

CABINET MEMBER FOR PUBLIC HEALTH & EDUCATION
22 NOVEMBER 2017

REPORT ON THE PROPOSED EXPANSION OF
EDWARD FEILD PRIMARY SCHOOL

Report by Director for Children's Services

Introduction

1. This report follows a public consultation and statutory Notice period relating to the county council's proposal to expand Edward Feild Primary School. The proposal was made with the support of the school's Governing Body.
2. An initial public consultation ran from 6 June – 18 July 2017. The consultation document is attached at Annex 1 and was circulated to all parents/carers of pupils at the school, staff and governors, 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 and via the school's website, in addition to being signposted to in the school's newsletters.
3. The consultation leaflet (Annex 1) sets out the reasoning behind the proposal, therefore this is not duplicated in this report. The key point is that Edward Feild Primary School has worked with the county council in admitting above its Admission Number since 2014 in order to meet local demand for places; at the time of consulting on the proposal, pupil forecasts indicated that making this permanent would ensure sufficient school places for increasing pupil numbers in Kidlington, and maintain an element of parental choice within the system.
4. Following completion of the consultation, therefore, a Public Notice was published (Annex 2). The Public Notice was published in the Oxford Mail on 14 September 2017 and was also posted at the school's entrance and on the school website and county council website. The Notice period ran until the 11 October 2017. It was accompanied by a Full Proposal document (Annex 3), which was available to read online at the Oxfordshire County Council public website, or by request.
5. Since the statutory process began, new pupil number forecasts have been finalised, which now show that pupil numbers in Kidlington are expected to stabilise at a lower level than previously forecast. It is, therefore, now judged that if Edward Feild Primary School remains at its current Admission Number of 45 this would be sufficient in the short/medium term.
6. The decision-making power in terms of determining the proposal in this case lies with the Cabinet Member for Public Health & Education.

The Proposal

7. The proposal was to expand Edward Feild Primary School from its previous Planned Admission Number of 45 to one of 60 (i.e. to become a standard 2 form entry school) on a permanent basis from 1 September 2018. This would increase the total number of places per year available across the Kidlington area (including Dr South's Primary School in Islip) from 195 to 210.
8. The proposal was based on pupil forecasts calculated in 2016 which showed that pupil numbers were expected to remain at a level which could result in a shortage of places in some years if Edward Field Primary School returned to its previous admission number of 45:

YEAR	R	Y1	Y2	Y3	Y4	Y5	Y6	TOTAL
2016 actual	185	199	200	169	193	170	177	1,293
2017 forecast	213	182	199	199	168	190	166	1,318
2018 forecast	185	212	182	198	198	167	188	1,329
2019 forecast	190	183	212	181	197	197	164	1,324
2020 forecast	187	187	182	211	180	195	194	1,337
2021 forecast	186	185	187	181	211	178	192	1,319

9. Actual pupil numbers in 2016 turned out to be somewhat lower than forecast. Moreover, new pupil forecasts calculated in summer 2017 have revised down future projections:

YEAR	R	Yr1	Yr2	Yr3	Yr4	Yr5	Yr6	Total
2016 actual	183	204	195	162	177	166	178	1265
2017 forecast	195	179	203	193	162	175	165	1272
2018 forecast	167	192	178	200	192	161	173	1263
2019 forecast	171	165	192	176	200	191	159	1254
2020 forecast	168	169	164	190	174	198	190	1253
2021 forecast	168	165	168	162	189	172	196	1220

10. The county council considers that for effective school organisation, a margin of "spare" school capacity is necessary, to provide some flexibility for unexpected influxes of children and expressions of parental preference. The National Audit Office considers it "*reasonable for authorities to aim for between 5 and 10 per cent primary surplus to allow them some opportunity to respond to parental choice*" and that 5% is "*the bare minimum needed for authorities to meet their statutory duty with operational flexibility, while enabling parents to have some choice of schools*".¹ Based on the revised forecasts, it would no longer be necessary for Edward Field Primary School to permanently expand to ensure sufficient school places, including the recommended level of spare capacity.
11. The Governing Body of Edward Feild Primary School wants to be able to continue to meet the needs of the local community into the future, as it has done in the past. It has agreed that if there are insufficient pupils forecast within Kidlington it would be inappropriate to continue to expand the school at

¹ 2013 National Audit Office report *Capital Funding for New School Places*

CMDPHE7

this time. The governors remain interested in expanding the school in future should the situation change, for example due to new housing proposals in the area. Oxfordshire County Council is very appreciative of the flexibility and pragmatism that the Governing Body of the school has shown in this changing situation.

12. Given the new forecast data, officers now recommend that this proposal is not approved at the current time and the situation is kept under review. Should pupil numbers rise higher than currently forecast, a new proposal to expand the school could be published.

Representations

13. The public consultation generated three responses. All supported the proposal in principle, while two of them also raised concerns. The concerns raised were about whether the increase in pupil numbers would in fact be sustained in future, and concern about traffic issues and outdoor space at the school if pupil numbers were to rise.
14. The Statutory Notice generated five representations (formal responses). One supported the proposal in principle, while four opposed it in principle. The concerns raised by objections were mainly traffic and parking related once more. Another concern was raised by the Catholic Archdiocese about the effect of the proposal on pupil numbers at other Kidlington school, including St Thomas More Catholic Primary School.

Legal background

15. The Education & Inspections Act 2006 and The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2013 establish the procedures that must be followed when enlarging school premises.
16. Local authorities also have a duty to have regard to statutory guidance, in this particular case "*Making Prescribed Alterations to Mainstream Schools*" published April 2016.
17. 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:
 - how copies of the proposal may be obtained;
 - that anybody can object to, or comment on, the proposal;
 - the date that the representation period ends;
 - and the address to which objections or comments should be submitted.

CMDPHE7

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 is appropriate.

The county council confirms that it has adhered to the relevant legislation and statutory Guidance.

18. Local authorities have a statutory duty to ensure sufficiency of school places. Based on current forecasts, it is not now considered necessary to expand Edward Field Primary School to comply with this duty.

Financial and Staff Implications

19. It is now recommended that the school should not be expanded at this time; there would therefore be no financial or staff implications.
20. If the school were to be expanded, the county council would be responsible for funding the costs of the necessary building works. Where possible, subject to the constraints of Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), S106 developer contributions would be sought from planned and future housing development in the area, but these cannot be assured.
21. If the school were to be expanded, there would be increased revenue costs to the school for additional staff and for increased maintenance requirements. These would need to be funded from the school's delegated School Budget Share, which would increase in proportion to increases in pupil numbers. Given the revised pupil forecasts the school would be at risk of enrolling insufficient pupil numbers to support the additional revenue costs of expansion.

Equality and Inclusion Implications

22. The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to:
 - eliminate discrimination;
 - advance equality of opportunity; and
 - foster good relations.
23. There are not considered to be any equality and inclusion issues that arise from the proposal.

Decision

24. Decisions must be made within a period of two months of the end of the representation period or they must be referred to the Schools Adjudicator.
25. In considering the proposals for a school expansion, the Cabinet Member can decide to:
 - reject the proposals;
 - approve the proposals without modifications; or
 - approve the proposals with such modifications as the local authority think desirable, having consulted the governing body.

RECOMMENDATION

26. **The Cabinet Member is RECOMMENDED to reject the proposed expansion of Edward Feild Primary School.**

LUCY BUTLER

Director for Children's Services

Annexes: Annex 1: Consultation leaflet
 Annex 2: Public Notice
 Annex 3: Full Proposal document

Contact Officer: Diane Cameron – School Organisation Officer, Education
 Sufficiency & Access, CEF. Tel: 07795301254

November 2017