

**CABINET MEMBER FOR EDUCATION
- 24 JANUARY 2017**

**REPORT ON THE PROPOSED EXPANSION OF WEST WITNEY
PRIMARY SCHOOL**

Report by Director for Children's Services

Introduction

1. This report follows a public consultation and statutory Notice period relating to the county council's proposal to expand West Witney Primary School. The proposal has been made with the support of the school's Governing Body and planning of the proposed physical expansion is well advanced.
2. The public consultation ran from 14 September – 12 October 2016. The consultation leaflet is attached at Annex 1 and was circulated to all parents/carers of pupils at the school, staff and governors, appropriate county council teams, District, Council and Parish councillors, the local library and others. It was also available on the county council consultations webpages through its "current consultations" listing.
3. The consultation leaflet contains the reasoning behind the school's proposals, and council officers' support of it, therefore this is not duplicated in this report, being set out in Annex 1. The key information to note is that council officers have identified that an additional half form of entry in primary school capacity is now required in the area, in addition to and in advance of the planned new primary school for the 1000-home north Curbridge development.
4. Following completion of the consultation, county council officers made the decision to proceed with publishing a Public Notice. This is attached at Annex 2. The Public Notice was published in the Witney Gazette on 2 November 2016 and was also posted at the school's entrance and on the school website and county council website. The Notice period ran until the 30 November 2016. It was accompanied by a Full Proposal document, which is attached at Annex 3, and which was available to read online at the Oxfordshire County Council public website, or by request.
5. The decision-making power in terms of determining the proposal in this case lies with the Cabinet Member for Education.

The Proposal

6. The proposal is to expand the school from 1.5fe to 2fe (from a Planned Admission Number of 45 to one of 60) on a permanent basis from September 2017. This is to meet demand for primary pupil places in the school's catchment and immediate area, as detailed in Annex 1. It should be noted

that the school agreed to admit over its PAN for the September 2016 intake of pupils, in order to meet demand for places.

7. Within Witney town generally, demand for primary school places has risen rapidly, ahead of anticipated planned housing for the town which has not progressed as rapidly as previously forecast. The new school for the west Witney / north Curbridge 1000-home development is not expected to open before 2019, and is dependent on the progress of the housing, and in the meantime it may be necessary for other existing schools to increase capacity through “bulge” classes.
8. The Governing Body of West Witney Primary School wants to be able to meet the needs of the local community. The school now has very few spare places, and is completely full in most year groups.
9. The Governing Body has written a formal statement of its support for the proposal to permanently expand within Annex 1. Officers now seek formal approval for the proposal from the Cabinet Member for Education.

Representations

10. The public consultation generated only three responses. Two supported the proposal and one of these was a formal response from Witney Town Council.
11. One response, from a local preschool, raised concerns that with the school's expansion its nursery class would also expand, and that this would threaten the local preschool's financial viability. The county council's proposal does not mention a plan to expand the school's nursery class. No decision has been taken on this. Early years provision across the Witney area currently just meets the need of the local population, but additional capacity will be required to meet additional demand for places created by housing developments. New schools will include nursery classes. It is also worth bearing in mind that from September 2017 the free childcare entitlement will increase from 15 to 30 hours per week for working families. In many areas we expect there will be a shortfall in provision to meet this increased demand.
12. No responses to the Public Notice were received during the statutory four week representation period.

Legal background

13. The Education & Inspections Act 2006 and The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2013 establish the procedures that must be followed when enlarging school premises.
13. Local authorities also have a duty to have regard to statutory guidance, in this particular case *“Making Prescribed Alterations to Mainstream Schools”* published April 2016.
14. The Guidance states that the statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or

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challenge the proposed change. The proposal should be accessible to all interested parties and should therefore use 'plain English'. The full proposal must be published on a website (e.g. the school or LA's website) along with a statement setting out:

- how copies of the proposal may be obtained;
- that anybody can object to, or comment on, the proposal;
- the date that the representation period ends;
- and the address to which objections or comments should be submitted.

A brief notice (including details on how the full proposal can be accessed e.g. the website address) must be published in a local newspaper. Within one week of the date of publication on the website, the proposer must send a copy of the proposal and the information set out in the paragraph above to the governing body and any other body or person that the proposer thinks is appropriate.

The county council considers that it has adhered to the relevant legislation and statutory Guidance.

15. Local authorities have a statutory duty to ensure sufficiency of school places.
16. **The effect on safeguarding and educational excellence.** The Department for Education's stated relevant educational priorities are:
 - Safety and wellbeing: all children and young people are protected from harm and vulnerable children are supported to succeed with opportunities as good as those for any other child.
 - Educational excellence everywhere: every child and young person can access high-quality provision, achieving to the best of his or her ability regardless of location, attainment and background.
17. In considering whether to formally approve the proposal, the Cabinet Member should be satisfied that the proposals will contribute to the accessing of excellent education provision and consider the impact on safeguarding and wellbeing. He should pay particular attention to the effect on groups that tend to under-perform including children from certain ethnic minorities and deprived backgrounds.
18. **School characteristics.** The Cabinet Member 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. He 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 Cabinet Member 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 he should ask how it is planned to tackle any consequences for other schools.

20. **Funding and land.** The Cabinet Member should be satisfied that any land, premises and capital required to implement the proposals will be available.

Financial and Staff Implications

21. The physical expansion of West Witney Primary School would be funded using money the council has secured and expects to secure from housing developers, to mitigate the impact of new housing in the local area (known as Section 106 contributions). Oxfordshire County Council's contractors are working on a detailed feasibility study to identify how the physical expansion of the school can be achieved on site.
22. The accommodation requirements will be delivered by the county council. 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. Where possible, subject to the constraints of Regulation 123 of the Community Infrastructure Regulations 2010 (as amended), retrospective S106 developer contributions will also be sought from planned and future housing development in the area.
24. There will 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 decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to:
- eliminate discrimination;
 - advance equality of opportunity; and
 - foster good relations.
26. The Equality Impact Assessment of Oxfordshire's Pupil Place Plan (November 2016) 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. There are not any sex, race or disability discrimination issues that arise from the changes being proposed.

Decision

27. Decision makers have to have regard to 'Guidance for decision makers' April 2016.
28. Decisions must be made within a period of two months of the end of the representation period or they must be referred to the Schools Adjudicator.
29. In considering the proposals for a school expansion, the Cabinet Member can decide to:
 - reject the proposals;
 - approve the proposals without modifications; or
 - approve the proposals with such modifications as the local authority think desirable, having consulted the governing body.

RECOMMENDATION

- 30. The Cabinet Member for Education is RECOMMENDED to approve the proposed expansion of West Witney Primary School.**

LUCY BUTLER

Director for Children's Services

Annexes: Annex 1: Consultation leaflet
 Annex 2: Public Notice
 Annex 3: Full Proposal document

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