

Division(s): Banbury Ruscote Also affecting: All Banbury Divisions

CABINET – 26 NOVEMBER 2013

FINAL REPORT ON RESPONSE TO STATUTORY NOTICE TO EXPAND QUEENSWAY PRIMARY SCHOOL, BANBURY

Report by Director for Children's Services

Introduction

1. At the meeting on 16 July 2013 the Cabinet agreed to the publication of formal proposals to expand Queensway Primary School from 1 form entry to 2 form entry. The report outlining the basis for this decision is available to view on Oxfordshire County Council's website under the Cabinet papers.
2. The statutory notice (attached at Annex 1) was published by the county council in the Banbury Cake newspaper on 12 September 2013 and expired following 4 weeks of formal consultation on 10 October 2013. 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 2) 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 an objection to the proposal has been received, this item is going before November's Cabinet meeting. The proposed implementation date for the expansion is 1 September 2014.

The Proposal

5. Queensway Primary School has worked with the county council for the last two years to admit bulge classes in its Reception year group. Although its published Admission Number was 30, the school admitted up to 60 children in both 2012 and 2013. This enabled the county council to fulfil its statutory duty

to ensure sufficient pupil places in Banbury, which has seen very sharp increases in Reception age children for the past two years.

6. The proposal is to increase the formal published admission number from 30 to 60 children, on a permanent basis from September 2014. This will eventually increase the school's total capacity from its current 277 places in Years R - Y6 to a maximum of 420. If the proposal is approved, the school will continue to admit 60 children into Reception each year. If the proposal is not approved, the school's admission will be restricted to 30 pupils in September 2014.
7. As Queensway Primary School was originally built to be a 2 form entry school, so far the additional pupils have been accommodated within the existing buildings. This was achieved with minimal expense, requiring some minor internal remodelling and taking rooms back into use as classrooms which had been in use for other activities for some years while pupil numbers in Banbury were lower. It is envisaged that this internal re-designation and remodelling of space would be continued over the next couple of years as the increased numbers of pupils feed up through the year groups, should the proposal be approved. In time, some additional new build accommodation would be required, but the expansion of Queensway Primary School represents good value for money.
8. Queensway Primary School is popular and has filled its increased admission of 60 pupils for the past two years. It is rated Good by Ofsted. Pupil numbers across Banbury continue to rise and the county council is also working with other schools on ways to meet the demand.
9. The Headteacher and governors of the school remain very supportive of the proposal to expand and are keen to see their school grow and serve its community.

Representations

10. The formal representation (Statutory Notice) phase was from 12 September 2013 – 10 October 2013 and a Statutory Notice (Annex 1) was publicly displayed at Queensway Primary School, was also available on the OCC website and was published in The Banbury Cake newspaper on 12 September 2013.
11. Four responses were received, one of which was supportive of the expansion in principle but raised concerns, and three were objections.
12. The objections are focused on an anticipated increase in local traffic due to the rise in pupil numbers and parents choosing to drive their children to school. Walking routes to the school were assessed in November 2012 by OCC Highways & Transport and found to be safe, and the majority of pupils live within walking / cycling distance. County council policy is not to provide additional parking facilities for parents but rather encourage other modes of transport. Future capital expansion of the buildings will be subject to the planning process in the usual way, which includes scrutiny of traffic / highways

impact. OCC Highways & Transport have been made aware of the proposals. The school has been sent information relating to schemes the governors / Headteacher could put in place to encourage good travel and parking behaviour from parents.

13. One of the respondents raised queries about the impact of building work at the school for neighbours, particularly if a two-storey new build were planned. As advised above, there is no expectation of new build being necessary for some time, and when new accommodation is required it would be subject to planning permission during which process any person may view the plans and comment / object to the design.
14. Another query was raised by a respondent who was not aware of the proposal and asked why the county council did not "leaflet" the neighbourhood. The county council does not usually take this step due to budget constraints, and publicity of this proposal met statutory requirements. As advised above, the Notice was published in the local paper and the respondent did see it displayed outside the school.

Legal background

15. 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 Member must have regard to The Guidance. Cabinet Member is referred in particular to pages 19 to 40 of The Guidance.
16. 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 Education, 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.
17. **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.

18. **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.
19. **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.
20. **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

21. The financial implications of this report are linked to the cost of the capital works that will be carried out should the proposal be approved. The scheme is not individually identified but budget provision has been earmarked in the current Capital Programme (Existing Demographic Pupil – Basic Need Allocation), approved by the county council in February 2013.
22. The accommodation required for September 2014 will be provided by bringing back in to use a former classroom area within the school. The requirements for additional accommodation beyond 2014 are currently being developed with the Headteacher and governors. In accordance with OCC Capital Governance requirements this will be the subject to a separate Stage 2 – Full Business Case/ Project Approval in due course.
23. Funding will also be sought from S106 developer contributions from all planned housing development in the area.
24. 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. 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

25. The Equality Impact Assessment of Oxfordshire's Pupil Place Plan (December 2012) identified that increasing school places at the heart of their communities

has a positive impact on equalities through promoting social inclusion and minimising barriers to accessing education.

Decision

22. In considering the proposals for a school expansion, the Decision Maker can decide to:
- Reject the proposals;
 - Approve the proposals;
 - Approve the proposals with a modification (e.g. the implementation date); or
 - Approve the proposals subject to them meeting a specific condition (see the Guidance).

RECOMMENDATION

The Cabinet is RECOMMENDED to approve the permanent expansion of Queensway Primary School with effect from 1 September 2014.

JIM LEIVERS
Director for Children's Services

Annexes: Annex 1: Statutory notice
 Annex 2: Full proposal document

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