The consultation leaflet (Annex 1) was circulated to all parents/carers of pupils at the school, appropriate county council teams, District, Council and Parish councillors, the local library and others. It was also available on the county council consultations webpages through its "current consultations" listing.
3. The consultation leaflet contains the detailed reasoning behind the school's proposals, and council officers' support of it, therefore this is not duplicated in this report.
4. The decision-making power in terms of determining the proposal in this case lies with the Governing Body of Drayton Community Primary School, as this is a school-led proposal, to meet identified need. At their meeting on 7th March 2016, the governors will make their formal decision on whether they wish to proceed in principle with expansion, subject to the funding for additional accommodation being approved through the council's capital governance procedures.

The Plan

5. The governors' proposal is to expand the school from a Planned Admission Number (PAN) of 20 to a PAN of 30 (so to become a 1 form entry school admitting up to 30 children into Reception each year) from September 2017. This is to meet demand for primary pupil places in Drayton village and its immediate area.
6. The Governing Body now seeks formal support for its proposal from Oxfordshire County Council through the Cabinet Member for Children, Education & Families, to further cement the joint working that is already taking place. Additionally, it has made the following statement:

The Governors of Drayton Community Primary School fully endorse the proposed expansion of the school to one form entry, in order to accommodate planned population growth in the village. We note that additional accommodation will be provided, enabling year groups to be taught separately, and that existing facilities will be adjusted as required by an increase in pupil numbers.

Although the full Governing Body will meet on 7th March 2016 to formally make its decision on the principle of expansion for the school, which will be minuted as required, it has already sent a letter to the council expressing support for expansion (Annex 2).

Representations

7. The public consultation generated four responses. Two explicitly supported the proposal while two raised concerns .
8. The main reasons given for support were:
 - More places needed due to growth of the village.
9. The concerns raised were:
 - Concern about the future design of the expanded building (which is not yet decided upon).
 - Concern about the ability of spaces in the existing building to accommodate higher pupil numbers.No concerns were raised about the principle of the school being expanded.

Legal background

10. The expansion of a maintained school is subject to the “*Guidance*”, as set out in “*School Organisation: Maintained Schools. Guidance for proposers and decision-makers*” (the *Guidance*) published January 2014. Governing Bodies of all mainstream schools can decide to expand their school without following a formal statutory process.
11. The *Guidance* states that before implementing any changes governing bodies should ensure that:
 - they have secured any necessary capital funding;
 - they have identified suitable accommodation and sites;
 - they have secured planning permission and/or agreement on the transfer of land where necessary;
 - they have the consent of the site trustees or other land owner where the land is not owned by the Governing Body;
 - they have consent of the relevant religious authority (as required); and
 - the admissions authority is content for the published admissions number (PAN) to be changed where this forms part of expansion plans, in accordance with the School Admissions Code.
12. As such, the Cabinet Member in this instance is not required to approve the proposal, but is asked for the council’s formal support for the governing body to proceed.

13. Governing Bodies are required to adhere to the usual principles of public law: they must act rationally; they must take into account all relevant considerations; and they must follow a fair procedure. The DfE expects that governing bodies will:
 - liaise with the local authority and trustees/diocese to ensure that where possible a proposal is aligned with wider place planning/organisational arrangements, and that any necessary consents have been gained; and
 - ensure effective consultation with parents and other interested parties to gauge demand for their proposed changes and to provide them with sufficient opportunity to give their views.
14. Local authorities have a duty to ensure sufficiency of school places.
15. Although the county council is not, in this case, the decision-maker, paragraphs 16-24 below set out some of the factors in the Guidance to be taken into account by decision-makers. The Cabinet Member may therefore consider these factors when deciding whether to support this proposal.
16. **Education standards and diversity of provision.** Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the aspirations of parents, raise local standards and narrow attainment gaps. The decision-maker should also take into account the extent to which the proposal is consistent with the government's policy on academies.
17. **Demand.** In assessing the demand for new school places the decision-maker should consider the evidence presented for any projected increase in pupil population (such as planned housing developments) and any new provision opening in the area (including free schools). The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents' aspirations for a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places. Reducing surplus places is not a priority (unless running at very high levels). For parental choice to work effectively there may be some surplus capacity in the system as a whole. Competition from additional schools and places in the system will lead to pressure on existing schools to improve standards.
18. **School size.** Decision-makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the LA's budget of the need to provide additional funding to a small school to compensate for its size
19. **Community cohesion.** Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging, through their teaching, an

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understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different sections within the community.

20. **Travel and accessibility.** Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups. The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.
21. **Capital.** The decision-maker should be satisfied that any land, premises or capital required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement.
22. **School premises and playing fields.** Under the School Premises Regulations all schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

Financial and Staff Implications

23. The physical expansion of Drayton Community Primary School would be funded using money the council has secured, and expects to secure, from housing developers, to mitigate the impact of new housing in the local area (known as Section 106 contributions), and from the county council's Basic Need funding allocation. The scheme was identified through the annual Service & Resource Planning process 2015/16 - 2018/19 (Feb 2015). The Governing Body has been working with council officers on a feasibility study to identify how the physical expansion of the school can be achieved on site.
24. The accommodation requirements would be delivered by the county council. In accordance with the council's Capital Governance requirements this will be subject to a separate Stage 2 – Full Business Case/ Project Approval in due course.
25. Where possible, subject to the constraints of Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), retrospective S106 developer contributions will also be sought from planned and future housing development in the area.
26. There will 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

