

CABINET - 19 JULY 2011

PROPOSED EXPANSION OF BADGEMORE PRIMARY SCHOOL, WANTAGE

Report by Children, Education & Families

Introduction

1. On the basis of their current published admission numbers, the four Henley primary schools between them offer 119 places per year. Until 2008 entry (the current Year 2) this was sufficient, but the last two years have been over-subscribed. As an interim measure we were able to meet this demand by asking Trinity Primary School to take over their admission number, as they were able to accommodate more children in their existing buildings. Our demographic data, taking into account proposed housing developments, indicated that this would become a permanent need for more places in Henley.
2. Initial work identified that the two realistic ways of providing this capacity were to expand either Trinity Primary School or Badgemore Primary School. An initial consultation was carried out across Henley in 2010 into options for expanding primary capacity, and this specifically invited comments on both Trinity and Badgemore primary schools. 63 written responses were received, 44% of which were from parents of children at Trinity Primary School. Although no major objections to the expansion of either school were received, there were some concerns that Trinity was already a large school, and that further growth could be detrimental, including pressure on existing facilities, loss of playground to new buildings and increased traffic. It was suggested that a larger Badgemore might encourage parents to view it equally to the other schools, and would provide a better balance of schools across the town (Badgemore is the only school smaller than 1 form entry). The full report made to Cabinet on this consultation in January 2011 is available as Annex 1.
3. A full feasibility study was conducted into what building work would be required at both schools to enable them to expand. This identified that to provide fully for expansion at Trinity, building works costing £3.5m would be required; to achieve the same scale of expansion at Badgemore would cost £1.7m. An alternative option for Trinity costing £0.9m was considered, but this required continued use of temporary accommodation (which at some time would need to be replaced at additional cost), and provided only 80% of the space standards required by the Primary School Brief. On the basis of these reports, as well as representations from the two schools, at the meeting on 1 March 2011 the Cabinet Member for Schools Improvement agreed to the publication of formal proposals to expand Badgemore Primary School from 0.5-form entry to 1-form entry. The report outlining the basis for this decision is attached at Annex 2.

4. The statutory notice (attached at Annex 3) was published by the Authority in the Henley Standard on 6 May 2011 and expired following 4 weeks of formal consultation on 3 June 2011. In accordance with legislation the notice was also posted at the main entrances to the school and the local library. A copy of the proposal (attached at Annex 4) and the notices were sent to the governing body and the Secretary of State and additionally made available on the Oxfordshire County Council website.
5. 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.
6. As a representation in relation to the proposal has been received the decision is referred to the Cabinet. The proposed implementation date for the proposal is 1 September 2012.

The Proposal

7. The proposal is to increase the admission number from 15 to 30 children, on a permanent basis from September 2012. This will eventually increase the school's total capacity from 90 Key Stage 1 and 2 children (105 including Foundation children) to a maximum of 180 (210 including Foundation children).
8. To accommodate this growth in pupil numbers, Badgemore Primary School will be remodelled and extended to provide 6 classrooms for Key Stage 1 and 2 pupils. The detailed feasibility work into how to best provide this is underway.

Representations

9. Two representations have been received in relation to this notice during the statutory consultation process, from a parent of a child at another school. One opposed the proposal on the grounds that:
 - Badgemore has a current capacity of 105 and yet only has 86 pupils registered today. It should not be doubled in size as this will create more empty spaces.

Officer response: The additional places at Badgemore will be provided on the same timescale as pupil numbers grow, and therefore the number of spare places will not increase overall (although obviously, there are always dips and peaks from year to year). We would hope to retain an average of 8% spare places across Henley to allow for fluctuations in demand – there are currently only about 2% spare places which limits parental choice in the town.

- Parental preference is for schools other than Badgemore. Trinity Primary School is currently running over capacity and so it is illogical not to allocate any funding available to increase capacity at Trinity rather than at Badgemore. Providing more places at Badgemore will force parents to place their children into a school that they do not really want their children to attend.

Officer response: In making the decision to proceed with statutory notices to expand Badgemore Primary School rather than Trinity, the Cabinet Member for Schools Improvement considered not only the capital implications of each expansion, but also other factors including the need to ensure a sustainable provision of high quality primary education in Henley. It was recognised that Badgemore is not currently the first preference school for most Henley parents, but all of the Henley primary schools are rated “good” by Ofsted, and therefore we can be confident that whichever school is expanded will provide a high standard of education. However, because small schools such as Badgemore face specific challenges of funding and attracting staff, it was judged that expansion here would bring added advantages compared to expanding a larger school such as Trinity, in that a 1 form entry school would provide a more sustainable and balanced offer of primary schools across the town. Although pupil numbers are currently high and growing, they naturally fluctuate from year to year, and when numbers dip, a 0.5 form entry school such as Badgemore is very vulnerable while a larger school is better placed to absorb dips in numbers (and hence budgets).

- Many children currently in the Trinity catchment will be forced to commute across Henley if Badgemore is extended.

Officer response: The additional children attending an expanded Badgemore will mostly be from its current catchment area. There will in due course be a consultation on catchment areas to reflect the change in school sizes under the usual Admissions processes, and it may be some parts of the current Trinity catchment area will be added to the Badgemore catchment; however, these would be the closest areas, approximately 0.5 miles from Badgemore Primary School. Whether or not the catchment areas are changed, any unsuccessful applicants to Trinity Primary School would be allocated to an alternative school partly on the criterion of distance, and children attending Badgemore are therefore likely to live within a short distance.

10. The other representation, while not opposing the expansion, raised concerns about traffic in the area at the start and end of the school day. Traffic and safety concerns will be covered in the feasibility study and are subject to scrutiny by Planning. The school will also be required to update its travel plan to reflect the increased pupil numbers.

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. Following the feasibility study and discussions with the school, a scheme to provide an additional classroom, a new hall, internal remodelling and additions to ancillary spaces has been identified. The total cost has been estimated at £1,664,000. The feasibility study has identified the preferred solution, costs and options for a phased delivery. These capital works will be the subject of a separate detailed project approval, and a further paper for decision will follow in due course, subject to the capital policies and processes laid down.
18. Oxfordshire County Council capital funding forward plans include funds to assist with demographic issues on school places. Funding will be allocated from the relevant CE&F capital programmes from 2011/12 onwards, to reflect the phasing of building works identified during the detailed design stage. Approximately £120k has been secured in developer contributions to infrastructure, and developer contributions will also be sought from future developments in the town.
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. It is anticipated that moving to 1 form of entry will, over time, enable the school to achieve increased efficiency by amending its internal organisation.

Equality and Inclusion Implications

20. There are not considered to be any significant equality and inclusion implications arising from this proposal.

RECOMMENDATIONS

21. **The Cabinet 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.**

MEERA SPILLET

Director for Children, Education & Families

Background papers: Initial consultation document

Annexes: Annex 1: Cabinet report January 2011
Annex 2: Cabinet Member report March 2011
Annex 3: Statutory notice
Annex 4: Statutory proposal

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