

## **CABINET – 19 JULY 2011**

### **FINAL REPORT ON RESPONSE TO STATUTORY NOTICE TO EXPAND NEW MARSTON PRIMARY SCHOOL, OXFORD**

**Report by Director for Children, Education & Families**

#### **Introduction**

1. At the meeting on 19 April 2011 the Cabinet agreed to the publication of formal proposals to expand New Marston Primary School from 1 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 5 May 2011 and expired following 4 weeks of formal consultation on 2 June 2011. In accordance with legislation the notice was also posted at the school gate and local library. A copy of the 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 Cabinet 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 objections in relation to the proposal have been received the decision is referred to the Cabinet. The proposed implementation date for the proposal is 1 September 2012.

#### **The Proposal**

5. The proposal is to increase the formal published admission number from 30 to 60 children, on a permanent basis from September 2012 (an admission number of 60 has already been published for 2011). This will eventually increase the school's total capacity from its current 225 places in Years 1-6 to a maximum of 360.

6. To accommodate this growth in pupil numbers, there will be a need for additional classrooms and a feasibility study is well advanced to investigate how this can best be provided.

## **Representations**

7. The formal representation (Statutory Notice) phase was from 5 May 2011 – 2 June 2011 and a Statutory Notice (Annex 1) was publicly displayed at New Marston Primary School, was also available on the OCC website and was published in The Oxford Mail newspaper on 5 May 2011.
8. A formal representation was received from the governing body of New Marston Primary School on 26 May. The letter set out the concerns of the governors and staff of the school in relation to expansion and is attached as Annex 4. An individual response was also received from one of the school's governors, reinforcing the governors' collective response.
9. No other representations were received.
10. The following concerns/issues were raised by the staff and governors of New Marston Primary School:
  - The financial implications for the school, should the new admission number not be filled.

Officer comment: School funding is predominantly formula calculated, based on actual pupil numbers, and there is no regular mechanism for additional funding if a school's pupil cohorts are below 60. Our demographic data shows that the demand for pupil places within Oxford is still growing, and that all of the primary school places created within the city will be needed.

- That more "out of catchment" pupils will be admitted to the school and the effects of this on mobility of pupils on and off the school roll (as places become available at their catchment school) and on traffic around the school site, with reference to pedestrian safety. The school wrote to Steve Howell (Head of Transport) and Rodney Rose (Cabinet Member for Transport) at the end of March, and the letter is attached as Annex 5.

Officer comment: The majority of pupils at New Marston Primary School are in-catchment, and this is expected to continue. Where children are out of catchment, many of them in fact live as close, if not closer, than some parts of the school's catchment. There has recently been a review of the school's catchment area, which will lead to a net gain of 157 dwellings in its catchment area.

Traffic and safety concerns will be covered in the feasibility study and are subject to scrutiny by Planning. The school will also be required to update its travel plan to reflect the increased pupil numbers.

- That there will be disruption to the school during building works, in particular with reference to the Mid Oxon Hearing Impaired Base at the school, with pupils with profound hearing loss who rely on cochlear implants, hearing aids and radio aid systems to access education. The school also employs a hearing impaired teacher and they cannot work with a high level of background noise. Concern also that the disruption will cause a drop in teaching standards.

Officer comment: Before construction starts the school will meet with the contractors to discuss how the disruption can be minimised. A temporary unit on site gives scope for relocating activities if necessary. The final timescale for the build programme is still to be confirmed in the feasibility study. Colleagues in the Property & Facilities have been asked to review the acoustics within the school in case they meet the criteria for inclusion in the Schools Access Initiative programme.

- Concern over the provision for parking on the school site with additional staff etc.

Officer comment: Additional parking provision is being included in the scope of the ongoing feasibility study, this is being undertaken in full consultation with the school, and will be subject to the usual Planning regulations. One option being considered is the possibility of creating parking provision at the rear of the site which would be accessed via a separate entrance thus helping to address the concerns about traffic issues at the front of the school.

- Concern from staff at the feeling of isolation from the rest of the school when teaching in the temporary building.

Officer comment: The temporary unit will not be required as a full-time teaching base from September 2011, but will remain on site until the new accommodation is complete to provide flexibility of accommodation during building works.

11. As concerns in relation to the proposal have been raised, the decision on whether to implement the proposal is referred to the Cabinet rather than the Cabinet Member for Schools Improvement.

## **Legal background**

12. 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.

13. 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 Cabinet, 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.
14. **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.
15. **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.
16. **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.
17. **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**

18. 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. It is anticipated that the cost of delivering the preferred solution will be met from the CE&F element of the Capital Programme (Existing Demographic Pupil

Provision – Basic Need Programme). This will be the subject to a separate detailed project approval in due course.,

19. Where possible funding will also be sought from developer contributions secured to provide education infrastructure.
20. There will also be on-costs to the school for additional staff and for increased maintenance requirements. These will need to be funded from the school's delegated School Budget Share, which will increase in proportion to increases in pupil numbers, and to a lesser extent in proportion to the floor area of new buildings. Resources for School Budget Shares are provided by government through the Dedicated Schools Grant, which will increase proportionately to increases in overall pupil numbers in Oxfordshire.

### **Equality and Inclusion Implications**

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

### **RECOMMENDATIONS**

22. **The Cabinet is RECOMMENDED to either:**
  - (a) **reject the proposals;**
  - (b) **approve the proposals;**
  - (c) **approve the proposals with a modification (e.g. the proposal implementation date); or**
  - (d) **approve the proposals subject to them meeting a specific condition.**

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Director for Children, Education & Families

Background papers: Initial consultation document

Annexes: Annex 1: Cabinet Member report 19 April 2011  
Annex 2: Statutory notice  
Annex 3: Statutory proposal  
Annex 4: Representation by school staff /governors  
Annex 5: Letter to Member for Transport

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