

**CABINET MEMBER FOR SCHOOLS IMPROVEMENT  
4 NOVEMBER 2009**

**PROPOSED EXPANSION OF MADLEY BROOK PRIMARY  
SCHOOL, WITNEY**

**Report by the Interim Director for Children, Young People & Families**

**Introduction**

1. On 21 July 2009 Cabinet agreed to the publication of formal proposals to expand Madley Brook Primary School from 1-form entry to 1.5-form entry. The report outlining the basis for that decision is attached at Annex 1.
2. Notice of the prescribed alterations to the School (Annex 2) was published by the Authority for four weeks in the Witney Gazette between 2 September 2009 and 30 September 2009 and in accordance with legislation the notice was also posted at the school gate and local library. A copy of the proposal (Annex 3) and notices were also sent to the governing body and the Secretary of State and posted 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. This follows decisions taken by the Cabinet in July 2007 under new legislation encompassed in the Education & Inspections Act 2006 (EIA 2006) whereby School Organisation Committees were abolished and arrangements became the responsibility of the relevant local authority. 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. Also at its meeting in July 2007 the Cabinet confirmed that in considering notices as 'Decision-maker' it was necessary for the Chairman of the Council to determine that the decision could not be subject to 'call-in' as this would, in most cases, mean that the Cabinet's role would be negated by referral to the Schools' Adjudicator. The Cabinet decision must be made within 2 months of the close of the notice period.
4. As no representations in relation to the proposal have been received the decision is referred to the Cabinet Member for Schools Improvement. The proposed implementation date for the proposal is 1 September 2010.

**The Proposal**

5. The proposal is to increase the admission number from 30 to 45 children, on a permanent basis from September 2010. This will eventually increase the school's total roll from 180 children in Years 1-6 to a maximum of 270.

6. To accommodate this increase, two additional classrooms will be needed by September 2012. Detailed feasibility work is underway, which will also consider the need to increase other spaces, including those shared with Springfield School, such as car parking and the school hall.

## **Representations**

7. No representations have been received in relation to this notice during the statutory consultation process.

## **Making a Decision**

8. 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 Cabinet Member for Schools Improvement 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 some parties submit objections on the basis that consultation was not adequate, the Decision Maker may wish to take legal advice on the points raised. 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.
9. **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.
10. **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.
11. **Funding and land.** The decision-maker should be satisfied that any capital required to implement the proposals will be available.

## **Financial and Staff Implications**

12. The financial implications of the report are linked to the capital works that will be carried out should the proposals be approved, and these will be the subject of a separate detailed project approval. Developer contributions are already held against the future expansion of the school. There will also be on-costs for the school for additional staff and increased maintenance requirements.

### Equality & Inclusion Implications

13. No equality or inclusion issues were raised.

## **RECOMMENDATIONS**

14. **The Cabinet Member for Schools Improvement is RECOMMENDED to either:**
- (a) reject the proposals;**
  - (b) approve the proposals;**
  - (c) approve the proposals with a modification (e.g. the proposal implementation date); or**
  - (d) approve the proposals subject to them meeting a specific condition.**

JIM CROOK

Interim Director for Children, Young People & Families

Background papers: Initial consultation document; letter of concern received during initial informal consultation from Springfield School; response from OCC to Springfield School

Contact Officer: Barbara Chillman, Principal Officer School Organisation, Commissioning, Performance and Quality Assurance, Tel: 01865 816459

October 2009