

Division(s):

## **CABINET MEMBER EDUCATION & CULTURAL SERVICES**

**9 September 2020**

### **REPORT ON THE PROPOSED EXPANSION OF JOHN WATSON SCHOOL**

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

#### **RECOMMENDATION**

1. **The Cabinet Member is RECOMMENDED to approve the expansion of John Watson School by 16 places from September 2022 onward. This would increase the overall capacity of the school from 91 to 107 places.**

#### **Executive Summary**

2. On 18 December 2018, Oxfordshire County Council's Cabinet approved a new Special Educational Needs & Disability Sufficiency of Places Strategy to ensure sufficient school places are provided for children and young people with Special Educational Needs and Disabilities (SEND) as Oxfordshire's population grows. This strategy sets out how an emerging shortage of special school provision is resulting in an increased use of high-cost independent & non-maintained special school placements, resulting in a growing High Needs block revenue pressure and overspend. The shortage of special school places is also affecting the county's ability to complete an Education and Health Care Plan for pupils with SEND within the required 20-week period. The proposed expansion of John Watson School by 2022 is one of the actions noted in the Strategy.
3. Under Section 19 of the Education and Inspections Act 2006, a local authority can propose the expansion of all categories of maintained school. It is proposed to expand John Watson School by 16 places from September 2022 onward. This would increase the overall capacity of the school from 91 to 107 places.
4. Such expansion requires a statutory consultation and decision-making process. The decision must be made in accordance with the *Education and Inspections Act 2006* (as amended), *The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013* and decision makers must have regard to the statutory guidance, "*Making significant changes ('prescribed alterations') to maintained schools*", October 2018 ("the Guidance"). Further details of the relevant legislation and guidance are set out below.
5. A statutory notice has been published, and the required representation period has ended. 3 responses were received, all of which expressed overall support for the proposed expansion.

## **Introduction**

6. This report follows the publication of a Statutory Proposal/Notice (Stage 1) and a Representation (Stage 2 formal consultation) period relating to the county council's 'prescribed alteration' proposal to expand John Watson School. The proposal is made with the support of the school's leadership team and Governing Body. The Cabinet Member is now required to make a decision on the proposals in accordance with the statutory prescribed alteration procedures.
7. Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and local authorities will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations. This proposal has been informed by the open consultation carried out by the county council between 25 January and 22 February 2018. The purpose of this consultation was to allow all those with an interest in provision for children and young people with SEND to feed back their views on the proposed plan, including the proposed expansion of John Watson School. The consultation was conducted via the county council's consultation website, and advertised on the Local Offer Page of the council's website, in School News, by direct email to SEND provision serving Oxfordshire, via social media, SENCO newsletter and direct mailing to parent support groups in Oxfordshire. This consultation received 31 responses, 20 of which specifically agreed or strongly agreed with the proposal to expand John Watson School (65%). The proposal to expand John Watson has also been publicised through Cabinet reports and other communications related to the Special Provision Fund and the SEND Sufficiency Strategy, as well as the 2018 and 2019 Pupil Place Plans.
8. The proposed expansion would be part funded from the Special Provision Fund government grant. To meet the conditions of this funding, the county council worked with a High Needs Review Steering Group to review provision for children and young people with SEND. This Steering Group included representatives from the county's special and mainstream schools, and was one key mechanism through which education providers were consulted on this proposal.

## **Publication of the proposal**

9. The statutory notice (Annex 1) was published in the Oxford Mail on 19 June 2020 and was also posted on the county council website. The Representation period ran until 17 July 2020, which is the statutory 4-week period required under the relevant legislation. The statutory notice was accompanied by a Full Proposal document (Annex 2), which was available to read online at the Oxfordshire County Council public website, or by request.

## **Representations**

10. 3 responses were received during the 4-week statutory Representation period, all of which were in support of the proposal.

## Legal background

11. Local authorities have a statutory duty under section 14 of the Education Act 1996 to ensure there are sufficient schools for their area. This duty will be met with the expansion of John Watson School, in order to address the expected increase in demand for places from planned, permitted and completed housing development in some of the areas served by the school, including Barton, Benson, Thame, Chinnor and Watlington.
12. Expansion of schools is covered by *The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013* ('the Prescribed Alterations Regulations') which should be read in conjunction with Parts 2 and 3 and Schedule 3 of the *Education and Inspections Act (EIA) 2006* (as amended by the *Education Act (EA) 2011*) and *the Prescribed Alterations Regulations*.
13. The expansion of a maintained school is subject to the "Guidance", as set out in "*Making Significant Changes ('Prescribed Alterations') to maintained schools*" published October 2018. This Guidance is for proposers and decision-makers. The Guidance states that the statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. The proposal should be accessible to all interested parties and should therefore use 'plain English'. The full proposal must be published on a website (e.g. the school or LA's website) along with a statement setting out:
  - (a) how copies of the proposal may be obtained;
  - (b) that anybody can object to, or comment on, the proposal;
  - (c) the date that the representation period ends;
  - (d) and the address to which objections or comments should be submitted.A brief notice (including details on how the full proposal can be accessed e.g. the website address) must be published in a local newspaper. Within one week of the date of publication on the website, the proposer must send a copy of the proposal and the information set out in the paragraph above to the governing body and any other body or person that the proposer thinks are appropriate.
14. The representation period must last for four weeks from the date of the publication. During this period, any person or organisation can submit comments on the proposal to the LA to be taken into account by the decision-maker. It is also good practice for representations to be forwarded to the proposer to ensure that they are aware of local opinion.
15. The county council confirms that it has adhered to the above Guidance.

## Decision-making

16. The decision-making power in terms of determining the proposal in this case lies with the Cabinet Member for Education & Cultural Services. In considering the proposals for a school expansion, the Cabinet Member can decide to:
  - reject the proposals;

- approve the proposals without modifications;
  - approve the proposals with such modifications as the local authority thinks desirable, having consulted the governing body;
  - approve the proposal – with or without modification – subject to certain conditions (such as the granting of planning permission) being met.
17. Where a LA is the decision maker, it must make a decision within a period of two months of the end of the representation period, which in this case requires a decision to be made by the 17 September. Where a decision is not made within this time frame, the LA must refer the proposal to the Schools Adjudicator for a decision.
  18. The *Guidance* states that “decision-makers will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. Decision-makers should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s)”.
  19. The *Guidance* sets out the following factors which should be considered in deciding this proposal.
  20. **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 needs of parents; raise local standards and narrow attainment gaps.
  21. John Watson School has an Ofsted rating of “Good”. The guidance states that it is expected that additional places will only be provided at schools that have an overall Ofsted rating of “Good” or “Outstanding”. The expansion will be supportive of high educational standards and parental choice and would increase the number of places available at good schools.
  22. **Equal opportunities issues:** The decision-maker must comply with the Public Sector Equality Duty (PSED), which requires them to have “due regard” to the need to advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it. The characteristics that are protected in relation to the Public Sector Equality Duty are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.
  23. Expansion of this school would increase equality of opportunity in terms of access to special school places. It would make it easier and quicker for pupils with SEND to access appropriate education.
  24. **Community cohesion:** When considering a proposal, the decision-maker should consider its impact on community cohesion.
  25. Expansion of this school would help to enable children with SEND living in the surrounding area to access special school education. Access to a local school is a key element in creating community cohesion.

26. **Travel and accessibility:** Decision-makers should satisfy themselves that accessibility planning has been properly considered 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 on how it will support and contribute to the LA's duty to promote the use of sustainable travel.
27. Expansion of this school would prevent the need for children to be transported to schools further afield, and help to minimise journey times and vehicular transport.
28. **Funding:** The decision-maker should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement.
29. The estimated capital cost of the project is around £3m. As noted in the Council's SEND Sufficiency of Places Strategy, the project is expected to be funded from the Special Provision Fund and S106 developer contributions.

### **Financial and Staff Implications**

30. The financial implications of this report are linked to the capital works that will be carried out should the proposal be approved. These capital works will be subject to formal approval in accordance with OCC Capital Governance requirements.
31. The school will need to meet any additional costs for staffing, curriculum resources and maintenance costs from its delegated budget share. The funding formula on which the school's budget share is calculated will allocate additional financial resources based on increased pupil numbers.

### **Equalities Implications**

32. As outlined above, expansion of this school would increase equality of opportunity in terms of access to special school places.
33. A Service and Community Impact Assessment (SCIA) has been completed for this proposal (Annex 3).

### **KEVIN GORDON**

Director for Children's Services

- Annexes:
- Annex 1: Public Notice
  - Annex 2: Full Statutory Proposal Document
  - Annex 3: Service and Community Impact Assessment (SCIA)

Contact Officer: Barbara Chillman, Pupil Place Planning Manager, 01865  
323804  
August 2020