

## **CABINET– 16 February 2011**

### **PROPOSAL TO LOWER THE AGE RANGE, EXPAND AND RELOCATE ST EDBURG'S CE (A) PRIMARY SCHOOL, BICESTER**

#### **Report by Children, Young People & Families**

#### **Introduction**

1. St Edburg's CE (A) Primary School has a published admission number of 30 children. The current age range is 4-11 years. The proposal is directly related to the proposed development of 1585 houses at SW Bicester, now known as Kingsmere, development. A previous consultation exercise was undertaken by Governors in 2007 when it was believed the new SW Bicester development was about to commence. That consultation was in favour of the proposal to lower the age range and expand the size of the school at the same time as relocating it to the new site to serve that new community. The proposed development did not commence as a direct result of the slowdown in the economy and therefore no statutory notice to implement the outcomes of the consultation was made. Under the provisions of the Education and Inspections Act 2006 (EIA 2006) such consultation exercises are only valid for a period of three years. The development has now commenced at a slower rate and it is anticipated that a new school will be needed as originally intended and provided for in the infrastructure agreements for the site. The first houses are likely to be ready for occupation from May 2011.
2. The Governors of St Edburg's CE (A) Primary school have completed a further consultation exercise on a similar proposal and the outcomes are set out below.
3. For September 2011 the school's admission number has been published as 30 but the school is not currently full and will have space to accommodate the children generated from the first phase of development on the site. This is seen as essential so that the new community has clear continuity of education provision as early as possible. Current pupils would be guaranteed places in the new school. However, once the new school is available it will serve the new community. The part of Bicester town currently served by this school will be divided between other schools in the town. Further consultation exercises to vary catchment areas will need to be brought forward by the Authority in due course. These will take into account all the large developments proposed in and around Bicester to 2026.
4. Although the new school buildings will be on a new site, the main entrance of the proposed relocated school will be within 2 miles of the existing site and is therefore not subject to requirements to hold a competition to identify other potential education providers for the school.

5. There are five statutory stages for a proposal to lower the age range expand a school:
  - i. consultation;
  - ii. publication of a statutory notice;
  - iii. representation;
  - iv. decision;
  - v. implementation.

Under the terms of the EIA 2006 and The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended) such a proposal to lower the age range of the school and enlarge premises can be brought by the Governors of an aided school. The Local authority will act as decision maker for such proposals. This proposal has completed the first consultation stage, and a decision is now sought on whether to support the publication of a statutory notice by the school. Funding for the new school buildings has been secured by the authority as part of infrastructure payments to be made by the developer (S.106 contributions). One of the key 'triggers' for the release of the site for the school and the infrastructure payments is the completion of the statutory procedures required by the EIA 2006. It is anticipated that the proceeds of the sale of the existing site will be used to fund any necessary expansions to provision in existing schools as a result of this proposal. Brookside Primary school has already been expanded through forward funding by the Authority to support the initial impacts of this move.

## **The Proposals**

6. There are two related proposals: (i) to lower the age range by the addition of a nursery class and (ii) increase the admission number from 30 to 60 children, on a permanent basis from September 2014 and enlarge school premises by relocating to a new site. This will eventually increase the school's total roll from 180 children in Years 1-6 to a maximum of 360.
7. To accommodate this growth in pupil numbers, a new two form entry school complex is proposed and a feasibility study is underway as to how this can best be provided.

## **Representations**

8. The Stage 1 consultation phase was held between 1 November and 17 December 2010 and a consultation document (Annex 1) was sent to parents of children at St Edburg's CE(A) Primary School, as well as to the list of interested parties shown at Annex 2. Sixteen responses were received. Eleven respondents supported the proposal and five respondents expressed concerns about the proposal. The full report to the meeting of the Governing Body on 31 January 2011 is attached as Annex 2. The previous consultation exercise was held in 2007. Fifty eight responses were received. Thirty seven respondents supported the proposal, twenty respondents expressed concerns about the proposal and one respondent was neutral.

9. Reasons for supporting the proposal included:
  - Expansion will provide new purpose built school places for children.
  - Expansion will cater for the new development and offer a Church of England ethos.
  - Expansion will allow the school to offer more opportunities community involvement.
  - A larger school could offer a greater breadth of specialisms among staff and therefore enrich educational opportunities for pupils.
  
10. The following concerns were raised:
  - Greater distance from and affinity with St Edburg's church.
  - Increased walking distance for existing pupils.
  - The ethos of a smaller school will be lost.
  - Potential deterioration of the fabric of existing buildings while the new school is being built.
  - Existing pupils will need to cross a busy road to access the new school buildings.
  - Parents from the first phase of housing may choose to send their children to Kings Meadow Primary School.
  
11. With respect to concerns about access to the school site the school has undertaken to organise, with parental support, a walking bus for existing pupils for a limited period. As part of the overall concept for this development there will be a footbridge over the Middleton Stoney Road provided by the developers which should ensure that it is safe for pedestrians to cross this busy road.
  
12. With respect to concerns about the ethos of a larger school, the proposed model is one of the preferred models of school organisation in Oxfordshire, particularly in the county towns. Other existing two form entry schools in the town such as Bure Park, Kings Meadow and Langford Village primary schools are oversubscribed and popular schools. The Governing body are committed to providing equally good pastoral care in the new setting.
  
13. With respect to the view that parents from the first phases of the new development will choose to send their children to Kings Meadow Primary School before the new school is built, it is accepted that by law parents have the right to express a preference for the school place of their choice. Kings Meadow Primary School is closer to that first phase of housing but is already oversubscribed in many year groups. St Edburg's Primary School has just been judged by Ofsted to be 'Good with outstanding features' which underlines the quality of education offer available together with certainty of continuity of education in the new school once built.
  
14. As objections in relation to the proposal have been raised, the decision on whether to support the publication of a formal statutory proposal by the

Governors of the school is referred to the Cabinet rather than the Cabinet Member for Schools Improvement.

### **Making a Decision**

15. Sections 18 to 24 of the Education & Inspections Act 2006 and The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended) ["the Prescribed Alterations Regulations"] establish the procedures that must be followed when lowering the age range of a school and enlarging school premises. Local authorities and governing bodies 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: A Guide for Local Authorities and Governing Bodies' and 'Making Changes To A Maintained Mainstream School (Other Than Expansion, Foundation, Discontinuance & Establishment Proposals)' ("the Guidance").
16. The Prescribed Alterations Regulations require proposers to consult interested parties and the Guidance lists these at paragraph 1.3. The Cabinet must be satisfied that the statutory consultation has been properly carried out prior to the publication of the notice. Annex 2 provides details of the Governors' consultation with interested parties that are required to be consulted with under the Prescribed Alterations Regulations and Guidance. The period of consultation is not prescribed by legislation, although the Guidance recommends a minimum of 4 weeks in respect of an enlargement and a minimum of 6 weeks in relation to the alteration of lower age limit. The consultation period was in line with the Guidance having run from 1 November to 17 December 2010, thereby meeting the minimum requirements for both the age limit alteration and enlargement proposals. The consultation was therefore carried out in accordance with the Prescribed Alterations Regulations and Guidance.
17. At its meeting on 31 January 2011 the Governors of the school agreed to proceed with the publication of formal proposals for this expansion subject to the support of the County Council and the completion of the necessary financial undertakings referred to at paragraphs 20 to 22 inclusive below.
18. A decision is now required as to whether to support the publication of formal proposals for this expansion and the lowering of the age limit. If approved, a statutory notice would be published, followed by a formal representation period of four weeks in relation to the enlargement and 6 weeks in relation to the lowering of the age limit. The decision-making power in terms of determining the notice will lie with the Cabinet, and a report will be put to the Cabinet Member for Schools Improvement if no representations are received, or to Cabinet if representations are received, for a final decision in due course.

## **Equality and Inclusion Implications**

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

## **Financial and Staff Implications**

20. At this stage a decision is sought on whether to support the publication of statutory proposals, and so there are no financial or staff implications arising directly from this report. If the proposal proceeds, following the statutory representation period (stage 3) there would be another report to Cabinet in due course seeking a final decision on whether to expand the school and to lower the age limit. 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 will be the subject of separate legal agreements with the Oxford Diocese and the school who would procure the new premises. Such an agreement will contain 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.
21. The decision to proceed with the statutory process to expand the school is normally done prior to detailed funding agreements being signed where heads of terms for the transfer of capital between the parties has been formally agreed. These are currently being finalised. There is some urgency associated with the progress of this statutory proposal to enable the release of the new site and infrastructure payments to allow delivery of the new school in good time to serve the new community. The need for a two form entry primary school on this strategic site is identified in the Authority's forward Capital Programme. The costs of the statutory process recommended in this paper are planned for and met within the normal CYP&F budget provision. There are no significant financial implications or risks at this stage.
22. Publication of a statutory proposal to expand the school requires confirmation that capital funding is available for the scheme.

## **RECOMMENDATIONS**

**The Cabinet is RECOMMENDED to support the publication of a statutory notice for the following related proposals: (i) to expand St Edburg's CE(A) Primary School, Bicester by the school governors and (ii) to lower the age range**

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Annexes: Annex 1 Consultation document

Annex 2: Consultation with interested parties

Annex 3: Report to the Governing Body of St Edburg's CE (A) Primary School 31 January 2011

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