

Division(s): **Headington & Marston**
 Also affecting: **All Oxford city Divisions including Barton & Sandhills, Wheatley**

CABINET – 16 July 2013

FINAL REPORT ON THE PROPOSAL TO EXPAND ST JOSEPH'S CATHOLIC (VA) PRIMARY SCHOOL, OXFORD

Report by Director for Children's Services

Introduction

1. St. Joseph's Catholic Primary School is a Voluntary Aided (VA) school in the Archdiocese of Birmingham. It is situated in Headley Way, Headington, Oxford in the parish of St. Anthony of Padua but it also serves the parishes of Corpus Christi and SS. Edmund and Frideswide (Greyfriars). The children attending the school come from most areas of Oxford and several of the outlying villages. The school is graded Good (Grade 2) by Ofsted.

2. The school's published admission number is 45. The school is oversubscribed, and for the September 2012 intake, places were allocated as shown below:
 - 67 first preference applications received
 - 45 places allocated (all allocated to baptised Catholic children)
 - 34 applicants refused, of which 10 were baptised Catholic
 The last successful applicant offered a place lived within 1.4 miles of the school

3. St Joseph's is a popular school with local families. As a VA school, its designated area (catchment area) is wide, to cover several parishes, and includes Wheatley, Waterperry, Elsfield and Holton to the east of Oxford. It is therefore often the case that Catholic families applying for a place at St Joseph's, and living within the designated area, are unable to be allocated a place as St Joseph's as all of the available places are offered to applicants living closer to it.

4. Oxford City Council's Core Strategy for Growth to 2026 was approved by the Secretary of State in autumn 2010, and sets out the intention to provide at least 8,000 additional dwellings in Oxford city between 2006 and 2026.

5. The current forecast for primary age pupils in Oxford is as follows:

Year	R	1	2	3	4	5	6	Total
2012-13	1424	1286	1329	1273	1224	1207	1038	8782
2013-14	1459	1412	1269	1324	1271	1273	1204	9213
2014-15	1522	1453	1402	1271	1329	1331	1281	9588
2015-16	1560	1512	1438	1397	1269	1382	1331	9889
2016-17	1581	1548	1495	1433	1394	1324	1380	10154

6. Within the overall need for additional primary school places, there is a specific need for places at Catholic schools. Oxford's Catholic primary schools, together currently offer 150 reception places each year. In each of the last three years, total first preference applications for Catholic primary schools in the city have exceeded 200. Applicants to Catholic primary schools in the city are currently less likely to secure their first preference school than applicants to non-Catholic schools.
7. For September 2013 there were so far 71 first preferences for St Joseph's and so the school has decided to admit 60 pupils instead of 45 as a one-off increase ahead of a decision on a permanent expansion, thus increasing the percentage of parents getting their first preference school.
8. At the meeting on 16 April 2013 the Cabinet agreed to support the governors of the school in their wish to proceed to publish a statutory notice to expand the school to 2FE. The report outlining the basis for this decision is available to view on Oxfordshire County Council's public website under the Cabinet meeting papers.
9. The statutory notice (attached at Annex 1) was published by the Governing Body supported by the Authority in the Oxford Mail on 30 April 2013 and expired following 4 weeks of formal consultation on 28 May 2013. 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 2) and the notice were sent to the governing body and the Secretary of State, the Archdiocese and made available on the Oxfordshire County Council website.
10. 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.
11. As an objection in relation to the proposal has been received the decision is referred to the Cabinet. The proposed implementation date for expansion of the school is 1 September 2014.

The Proposal

12. The proposal is to increase the formal published admission number from 45 to 60 children, on a permanent basis from September 2014 (an admission number of 45 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 315 places in Years F1- Y6 to a maximum of 420.

Representations

13. The formal representation (Statutory Notice) phase was from 30 April 2013 to 28 May 2013 and a Statutory Notice (Annex 1) was publicly displayed at St Joseph's Catholic (VA) Primary School, was also available on the OCC website and was published in The Oxford Mail newspaper on 30 April 2013.
14. 3 representations were received of which 2 were in favour of the proposal in principle and one was in opposition.
15. The representation in opposition to expansion was made jointly by a group of over 15 local residents. While the respondents understand the wish to increase the number of pupil places at the school they have expressed some serious concerns over the impact of expansion in terms of traffic and parental car-parking in front of the school and their homes. The residents group's response is attached at Annex 3 and includes photographs relating to their concerns.

Officers comment

The proposed expansion of St Joseph's Catholic Primary School is being managed by the Birmingham Catholic Archdiocese, which has been made aware of the concerns raised and is in close contact with the school. In addition, OCC Travel Planning colleagues have visited the school and have worked with the school to develop new measures to address the existing parking and travel issues. These colleagues have also been in touch with the local residents. The final building scheme proposed will be subject to the usual Planning application procedures, through which any person may view and comment on the proposed plans for the school. Planning applications are also subject to scrutiny by Highways & Transport.

16. As an objection has been made to the proposal, the decision on whether to implement the proposal is referred to the Cabinet.

Legal background

17. 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.
18. 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 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.

19. **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.
20. **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.
21. **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.
22. **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

23. The financial implications of the current report are linked to the capital works that will be carried out should the proposals be approved. As the enlargement of the school will provide additional basic need pupil places the capital cost would be met jointly by Oxfordshire County Council and the Archdiocese of Birmingham There will also be revenue on-costs for the school for additional staff and increased maintenance requirements.

Equality and Inclusion Implications

