

## **CABINET MEMBER EDUCATION & CULTURAL SERVICES**

**11 November 2020**

### **REPORT ON THE PROPOSED EXPANSION OF ST EDBURG'S CHURCH OF ENGLAND (VA) SCHOOL**

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

#### **RECOMMENDATION**

1. **The Cabinet Member is RECOMMENDED to approve the proposal to make the following prescribed alterations to St Edburg's CoE (VA) School effect from 1 September 2023:**
  - **expand St Edburg's CoE (VA) School onto an additional (satellite) site;**
  - **increase the school's capacity from 2 forms of entry to 3 forms of entry;**
  - **reduce the lower age range by one year to include 2-year-olds.**

#### **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, including onto a satellite site. It can also propose a change in age range of up to 2 years for a voluntary school outside of a statutory process. It is proposed to:
  - Expand the school from 2 form entry (420 primary places) to 3 form entry (630 primary places) including expanding the Nursery from one nursery room to three nursery rooms.
  - Split St Edburg's onto an additional "satellite" site. A purpose designed new school building on the satellite site would accommodate Nursery, Reception and Key Stage 1, and Key Stage 2 would stay at the current site.
  - Extend the age range of St Edburg's CoE (VA) School from 3-11 to 2-11 (this does not require statutory approval, but is included within this proposal to give a complete picture of the changes planned).
3. The expansion of the school 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. 18 responses were received, of which, 8 supported the expansion onto a split site and 8 objected; 10 supported the change in age range and 3 objected.

## **Introduction**

5. 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 St Edburg's CoE (VA) School. The proposal is made with the support of the school's leadership team and Governing Body, and the Oxford Diocesan Board of Education. The Cabinet Member is now required to make a decision on the proposals in accordance with the statutory prescribed alteration procedures.
6. The proposal aims to:
  - Ensure sufficient primary and nursery education places for the growing population of the Kingsmere development in SW Bicester.
  - Increase the percentage of families living in SW Bicester who are able to secure a place at their preferred primary school.
  - Be supportive of high educational standards.
  - Support the long-term financial viability of Bicester's primary schools.
7. The details and rationale for the proposal are presented in the full Statutory Proposal (Annex 2).
8. 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 15 June and 13 July 2020. The initial consultation, to which there were 71 responses, invited comments on two options: a separate new 1 form entry primary school, or the expansion of St Edburg's CE School from 2 form entry to 3 form entry, through the mechanism of splitting it across two sites. The responses to the initial consultation helped shape the published proposal, and are summarised in section 7 of the full proposal (Annex 2).

## **Publication of the proposal**

9. The statutory notice (Annex 1) was published in the Bicester Advertiser on 25 September 2020 and was also posted on the county council website. The Representation period ran until 23 October 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

10. 18 responses were received during the 4-week statutory Representation period. Of these responses:
  - 8 supported the expansion onto a satellite site and 8 objected;
  - 10 supported the change in age range and 3 objected.
11. Two respondents questioned why the council was now proposing the expansion of St Edburg's onto a satellite site when the majority of responses to the informal consultation preferred the option of a separate new school. The reasons for the council's proposal are set out in the proposal document (Annex 2, section 8) and outlined in paragraph 13 below, and relate largely to the greater degree of financial sustainability that could be achieved through one larger school than the establishment of a separate new 1 form entry school. The initial consultation helped shape the proposal which was published.
12. Four respondents raised concerns about the difficulties for families with children on both sites. Three of these considered that it was not realistic to expect children to walk between sites, especially in bad weather. The Kingsmere Residents Association raised the need for a safe crossing point across Whitelands Way.
  - St Edburg's would operate a walking bus – parents can drop off at one site (the new site) and school staff would walk the older children over to the existing site. (0.5 miles – 10-15 minutes' walk, mostly on a dedicated pedestrian/cycle path.)
  - The walking bus will enable older primary children to establish healthy, safe and sustainable travel to school patterns under the supervision of school staff. It is hoped that this would continue after they transfer to secondary school.
  - The school will have flexible start and finish times to allow for travel between sites, and will offer an extended day for wraparound care at both sites.
13. Four respondents raised concerns that creating a satellite to the existing school would create less choice, competition and diversity than two separate schools, or that residents moving into the development had done so expecting a second school.
  - The alternative to the new school site being operated as a satellite of St Edburg's would be to seek to establish a separate new 1 form entry primary school. This approach would entail risks. The Department for Education has to sign a funding agreement with the academy sponsor to open a new school and their guidance is that a 1 form entry school can be too small to be financially viable. There is a risk they would refuse to let a new 1 form entry primary school open.
  - A new school would take several years to get up to full size, and hence full budget (school budgets are primarily based on pupil numbers), so would be more limited in what it can offer than a larger school.

- Establishing a satellite to an existing school does not create the same challenges to financial viability as opening a brand-new school. St Edburg's is already established and operates with a substantial budget; it would receive additional funding to cover the costs of growth. As one school, St Edburg's would have more flexibility with its budget to react to fluctuations in pupil numbers.
  - As an existing school, with new accommodation in place from 2023, St Edburg's would be more likely to be able to open additional classes for older year groups if there is demand; whereas a new school usually grows from the bottom up, which means that older children moving into the area would not be able to attend.
14. Three respondents raised concerns that a split site would have a detrimental impact on the school, such as harming the community feeling of the school, creating a Year 2/3 transition point which could be difficult for some children, damaging educational standards, being difficult for the school to manage or increasing the school's running costs.
- The management of St Edburg's has carefully considered the potential costs and benefits of this proposal. They consider that creating a satellite school will enable St Edburg's to create a "small school" environment while benefitting from large school economies of scale, and are confident that a split site would allow an innovative approach to tailoring educational provision to the specific needs of the age groups. Younger children would not feel overwhelmed in an environment designed at their scale, rather than one suited to children much older. The use of the Key Stage 2 site could be adapted to better prepare children for secondary school.
  - In addition, staff would benefit from more development opportunities, and greater economies of scale would free up resources to benefit education.
  - Although children would spend most of their time on one of the sites, sometimes they would use the other site – for example, sometimes the whole school would come together for events and celebrations, to maintain a "one school" community experience.
15. Three respondents considered there was no need for additional places for 2-year-olds places within the development, but two respondents welcomed the additional provision.
- It is now standard in new Oxfordshire primary schools for them to admit to nursery from age 2, and where possible, places for 2-year-olds are also being created in existing schools.
  - There is already a shortage of nursery places for funded 2-year-olds in Bicester and the number of children qualifying for free 2-year-old places is expected to rise. The shortfall in places will be made worse as the population increases and potentially lead to some families missing out on their child's entitlement to a funded 2s place.
  - Creating additional 2-year-old places as part of the new school provision will ensure a spread of funded places best located to serve the new community. Existing provision will see a growth in demand for fee-paid 2-year-old places, and most 2-year-olds will continue to attend other providers, but St Edburg's would now be another option.

16. The responses included one from the local MP, attached as Annex 4, who welcomed the planned additional capacity and the extension of age range to accommodate two-year-olds, and considered that the proposed walking bus and flexible start dates would help reduce difficulties related to traffic and parking.

## Legal background

17. 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 St Edburg's CoE (VA) School, in order to address the expected increase in demand for places across SW Bicester from housing growth in this area.
18. 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*.
19. 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.
20. The Guidance requires that LAs should copy any proposal to expand a school onto a satellite site to the Department for Education for monitoring purposes. The proposal was sent to the Department for Education ahead of publication.

21. 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.
22. The county council confirms that it has adhered to the above Guidance.

### **Decision-making**

23. 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.
24. 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.
25. 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)”.
26. The *Guidance* sets out the following factors which should be considered in deciding this proposal.
27. **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.
28. St Edburg’s CoE (VA) 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.
29. While the creation of a satellite to an existing school instead of establishing a separate new school does not increase diversity of provision, the scale of additional capacity required (1 form of entry) means that an attempt to

establish a separate new school may not be successful, and could be detrimental to educational provision in the area.

30. **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.
31. Expansion of this school would increase equality of opportunity in terms of access to school places. It would ensure that children across the whole of the Kingsmere development 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. However, this proposal does not increase access to non-Church schools within the Kingsmere development.
32. **Community cohesion:** When considering a proposal, the decision-maker should consider its impact on community cohesion.
33. Expansion of this school would help to enable children living in the Kingsmere development to attend a school in their local community, which is a key element in creating community cohesion.
34. **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.
35. Expansion of this school would prevent the need for children to be transported to schools further afield; the proposed walking bus would minimise journey times and vehicular transport and establish healthy and sustainable patterns of travel to school.
36. **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.
37. An options appraisal is underway to identify the cost of expansion, which is expected to be in the region of £8m. There is not expected to be any significant difference in capital costs between building a satellite school for St Edburg’s and building a separate new school. The project would be funded from developer contributions secured/sought by the county council from local housing developments.

