

CABINET – 17 JULY 2012

FINAL REPORT ON THE PROPOSAL TO ALTER THE LOWER AGE RANGE AND EXPAND ST EDBURG'S CE (A) PRIMARY SCHOOL, BICESTER

Report by Director for Children's Services

Introduction

1. This proposal is directly related to the development of 1585 new houses in Bicester, known as the Kingsmere development. In November / December 2010, the governing body at St Edburg's CE (A) Primary School Bicester ran a public consultation to gauge opinion on the proposal to expand the school from 1 to 2 form entry and to alter the lower age range to admit 3 year olds. As part of the proposal, the school would be relocated to the Kingsmere development and become its designated area school in a new purpose-built building.
2. At the meeting on 16th February 2011 the Cabinet agreed to support the governors of the school in their wish to proceed to publish a statutory notice. The report outlining the basis for this decision is attached at Annex 1.
3. The statutory notice (attached at Annex 2) was published by the governing body supported by the Authority in the Bicester Advertiser on 18th April 2012 and expired following 6 weeks of formal consultation on 30th May 2012. Publication was held back until negotiations relating to the proposed new site for St Edburg's and legal agreements surrounding it between the housing developers and the Diocese had been completed. In accordance with legislation the notice was also posted at the school gate and sent to the local library. A copy of the full proposal (attached at Annex 3) and the notices were sent to the governing body and the Secretary of State and made available on the Oxfordshire County Council website.
4. 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 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.

5. As objections in relation to the proposal have been received the decision is referred to the Cabinet. The proposed implementation date for the proposal is 1 September 2014.

The Proposal

6. The proposal is to increase the formal published admission number from 30 to 60 children, on a permanent basis from September 2014 (an admission number of 30 has already been published for 2013 although additional pupils may be admitted by agreement between the Local Authority and the governing body). This will eventually increase the school's total capacity from its current 180 places in Years F1- Y6 to a maximum of 360. The proposal is for the school to relocate to a new building within the Kingsmere development (as this is less than two miles from its current location, the relocation does not require statutory procedures). All existing pupils at the school would retain their places at the school during and following its relocation.
7. The proposal also includes an alteration to the lower age limit of the school so that St Edburg's may admit 3 year olds. This will make provision for 26 full time nursery places (52 part time nursery places).

Representations

8. The formal representation (Statutory Notice) phase was from 18th April 2012 to 30th May 2012 and a Statutory Notice (Annex 2) was publicly displayed at St Edburg's CE (A) Primary School, was also available on the OCC website and was published in The Bicester Advertiser newspaper on 18th April 2012.
9. Twelve representations were received of which ten were in favour of the proposal in principle. Seven of these were from staff or governors at St Edburg's.
10. One representation raised a concern about the data published alongside the statutory notice giving details of the sufficiency of early years providers in the Bicester area. This representation was made by Chesterton Playgroup, located in the village of Chesterton just outside Bicester and brought to the attention of the School Organisation & Planning team that the data against this playgroup was incorrectly recorded in terms of their Ofsted grade and number of places offered. This mistake was immediately rectified, and updated and verified data (Annex 4) was posted on the OCC website in place of the previous document. The playgroup were also concerned that St Edburg's proposal to admit 3 year olds would affect the number of children attending their setting.

CEF's response to this concern, made to Chesterton Playgroup, is as follows:

We sincerely apologise that the Ofsted outcome stated for Chesterton playgroup was incorrectly listed as 3 (satisfactory) instead of 2 (good). We have immediately reviewed this annex and amended the information on the website. We have also added a note on the footer of the table to clarify that the stated sufficiency number for private and voluntary settings is not the capacity but based on the maximum number of government-funded children claimed in the year leading up to the annual analysis of places.

The supplementary data is part of a standard set that the DfE require is published for all statutory proposals, but please be assured that the Ofsted outcomes have not been one of the drivers for proposing the change. The school will serve a new housing development that will mean a significant increase in demand for both school and early years places in Bicester and its surrounds. It is longstanding County policy that any newly built Primary school should include a nursery class.

We note your concerns regarding current spare capacity at Chesterton Playgroup, but expect that with the planned increase in government-funded places for 2 year olds, combined with the projected population growth there will be a continued and increasing demand for a wide range of places. We hope therefore that Chesterton Playgroup will also see increased numbers as a result of this growth.

11. One representation was submitted from the governing body of Chesterton CE (VA) Primary School objecting to the proposal. The representation is attached to this paper as Annex 5 and raises concerns around the impact of the expansion of St Edburg's on Chesterton Primary's intake of pupils from both Bicester town and Wendlebury village. CEF's response is as follows:

This statutory notice is solely about whether St Edburg's school should expand. It is not related to any future catchment area changes, as these would be the subject of separate consultation in the future. No decisions have been made on catchment areas at the current time.

The size of the Kingsmere development is such that a 2 form entry primary school is required to provide sufficient pupil places for the community that will occupy the new houses. Without a 2 form entry school on the site, there would not be enough places for all children of school age that the development will generate. When Kingsmere is fully occupied it is therefore the expectation that almost all St Edburg's pupils will live within the development.

Forecasts for pupil numbers across Bicester are rising with all housing development planned in the town and nearby (in addition to Kingsmere) additional pupil places will be needed quite apart from the expansion of St Edburg's as the expectation is that Bicester Partnership schools will be operating very close to full capacity. For this September 2012 Chesterton's admission number of 23 has been fully allocated already and late applications for places are being made for many Bicester schools. This increased demand

for pupil places in Bicester is forecast to be sustained and to increase in the coming years.

Like all parents, those living in Wendlebury will remain free to express a preference for any school they wish their child to attend and many of these parents choose Chesterton School because it is a “village community”. This will remain unchanged and the contrast between a larger and more modern St Edburg’s and Chesterton’s “village” school will be greater than it is currently, making both schools very different “offers” for parents to choose from.

It has been the LA’s policy to include Nursery classes at all new primary schools for some years, and we expect that with the planned increase in government-funded places for 2 year olds, combined with the projected population growth there will be a continued and increasing demand for a wide range of places.

12. As objections have been made to the proposal, the decision on whether to implement the proposal is referred to the Cabinet.

Legal background

13. 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 ‘Making Changes to a Maintained Mainstream School’ and “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 both sets of The Guidance.
14. 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.
15. **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.

16. **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.
17. **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.
18. **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

19. The financial implications of the current report are linked to the capital works that will be carried out should the proposals be approved, and these are the subject of separate legal agreements with the Oxford Diocese and the school who will procure the new premises. The agreement contains minimum standards for the facilities to be provided from S.106 monies secured by the Authority and for the transfer of capital receipts from the sale of the existing site to fund necessary additional school places in the schools serving the area served by the existing St Edburg's CE(A) Primary School site. There will also be on-costs for the school for additional staff and increased maintenance requirements.
20. The decision to proceed with the statutory process to expand the school was made prior to a detailed funding agreement being signed where heads of terms for the transfer of capital between the parties was agreed. This funding agreement is has now signed.
21. The need for a two form entry primary school on this strategic site is identified in the Authority's forward Capital Programme.
22. Publication of a statutory proposal to expand the school requires confirmation that capital funding is available for the scheme.

Equality and Inclusion Implications

