

Division(s): Kennington & Radley

**CABINET MEMBER EDUCATION & CULTURAL SERVICES  
13 May 2020**

**REPORT ON THE PROPOSED EXPANSION OF RADLEY CHURCH OF  
ENGLAND PRIMARY SCHOOL**

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

**RECOMMENDATION**

1. **The Cabinet Member is RECOMMENDED to approve the expansion of Radley Church of England Primary School to 1 form of entry with effect from 1 September 2021, increasing its capacity from 105 to 210.**

**Executive Summary**

2. Under Section 19 of the Education and Inspections Act 2006, a local authority can propose the expansion of all categories of maintained school. It is proposed to expand Radley Church of England Primary School to 1 form of entry, which would involve an increase in Radley's admission number in September 2021 from 15 to 30 on a permanent basis.
3. Such expansion requires a statutory consultation and decision-making process. The decision must be made in accordance with the *Education and Inspections Act 2006 (as amended)*, *The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013* and decision makers must have regard to the statutory guidance, "*Making significant changes ('prescribed alterations') to maintained schools*", October 2018 ("the Guidance"). Further details of the relevant legislation and guidance are set out below.
4. A statutory notice has been published, and the required representation period has ended. 5 responses were received, all of which expressed overall support for the proposed expansion.
5. Pupil Census Data from October 2019 shows that, at this time, Radley CE Primary School had 106 pupils on roll, so has already exceeded its capacity of 105. Current pupil forecasts (calculated summer 2019) indicate that numbers are expected to grow rapidly at the school, with an increasing shortage of places if the school does not expand. Reception pupil numbers are also forecast to persistently exceed the current admission number of 15.

**Introduction**

6. This report follows the publication of a Statutory Proposal/Notice (Stage 1) and a Representation (Stage 2 formal consultation) period relating to the county council's 'prescribed alteration' proposal to expand Radley Church of Primary School. The proposal is made with the support of the school's leadership team

and Governing Body. The Cabinet Member is now required to make a decision on the proposals in accordance with the statutory prescribed alteration procedures.

7. Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and local authorities will consult interested parties in developing their proposal prior to publication, to take into account all relevant considerations. In accordance with this expectation, Oxfordshire County Council ran an initial public consultation between 13 January and 10 February 2020. The initial consultation received 12 responses. Of these responses, 8 raised queries or concerns, as follows:
  - Concerns about traffic and parking, and about the infrastructure required to enable children to travel safely to school from new housing developments.
    - These issues are being considered by Radley Parish Council as part of wider planning processes in Radley. Traffic and parking issues will be addressed in detail through the planning process when the planning application is submitted. As part of the Planning Approval process there will also be a requirement for the school's Travel Plan to be updated to take account of the additional pupils.
  - Concerns about whether the other areas of the school, such as the hall, would be also be expanded if pupil numbers at the school were to increase.
    - The County Council is currently exploring the detailed accommodation needs should the proposed expansion of the school be approved. As part of this, the council is looking at the potential to expand the school hall. If it is not possible to include the expansion of the school hall in the works required to provide the necessary additional classroom spaces, the council will ensure that the ability to expand the hall at a later date, should additional funding become available, is not compromised by the expansion project.
  - Concerns about the impact of the proposed expansion on other local primary schools with spare capacity.
    - The scale of the proposed expansion has been planned in line with housing development in Radley and Kennington, and subsequent population growth in the area. The only schools within walking distance of the planned developments are Radley CE Primary School and St Swithun's CE Primary School in Kennington. The latter school has already expanded to 2 form entry and numbers are increasing rapidly. Expansion of Radley CE Primary School is therefore required to ensure that children moving into new housing can attend a school close to where they live.
8. It should be noted that, despite some individuals also raising queries, 8 of the 12 respondents expressed support for the proposal overall.
9. A meeting was also held at the school on 29 January 2020 to discuss the proposal with parents.

10. School capacity is being planned strategically across the Kennington and Radley areas. Expansions of both primary schools in this area (Radley CE Primary School and St Swithun's CE Primary School) are required to accommodate the expected increase in demand from housing growth. The expansion of St Swithun's Primary School from 1.5 form entry to 2 form entry has already been completed, and the county council is now proposing to expand Radley CE Primary School. Between them, these schools will jointly serve the needs of housing planned and permitted across the parishes of Radley and Kennington.

### **Publication of the proposal**

11. The statutory notice (Annex 1) was published in the Oxford Mail on 2 March 2020 and was also posted on the county council website. The Representation period ran until 30 March 2020, which is the statutory 4-week period required under the relevant legislation. The statutory notice was accompanied by a Full Proposal document (Annex 2), which was available to read online at the Oxfordshire County Council public website, or by request.

### **Representations**

12. 5 responses were received during the 4-week statutory Representation period. Of these responses, all were in support of the proposal. However, 4 of these supportive responses also raised queries or concerns about the proposed expansion.
13. 2 respondents raised concerns regarding traffic and/or parking.
  - The County Council is currently exploring the detailed accommodation needs should the proposed expansion of the school be approved. This will include a review of the on-site car parking arrangements to see if there are opportunities to provide additional spaces. As discussed above under Paragraph 7, traffic and parking issues will be considered in detail as part of the planning application process, and these issues are also being considered by Radley Parish Council. If the proposed expansion of the school is approved, then as part of the Planning Approval process there will be a requirement for the school's Travel Plan to be updated to take account of the additional pupils. If the proposed expansion is approved, then the updated Travel Plan for the school would aim to reduce car use, manage traffic-related issues, and encourage a mix of walking, cycling and bus journeys to school, as appropriate for that individual school, in the context of the proposed expansion.
14. 1 respondent queried whether the provision of before and after school childcare was being considered as part of the proposed expansion.
  - The proposal to expand the school relates to the provision of additional school places. The issue of childcare has been raised with the school for consideration, and will be looked at separately to this proposal.

15. 1 respondent stated that the proposed expansion should also involve the expansion of the school hall, and expressed concerns about the potential for the expansion to involve a standalone block (stating their preference instead for an extension to the existing school building).
- As discussed above under Paragraph 7, the potential for expanding the school hall is currently being considered by the Council. If this is not possible at this time, it will be ensured the current expansion project will not prevent the potential expansion of the hall at a later date, if additional funding becomes available.
  - A detailed feasibility study is currently assessing the options for expansion of the school, and, once a decision has been made, a detailed design will be submitted for planning permission. Comments about the design of the additional accommodation are to be submitted through the planning permission consultation.

## **Legal background**

16. Local authorities have a statutory duty under section 14 of the Education Act 1996 to ensure there are sufficient schools for their area. This duty will be met with the expansion of Radley CE Primary School, in order to address the expected increase in demand for places across the parishes of Radley and Kennington from housing growth in these areas.
17. Expansion of schools is covered by *The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013* ('the Prescribed Alterations Regulations') which should be read in conjunction with Parts 2 and 3 and Schedule 3 of the *Education and Inspections Act (EIA) 2006* (as amended by the *Education Act (EA) 2011*) and *the Prescribed Alterations Regulations*.
18. The expansion of a maintained school is subject to the "Guidance", as set out in "*Making Significant Changes ('Prescribed Alterations') to maintained schools*" published October 2018. This Guidance is for proposers and decision-makers. The Guidance states that the statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. The proposal should be accessible to all interested parties and should therefore use 'plain English'. The full proposal must be published on a website (e.g. the school or LA's website) along with a statement setting out:
- (a) how copies of the proposal may be obtained;
  - (b) that anybody can object to, or comment on, the proposal;
  - (c) the date that the representation period ends;
  - (d) and the address to which objections or comments should be submitted.
- A brief notice (including details on how the full proposal can be accessed e.g. the website address) must be published in a local newspaper. Within one week of the date of publication on the website, the proposer must send a copy of the proposal and the information set out in the paragraph above to the governing body and any other body or person that the proposer thinks are appropriate.

19. The representation period must last for four weeks from the date of the publication. During this period, any person or organisation can submit comments on the proposal to the LA to be taken into account by the decision-maker. It is also good practice for representations to be forwarded to the proposer to ensure that they are aware of local opinion.
20. The county council confirms that it has adhered to the above Guidance.

### **Decision-making**

21. The decision-making power in terms of determining the proposal in this case lies with the Cabinet Member for Education & Cultural Services. In considering the proposals for a school expansion, the Cabinet Member can decide to:
  - reject the proposals;
  - approve the proposals without modifications;
  - approve the proposals with such modifications as the local authority thinks desirable, having consulted the governing body;
  - approve the proposal – with or without modification – subject to certain conditions (such as the granting of planning permission) being met.
22. Where a LA is the decision maker, it must make a decision within a period of two months of the end of the representation period. Where a decision is not made within this time frame, the LA must refer the proposal to the Schools Adjudicator for a decision.
23. The *Guidance* states that “decision-makers will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that the proposer has given full consideration to all the responses received. Decision-makers should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s)”.
24. The *Guidance* sets out the following factors which should be considered in deciding this proposal.
25. **Education standards and diversity of provision:** Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents; raise local standards and narrow attainment gaps.
26. Radley CE Primary School has an Ofsted rating of “Good”. The guidance states that it is expected that additional places will only be provided at schools that have an overall Ofsted rating of “Good” or “Outstanding”. The expansion will be supportive of high educational standards and parental choice and would increase the number of places available at good schools.
27. **Equal opportunities issues:** The decision-maker must comply with the Public Sector Equality Duty (PSED), which requires them to have “due regard” to the need to advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it. The characteristics that

are protected in relation to the Public Sector Equality Duty are: age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion or belief; sex; sexual orientation.

28. Expansion of this school would increase equality of opportunity in terms of access to school places. It would ensure that children in the parishes of Radley and Kennington can obtain access to a school place close to home. If sufficient places are not available within the heart of the community this can affect access to out of school activities, social contact with peers, and travel distances.
29. **Community cohesion:** When considering a proposal, the decision-maker should consider its impact on community cohesion.
30. Expansion of this school would help to enable children in the parishes of Radley and Kennington to attend a school in their local community, which is a key element in creating community cohesion.
31. **Travel and accessibility:** Decision-makers should satisfy themselves that accessibility planning has been properly considered and the proposed changes should not adversely impact on disadvantaged groups. The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes. A proposal should also be considered on the basis on how it will support and contribute to the LA's duty to promote the use of sustainable travel.
32. Expansion of this school would prevent the need for children to be transported to schools further afield and help to minimise journey times and vehicular transport.
33. **Funding:** The decision-maker should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement.
34. The proposed expansion will involve the construction of 4 new classrooms and other related accommodation.
35. The cost of expanding the school will be met from money secured from housing developers (Community Infrastructure Levy) and capital funding provided by the county council. These costs are still to be finalised.
36. The school will receive grants from the county council totalling £66,000 towards the additional revenue costs it will incur as a result of setting up new classes.

## **Financial and Staff Implications**

37. The financial implications of this report are linked to the capital works that will be carried out should the proposal be approved. These capital works will be subject to formal approval in accordance with OCC Capital Governance requirements. The grants provided by the county council as discussed above

will be subject to approval in accordance with the conditions for this funding set by Schools Forum.

38. The school will need to meet any additional costs for staffing, curriculum resources and maintenance costs from its delegated budget share. The funding formula on which the school's budget share is calculated will allocate additional financial resources based on increased pupil numbers. It is anticipated that moving to 1 form of entry will also, over time, enable the school to achieve increased efficiency by amending its internal organisation.

### **Equalities Implications**

39. As outlined above, expansion of this school would increase equality of opportunity in terms of access to school places and help maintain the viability of a small rural school. It would therefore have a positive impact on children living in the villages of Radley and Kennington, and on these rural communities more generally.
40. A Service and Community Impact Assessment (SCIA) has been completed for this proposal (Annex 3).

### **Sustainability Implications (Environmental Impacts – Reducing our Climate Impact)**

41. Expansion of this school would prevent the need for children to be transported to schools further afield, and help to minimise vehicular transport. If insufficient school places are available in the local area, there would be a greater climate impact resulting from the increased population attracted by housing developments.
42. This report relates to the principle of expanding the school, rather than the specific building solution. The construction works are being procured by the county council and will be designed in accordance with the council's specification for new buildings. This will be subject to planning permission and formal approval in accordance with OCC Capital Governance requirements.

#### **JANE PORTMAN**

Interim Director for Children's Services

Annexes:                   Annex 1: Public Notice  
                                  Annex 2: Full Statutory Proposal Document  
                                  Annex 3: Service and Community Impact Assessment (SCIA)

Contact Officer:       Barbara Chillman, Pupil Place Planning Manager, 07554 103418

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