

Division(s): <b>Isis</b> Also affecting: <b>All Oxford City Divisions</b>
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## CABINET – 19 MARCH 2013

# FINAL REPORT ON RESPONSE TO STATUTORY NOTICE TO ALTER THE LOWER AGE RANGE AT ST GREGORY THE GREAT CATHOLIC SCHOOL, OXFORD

Report by Director for Children's Services

### Introduction

1. In November 2012, the Governing Body of St Gregory the Great Catholic School in Oxford began an initial public consultation on their proposal to alter the lower age range of the school. The governors wish to establish a primary phase of education at St Gregory's, and so make the school Oxfordshire's first mainstream "all through" school for ages 4 – 19. The consultation leaflet is attached at Annex 1.
2. The report summarising the responses received to the initial consultation is attached at Annex 2.

### The Proposal

3. The proposal is linked to a plan, supported by the county council and the Catholic Archdiocese of Birmingham, for St Gregory's to expand into the currently vacant building on Cricket Road, adjacent to their current site. This building was a school, then used as offices by Oxfordshire County Council, but has been vacant for over two years. The proposal is for St Gregory's to establish their primary phase of education in this vacant building.
4. The proposal is also linked to the school converting to an academy and forming part of a Multi Academy Company, with six Catholic primary schools around the county. **This process is running concurrently with the alteration of the age range proposal, and will be decided upon in due course through the Department for Education. Although the two proposals are linked in that they are concurrent, the outcome of one does not necessarily impact on the outcome of the other.**
5. St Gregory's governors wish to admit the first 60 F1 (Reception) pupils in September 2013, and this forms part of the county council's strategy for pupil place provision within Oxford city. As timescales are tight, and as St Gregory's is a Voluntary Aided school and therefore was not required to report to Cabinet

following their initial public consultation, the Governing Body proceeded to publish a Statutory Notice on 7 January 2013.

6. The Statutory Notice (Annex 3) was published by the Governing Body in the Oxford Mail on 7 January 2013 and expired following 6 weeks of formal consultation on 18 February 2013. In accordance with legislation the Notice was also posted at the school entrances and sent to the local library and main Oxford library for display. A copy of the full proposal (Annex 4) and the Notice were sent to the Local Authority and the Secretary of State and additionally made available on the Oxfordshire County Council website. Local childcare providers, nurseries, primary schools, councillors in both Oxford and in those areas where the proposed MAC partner schools are located were contacted. Cabinet members were given a copy of the Notice and the school also did a "leaflet drop" on Cricket Road to inform their neighbours of the proposal.
7. In addition, a second public meeting was held at St Gregory's during the Notice period, attended by a senior county council officer and senior school leadership team. There were no issues raised in addition to those already discussed in this report.
8. The decision-making power in terms of determining the Notice lies with the Cabinet. In meeting as 'decision-maker' the Cabinet 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.
9. 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 2013. If the proposal is approved, the school will admit 60 pupils in F1 (Reception) in September 2013 by local agreement with the county council.
10. 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.
11. The plan is to establish a formal published admission number of 60 for the Reception age group (4 year olds) on a permanent basis at St Gregory the Great Catholic School from September 2013 into its new F1 (Reception) year. This will eventually increase the school's total capacity from its current 1275 places in Year 7 – Year 13, to 1695 in F1 – Year 13.

12. This proposal forms part of the county council's strategy for meeting its statutory duty to commission sufficient pupil places. If this proposal is not approved, the additional 60 primary school places it proposes must be found elsewhere.
13. 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.
14. On this basis, the number of Reception (F1) 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.

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

15. Within the overall need for additional primary school places, there is a specific need for places at Catholic schools. The town's Catholic primary schools, together currently offer 150 places. In each of the last three years, total first preference applications for Catholic primary schools in the city has exceeded 200. Applicants to Catholic primary schools in the city are less likely to secure their first preference school than applicants to non-Catholic schools.
16. There are a number of proposals at different stages of development which will contribute towards the additional places required. Most are still to be confirmed.

<b>School</b>	<b>Additional Reception places</b>	<b>Target date</b>	<b>Status</b>
St Ebbes Primary School	15	2013	Approved
Tyndale Free School	60	2013	Subject to DfE funding agreement, decision 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, to conclude March 2013.
Wolvercote Primary School	15	2014	Subject to statutory process.

St Joseph's Catholic Primary School	15	2013	Subject to statutory process.
New Barton School	60	2016	Subject to timescale of housing development

17. 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.
18. The Archdiocese is carrying out a feasibility study, which is well underway to investigate how the currently vacant building can be remodelled and renovated to bring it up to standard for provision of a modern 2 form entry primary facility.

### **Representations**

19. The formal representation (Statutory Notice) phase was from 7 January 2013 – 18 February 2013.
20. 10 representations were received in response to the Statutory Notice. 4 were in favour of the proposal in principle.
21. 6 representations were received objecting to the proposal. The concerns raised were:
- Concern about increased traffic to the site.
  - Concern that the additional children attending the school would not live locally.
  - Concern about expansion of a faith school as opposed to a non-faith school.
  - Concern about the effect on existing primary schools in the area.
22. During the initial consultation, there were concerns raised regarding traffic and whether the additional pupils would live locally or not. Since that time the Archdiocese-appointed architect and the senior leadership team at the school have worked in close consultation with OCC Transport & Highways to develop a scheme to mitigate as far as possible the impact on traffic that the proposal may engender. This work is still ongoing.
23. As a Catholic school with feeder schools located across the county, St Gregory's draws pupils from a wide area. However all existing Catholic primary schools in Oxford were oversubscribed in the last admissions round, and received applications from non-Catholic families.
24. The majority of additional places provided in the city in recent years have been at non-faith schools, as follows:
- +15 places per year at Bayards Primary School (plus additional class agreed for 2012 only) – non-faith

- +15 places per year at Botley Primary School proposed subject to statutory approval – non-faith
  - +30 places per year at Cutteslowe Primary School – non-faith
  - +15 places per year at Larkrise Primary School – non-faith
  - +15 places per year at New Marston Primary School – non-faith
  - +15 places per year at Orchard Meadow Primary School – non-faith
  - +20 places per year at Rose Hill Primary School – non-faith
  - +15 places per year at St Nicholas Primary School – non-faith
  - +10 places per year at Windale Primary School – non-faith
  - +15 places per year at Wood Farm Primary School – non-faith
  - + 5 places at East Oxford Primary School agreed in excess of published admission number in 2011 and 2012 – non faith
  - +30 places per year at Windmill Primary School subject to statutory approval – non-faith
  - +15 places per year at St Christopher’s Primary School – Church of England
  - +15 places per year at St Ebbes Primary School subject to statutory approval – Church of England
  - +15 places per year at St Swithun’s Primary School – Church of England
  - +60 places per year at Tyndale (Free) Primary School for 2013 – Oxford Community Church (Free School)
  - +15 places per year at Wolvercote Primary School proposed for 2014 subject to statutory approval – non-faith
  - +15 places per year at St Joseph’s Primary School proposed for 2013 subject to statutory approval – Catholic
25. Primary pupil places are under immense pressure in Oxford city and the additional 60 places proposed for St Gregory’s Reception year would be required elsewhere if this proposal were not to be approved. The vast majority of primary schools in Oxford are operating at capacity in the lower year groups.
26. The feasibility study looking at how the vacant building might be renovated and remodelled is still ongoing but initial plans were made available for perusal in the school reception in time for the public meeting. The Notice was part of the process to consult on the *principle* of whether the school should alter its age range, not the design of future buildings. Building plans can be commented on by the general public through the Planning process in the usual way.
27. Following publication of the Statutory Notice and the close of the formal six week representation stage, objections have been raised. Therefore, the decision on whether to implement the proposal is referred to the Cabinet.

## Legal background

28. 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 ‘Making Changes to a Maintained Mainstream

School", ("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.

29. 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.
30. **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.
31. **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.
32. **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.
33. **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**

34. The financial implications of this report are linked to the capital works that will be carried out should the proposal be approved. Detailed proposals are being developed and costed but at this stage it is estimated that investment of

approximately £3.0m may be required to meet the cost of converting the Cricket Road centre to provide suitable primary school facilities. The cost of this work will be shared between the Archdiocese of Birmingham and Oxfordshire County Council using capital funding made available by the Department for Education to meet the cost of providing school places.

35. Developer contributions towards this expansion will be sought from any relevant future housing developments in the area.
36. There will 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. Additional pupils will be reflected in an adjustment in the school's funding formula which applies numbers of pupils on roll and their characteristics.
37. 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**

38. 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. The current shortage of places at Catholic school disadvantages parents seeking a Catholic education for their children. In 2012, 37% of parents choosing a Catholic school as their first preference did not secure a place at their first preference school, and 33% did not secure a place at any Catholic school. This is a significantly lower success rate than for applications to non-Catholic schools across the city, where 21% did not secure a first preference school. Children who were unsuccessful in securing a place at a Catholic school were disproportionately from non-white ethnic backgrounds.

### **Decision**

39. 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**

40. **The Cabinet is RECOMMENDED to approve the alteration of the lower age range of St Gregory the Great Catholic School with effect from 1 September 2013.**

JIM LEIVERS

Director for Children's Services

Annexes:

Annex 1: Public consultation leaflet

Annex 2: Report to the Governing Body following consultation

Annex 3: Statutory Notice

Annex 4: Full proposal document

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