

CABINET – 27 NOVEMBER 2012

FINAL REPORT ON RESPONSE TO STATUTORY NOTICE TO EXPAND ST EBBE'S CE (A) PRIMARY SCHOOL, OXFORD

Report by Director for Children's Services

Introduction

1. At the meeting on 17th July 2012 Cabinet agreed to support the governing body of St Ebbe's CE (A) Primary School in Oxford in their aim to publish formal proposals to expand their school from 1.5 form entry to 2 form entry.
2. The statutory notice (attached at Annex 1) was published by the governing body in the Oxford Mail on 5th September 2012 and expired following 4 weeks of formal consultation on 3rd October 2012. In accordance with legislation the notice was also posted at the school entrance and sent to the local library for display. 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 Education (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 OCC Cabinet. The proposed implementation date for the proposal is 1 September 2014. The school has written into its policy that it may agree to admit 60 pupils for September 2013 by local agreement with the county council.

The Proposal

5. The proposal is to increase the formal published admission number from 45 to 60 on a permanent basis from September 2014 (an admission number of 45 has already been published for 2013). This will eventually increase the

school's total capacity from its current 315 places in Years F1- Y6 to a maximum of 420.

6. The school is very popular and has been oversubscribed for the last few years. Demand for pupil places across Oxfordshire generally has risen and in recent years Oxford city has experienced a significant and sustained rise in primary pupil numbers. To meet this demand additional places have been created in other Oxford primary schools each year since 2008. Looking to the future, significant additional housing is included in Oxford City Council's Core Strategy, which will, in turn, lead to increased pupil numbers across Oxford. The proposal to expand St Ebbe's CE (A) Primary School acknowledges that the community the school serves has grown, and that several other primary schools in the city have expanded recently due to this growth being sustained.
7. The latest pupil forecasts for Oxford city are shown below. Note that this forecast does not take into account those pupils who join the roll at St Ebbe's during spring or summer, having deferred their entry to F1 (Reception) and so an additional 15 or so pupils in this year group might be expected per year. The forecast does include pupils expected to be generated by all new housing development in Oxford City Council's Core Strategy.

Oxford	F1 (R)	1	2	3	4	5	6	Total
2011-12 actual	1321	1340	1267	1219	1160	1050	1074	8431
2012-13	1424	1286	1329	1273	1224	1207	1038	8782
2013-14	1459	1412	1269	1324	1271	1273	1204	9213
2014-15	1522	1453	1402	1271	1329	1331	1281	9588
2015-16	1560	1512	1438	1397	1269	1382	1331	9889
2016-17	1581	1548	1495	1433	1394	1324	1380	10154

8. The Education Act 1996 (Section 14) places a statutory duty on local authorities to secure sufficient school places in their area. To allow for fluctuation in demand, in-year movement and effective operation of parental preference, it is judged that 8% spare places are required across an urban area.
9. To assess the need for future school places, forecasts of pupil numbers are revised each year, based on ward-level population forecasts, which are calculated from census population data, fertility/mortality data, Census migration data and housing net completions data. Oxford City Council's Core Strategy for Growth to 2026 was approved by the Secretary of State in autumn 2010, and sets out the intention to provide at least 8,000 additional dwellings in Oxford city between 2006 and 2026. Of these, 2472 had been built by the end of 2010/11.
10. The current forecasts predict average growth in reception numbers in city schools of 2.7% pa over the next 4 years, which follows average growth of 3.6% pa over the previous 4 years.

11. On this basis, the number of Reception places needed over the next 4 years is shown below. The current number of places confirmed for 2013 and beyond is 1380. The number of additional places (compared to 2013) the county council seeks to commission for each of the next 5 years is also shown below.

Year of Reception intake	Target number of Reception places	Target additional Reception places (cumulative)
2013	1586	206
2014	1654	270
2015	1696	316
2016	1718	338

12. There are a number of proposals at different stages of development which will contribute towards the additional places required. None is yet confirmed.

School	Additional Reception places	Target date	Status
St Ebbe's CE (VA) Primary School	15	2013	Subject to statutory process.
Tyndale Free School	60	2013	Subject to DfE funding agreement, date unknown
Windmill Primary School	30	2013	Subject to statutory process due to conclude March 2013
St Gregory the Great Catholic School	60	2013	Subject to statutory process, consultation expected autumn 2012
Other schools in Oxford city	25	2013 / 2014	Initial discussions with 3 schools ongoing
Wolvercote Primary School	15	2014	Subject to statutory process, consultation expected autumn/winter 2012
New Barton School	60	2016	Subject to timescale of housing development

13. In addition to the named proposals above, the county council continues to seek up to 2 forms of additional spaces to meet the target level of capacity, through "Free Schools" and/or additional expansions of existing schools. If any of the proposals above are not approved, or prove unfeasible, the level of growth sought at other schools will need to be greater.
14. Along with an increase in pupil numbers, the school will require additional classrooms and other accommodation in line with regulations and guidance. The Diocese is carrying out a feasibility study, which is well underway to

investigate how these can best be provided to bring the school up to standard for a modern 2 form entry primary school.

Representations

15. The formal representation (Statutory Notice) phase was from 5th September 2012 – 3rd October 2012 and a Statutory Notice (Annex 1) was publicly displayed at St Ebbe's CE (A) Primary School, and was also available on the county council website and was published in The Oxford Mail newspaper on 5th September 2012.
16. Eight representations were received in response to the Statutory Notice. Four were in favour of the proposal in principle, two of which were made by the Headteacher and one of the governors of the school.
17. Four representations were received objecting to the proposal. The concerns raised were:
 - The impact on the ethos of the school and the "community feel" in addition to concern that there might be a drop in educational standards if the school were expanded from 1.5fe to 2fe.
 - Concern over depletion of outdoor spaces / playing field.
 - Objection to expansion, due to belief that it will reduce the number of children being offered a place at their first preference secondary school.
 - Concern about the effect on "borderline SEN" pupils of the proposed expansion of the school and the education they receive.
 - Concern about increase in traffic.

Children Education & Families' comments relating to the concerns above are as follows:

- *There are 2 form entry primary schools in Oxford which parents report as having a real community feel and which parents and children are proud of and feel part of. With the majority of children at St Ebbe's living within the catchment area of the school, or attending churches in nearby parishes, the expectation is that increasing half a form of entry would not unduly jeopardise the community feel the school currently has. We have received positive representations from two governors and the Headteacher of the school supporting the proposal and they express no concern over either standards or ethos. The Minutes of the Governing Body's meeting held in January 2012 in which they voted unanimously to support the expansion of St Ebbe's are attached as Annex 3.*
- *Throughout the feasibility study process, the regulations relating to the amount of playing field that a 2 form entry school must have will be adhered to. The final scheme will be subject to the usual Planning laws and the study is being carried out by the Diocese in full consultation with the school, in order to reach an agreed final project that delivers additional accommodation whilst retaining sufficient outdoor space for the numbers of children.*

- *The expansion of St Ebbe's will not affect the number of applications made to secondary schools in Oxford. If the school were not expanded, the same number of children living in the area would exist, and would apply for a secondary school place at the appropriate time, regardless of which primary school they attended. Secondary school places in Oxford are currently largely dictated by the home address of the child, and not the primary school attended.*

The impact of the increase in primary rolls since 2008 will start to affect secondary schools in 2015/16, and will gradually remove all currently spare places in the city's secondary schools. The county council will therefore start to commission additional places over the next few years, through school expansions. Total admission numbers into Year 7 are expected to need to start increasing in 2015, with an additional 2 forms of entry required on these forecasts. In the first instance this can be accommodated within existing capacity, but capacity across the city's schools will need to increase from 2017/18 onwards. Discussions have commenced with all affected Headteachers to identify options to meet the long term pressure on places. There is not considered to be a need for a new secondary school within the city. Most of the secondary schools in Oxford may have converted to academy status within the coming academic year. Academies are responsible for setting their own admission number, and thus capacity, with the agreement of the Secretary of State. They may, therefore, choose to change their intakes independently of the local authority needing to commission more places

- *The Headteacher of St Ebbe's has submitted a letter addressing the concerns raised relating to SEN provision at the school and this is attached at Annex 4.*
- *As the majority of children attending St Ebbe's live nearby, the expectation is that they will walk or cycle to school. This is actively encouraged by both the Authority and the school. No parent parking facility is provided or planned, to further discourage driving, and the expansion of the school would be subject to Planning laws which includes traffic and Highways consideration. In an October 2012 survey of modes of transport by the school, 14% come by car, 32% cycle, 3% come by bus and over 50% walk.*

18. As concerns in relation to the proposal have been raised, the decision on whether to implement the proposal is referred to the Cabinet.

Legal background

19. 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 or Member must have regard to The Guidance. Cabinet / Member is referred in particular to pages 19 to 40 of The Guidance.

20. 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 Member, 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.
21. **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.
22. **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.
23. **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.
24. **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

25. 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 £1.1m. Resources for the infrastructure needs required for this expansion have been identified within the Capital programme

2011/12–2015/16 (existing demographic pupil provision – basic needs programme). 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.

26. Developer contributions towards this expansion will be sought from any relevant future developments in the area.
27. There will also be on-costs to the school for additional staff and for increased maintenance requirements. The day to day revenue costs for repair and maintenance and staffing costs must be met through the schools delegated budget as part of the Council's Fair Funding arrangements, which will be updated to meet revised government requirements from April 2013.
28. 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. Additional pupils will be reflected in an adjustment in the school's funding formula which applies numbers of pupils on roll and their characteristics.

Equality and Inclusion Implications

29. The Equality Impact Assessment of Oxfordshire's Pupil Place Plan (June 2011) 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

30. 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

31. **The Cabinet is RECOMMENDED to approve the permanent expansion of St Ebbe's CE (A) Primary School with effect from 1 September 2014.**

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Background document: Cabinet Member report 17th July 2012

Annexes: Annex 1: Statutory notice
Annex 2: Full statutory proposal
Annex 3: Minutes of Governing Body meeting Jan 2012
Annex 4: Letter from Headteacher re SEN provision

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