

**CABINET MEMBER FOR SCHOOL IMPROVEMENT –
6 DECEMBER 2011**

**FINAL REPORT ON RESPONSE TO STATUTORY NOTICE TO
EXPAND CUTTESLOWE PRIMARY SCHOOL, OXFORD**

Report by Interim Director for Children, Education & Families

Introduction

1. At the meeting on 19th July 2011 the Cabinet agreed to the publication of formal proposals to expand Cutteslowe Primary School from 1 form entry to 2 form entry. The report outlining the basis for this decision is attached at Annex 1.
2. The statutory notice (attached at Annex 2) was published by the Authority in the Oxford Mail on 7th September 2011 and expired following 4 weeks of formal consultation on 5th October 2011. In accordance with legislation the notice was also posted at the school gate and local library. A copy of the proposal (attached at Annex 3) 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 Cabinet 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 no objections 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 2013.

The Proposal

5. The proposal is to increase the formal published admission number from 30 to 60 children, on a permanent basis from September 2013 (an admission number of 30 has already been published for 2012). This will eventually

increase the school's total capacity from its current 210 places in Years F1- Y6 to a maximum of 420.

6. To accommodate this growth in pupil numbers, there will be a need for additional classrooms and a feasibility study is well advanced to investigate how this can best be provided.

Representations

7. The formal representation (Statutory Notice) phase was from 7 September 2011 – 5 October 2011 and a Statutory Notice (Annex 2) was publicly displayed at Cutteslowe Primary School, was also available on the OCC website and was published in The Oxford Mail newspaper on 7th September 2011.
8. Two responses were received. These were a representation from the Chair of Governors at Cutteslowe Primary School on behalf of the governing body, and a representation from the County Councillor for Summertown & Wolvercote, both of which state strong support for the proposal to expand. These are attached at Annex 4.
9. No other representations were received.
10. As no concerns in relation to the proposal have been raised, the decision on whether to implement the proposal is referred to the Cabinet Member for Schools Improvement, rather than full Cabinet.

Legal background

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

13. **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.
14. **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.
15. **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. If surplus capacity exists in neighbouring schools the Decision Maker should ask how it is planned to tackle any consequences for other schools.
16. **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

17. The financial implications of this report are linked to the capital works that will be carried out should the proposal be approved. The Capital Investment Board (CIB) has approved funding for the initial feasibility work to establish the preferred option for meeting the additional accommodation needs. Resources for the capital works required for this expansion have been identified within the Capital programme 2011/12–2015/16 (existing demographic pupil provision – basic needs programme). 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
18. Where possible funding will also be sought from developer contributions secured to provide education infrastructure.
19. 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, and to a lesser extent in proportion to the floor area of new buildings. 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

20. The Equality Impact Assessment of Oxfordshire's Pupil Place Plan (June 2011) 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

22. 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

The Cabinet Member for Schools Improvement is RECOMMENDED to:

- (a) **consider the representations made in response to the statutory closure notice with particular reference to the issues detailed in paragraphs 12-20 and the Statutory Guidance; and**
- (b) **approve the permanent expansion of Cutteslowe Primary School, Oxford, with effect from 1 September 2013.**

Jim Leivers
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Background papers: Initial consultation document

Annexes: Annex 1: Cabinet Member report 19 July 2011
Annex 2: Statutory notice
Annex 3: Statutory proposal
Annex 4: Representations received

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