

## **CABINET – 17 JULY 2012**

### **FINAL REPORT ON THE PROPOSED EXTENSION OF AGE RANGE AT THE WARRINER SCHOOL, BLOXHAM TO INCLUDE POST-16 PROVISION**

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

#### **Introduction**

1. This report follows a statutory notice period relating to the governing body's proposal to extend the age range of the school from its current 11-16 status to include post-16 students by establishing a Sixth Form.
2. At the meeting on 14th February 2012 the Cabinet agreed to support the governors of the school in their wish to proceed to publish a statutory notice. The report outlining the basis for this decision is attached at Annex 1.
3. The statutory notice (attached at Annex 2) was published by the governing body supported by the Local Authority in the Banbury Cake on 2<sup>nd</sup> May 2012 and expired following 4 weeks of formal consultation on 30<sup>th</sup> May 2012. In accordance with legislation the notice was also posted at the school entrances 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 made available on the Oxfordshire County Council website.
4. 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.
5. As an objection 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 2013.

## The Proposal

6. The governors propose to establish a Sixth Form at The Warriner School and increase the number of sixth form student numbers slowly in order that existing staff may be trained or experienced staff recruited. The proposed pupil numbers are detailed below:

<b>Year</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>	<b>11</b>	<b>12</b>	<b>13</b>	<b>Total</b>
<b>2011</b>	211	227	226	237	223	0	0	<b>1124</b>
<b>2012</b>	228	211	227	226	237	22	0	<b>1151</b>
<b>2013</b>	228	228	211	227	226	30	20	<b>1170</b>
<b>2014</b>	228	228	228	211	227	60	20	<b>1202</b>
<b>2015</b>	228	228	228	228	211	105	40	<b>1268</b>
<b>2016</b>	228	228	228	228	228	105	90	<b>1335</b>

7. The Warriner School currently has a planned admission number of 228 but has the physical capacity for an admission number of 232 so this means that it currently has the capacity within its buildings to meet an initial increase in student number.
8. In September 2012 some post-16 students on roll at OCVC will be attending The Warriner School to study joint-hosted courses. From 2013 the proposal is that these students and others will be moved on to roll at The Warriner.

## Representations

9. The formal representation (Statutory Notice) phase was from 2<sup>nd</sup> May 2012 to 30<sup>th</sup> May 2012 and a Statutory Notice (Annex 2) was publicly displayed at The Warriner School entrances, was also available on the OCC website and was published in The Banbury Cake newspaper on 2<sup>nd</sup> May 2012.
10. 30 representations were received of which 29 were in favour of the proposal in principle. 87% of these were from parents of pupils attending The Warriner School.
11. One representation objected to the proposal in principle. This was from the Banbury Dashwood School Federation Governing Body. The representation was almost identical in content to one this Federation made during Stage One of this proposal. It contained the Federation's view that the fragmentation of the cohort post-16 from The Warriner School was not in itself detrimental to the students' education and that there are other post-16 establishments near The Warriner School which its students currently travel to when they leave The Warriner. It states the view that there is "no evidence" that the majority of Warriner students would opt for continuity of education and the view that establishment of a Sixth Form at The Warriner is "a waste of public money". Additionally, it articulates concern over the financial effect on nearby establishments as less students may opt to travel to them for study.

12. CEF's response to this representation remains identical to its response to it during Stage One. CEF's response may be read in the attached Annex 1 paragraphs numbered 11 to 16. The Banbury Dashwood Schools Federation's objection was considered by Cabinet during Stage One and Cabinet made the decision to support the governing body's wish to publish a statutory notice.
13. As one objection in principle has been made to the proposal, the decision on whether to implement the proposal is referred to the Cabinet.

## Legal background

14. 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.
15. 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. 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.
16. **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.
17. **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.

18. **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.
19. **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

20. The financial implications of the current report are linked to the capital works that will be carried out should the proposals be approved. There are capital funds totalling £550K allocated to the school resulting from housing developments within Bloxham. These funds can be used to improve facilities for pupils generated by the new developments and could be put towards a building project to build a dedicated sixth form learning resources area that would include a common room, IT facilities and study areas. Detailed work to identify a scheme to this budget has taken place and the procurement of the new capital assets will be the responsibility of the school Governing Body. In addition, the school has the option to accommodate the initial small Sixth Form numbers within the existing school buildings initially until capital works are complete. Other classroom space may be provided between a combination of effective timetabling of space and use of facilities across OCV and The Warriner.
21. There is a potential for slight increased transport costs to the Local Authority for transporting post-16 pupils to The Warriner if it becomes their designated Sixth Form. The Warriner is likely to share a designated area for Sixth Form with Banbury School until 2016 when it will be at full operating capacity.
22. The school will incur additional revenue costs for additional staff, resources, exam fees and increased maintenance requirements. The initial small sixth form numbers may mean that no additional teaching staff is required in the early years of sixth form implementation, however the school will need to plan to meet other costs of the sixth form. The provision of revenue funding for post 16 places will be sought from the Young People's Learning Agency (YPLA) or its successor body the Education Funding Agency (EFA) in due course. The mechanism for this has been explained by the YPLA and they are aware of the proposal. The school is currently demonstrating the ability to generate savings of around £80k per annum from existing budgets, which indicates that the gradual sixth form growth to 2014 should be manageable.
23. Revenue funding from the YPLA is based solely on the courses studied by sixth form pupils and not on the number of pupils. Unlike the Oxfordshire school funding formula, sixth form funding from the YPLA or its successor will not include any funding for additional building area when the sixth form facilities are built. Funding allocations for sixth forms from the YPLA are expected to decline by around 3% per annum over the next three to four

