

Division(s): Summertown & Wolvercote
Also affecting: Headington & Marston

CABINET – 16 July 2013

FINAL REPORT ON RESPONSE TO STATUTORY NOTICE TO EXPAND WOLVERCOTE PRIMARY SCHOOL, OXFORD

Report by Director for Children's Services

Introduction

1. At the meeting on 16 April 2013 the Cabinet agreed to the publication of formal proposals to expand Wolvercote Primary School from 1 form entry to 1.5 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 Authority in the Oxford Mail on 30 April 2013 and expired following 4 weeks of formal consultation on 28 May 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 in relation to the proposal has been received the decision is referred to the Cabinet. The proposed implementation date for the expansion is 1 September 2014.

The Proposal

5. The proposal is to increase the formal published admission number from 30 to 45 children, on a permanent basis from September 2014. This will eventually increase the school's total capacity from its current 180 places in Years F1- Y6 to a maximum of 315.

6. Additional classroom and supporting spaces will need to be created at the school to accommodate the increase in pupil numbers and a feasibility study is already underway to investigate how these can best be provided.

Representations

7. The formal representation (Statutory Notice) phase was from 30 April 2013 – 28 May 2013 and a Statutory Notice (Annex 1) was publicly displayed at Wolvercote Primary School, was also available on the OCC website and was published in The Oxford Mail newspaper on 30 April 2013.
8. 6 representations were received in favour of the proposal. 1 was received in opposition, from a respondent who believed the school should be expanded to 2FE or a new school built in lower Wolvercote. The county council's response to this is as follows:

The level of over-subscription at Wolvercote Primary School is partly because we need more school places in the immediate area and partly because of the school's popularity across a wider area. This expansion is intended to keep the school in line with the need for more school places – both immediately and to accommodate future population change in the area. The level of population growth expected in the area based on current plans would mean that a 1.5fe school would be sufficient. Expanding it by more than the need for more school places would lead to children attending the school from further away, outside its catchment area, resulting in higher levels of car traffic around the school, which was a concern raised in the initial consultation, and could make it difficult to secure planning permission for the expansion. It would also be detrimental to other schools as the population would not be rising as quickly as school places, and some schools would be left with an unmanageable number of surplus places, and face financial difficulties as a result

9. As an objection in principle to the proposal has been raised, the decision on whether to implement the proposal is referred to the Cabinet.

Legal background

10. 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.
11. 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.

12. **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.
13. **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.
14. **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. (At its last inspection in December 2012, Ofsted graded Wolvercote Primary School as Good. The school received 52 first preference applications for a Reception (F1) year place for September 2012 with a published Admission Number of 30. It is therefore considered that Wolvercote Primary School should be categorised as a successful and popular school.) If surplus capacity exists in neighbouring schools the Decision Maker should ask how it is planned to tackle any consequences for other schools.
15. **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

16. 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.
17. 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
18. Where possible, funding will also be sought retrospectively from S106 developer contributions from planned housing development in the area.
19. 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

20. 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

21. 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).

21. RECOMMENDATION

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

JIM LEIVERS
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Annexes: Annex 1: Statutory notice
 Annex 2: Statutory proposal

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