

## **CABINET MEMBER FOR SCHOOLS IMPROVEMENT – 14 MAY 2012**

### **RESPONSE TO STATUTORY NOTICE TO EXPAND ORCHARD MEADOW PRIMARY SCHOOL, OXFORD**

#### **Report by Director for Children's Services**

#### **Introduction**

1. At the meeting on 14 February 2012 the Cabinet agreed to the publication of formal proposals to expand Orchard Meadow Primary School from 1.5 form entry to 2 form entry. The report outlining the basis for this decision is attached at Annex 1.
2. The statutory notice (attached at Annex 2) was published by the Authority in the Oxford Mail on 28th February 2012 and expired following 4 weeks of formal consultation on 27<sup>th</sup> March 2012. 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 additionally made available on the Oxfordshire County Council website.
3. 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.
4. As no objections in relation to the proposal have been received the decision is referred to the Member for Schools Improvement. The proposed implementation date for the proposal is 1 September 2013

#### **The Proposal**

5. The proposal is to increase the formal published admission number from 45 to 60 children, on a permanent basis from September 2013 (an admission number of 45 has already been published for 2012). This will eventually increase the school's total capacity from its current 315 places in Years F1- Y6 to a maximum of 420.

6. Additional classroom and supporting spaces will need to be created at the school to accommodate the increase in pupil numbers and a feasibility study is already well advanced to investigate how these can best be provided.

## **Representations**

7. The formal representation (Statutory Notice) phase was from 28<sup>th</sup> February 2012 – 27<sup>th</sup> March 2012 and a Statutory Notice (Annex 2) was publicly displayed at Orchard Meadow Primary School, was also available on the OCC website and was published in The Oxford Mail newspaper on 28<sup>th</sup> February 2012.
8. One representation was received which was in favour of the proposal in principle but raising a concern about the sufficiency of accommodation within Orchard Meadow Primary School for the Leys Children's Centre staff, following the completion of the proposed capital project to expand the school.
9. CEF's response to this concern is as follows:

*Assessment of need and provision of alternative accommodation as necessary for the Children's Centre office staff is included in the feasibility study scope for this project. Space will also be available within Orchard Meadow school for their exclusive use, however it is likely that this will be reduced in terms of floor area from the existing space in the school that these staff currently enjoy, due to pressures of Basic Need and the Council's statutory duty to ensure necessary pupil places while operating within tight financial constraints.*

*Any additional requirements the staff of the Leys Children's Centre have beyond what can be made available at Orchard Meadow Primary School will be addressed within this project through the usual OCC corporate property channels, and the best options will be identified and taken forward to provide a solution.*

10. As no objections in principle to the proposal have been raised, the decision on whether to implement the proposal is referred to the Member for School Improvement rather than the Cabinet.

## **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 Member for Schools Improvement, 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. The Capital Investment Board (CIB) has approved funding for the initial feasibility work to establish the preferred option for meeting the additional accommodation needs. Resources for the capital works required for this expansion have been identified within the Capital programme 2011/12–2015/16 (existing demographic pupil provision – basic needs programme). In accordance with OCC Capital Governance

