

CHILDREN & YOUNG PEOPLE CABINET MEMBER MEETING

Agenda Item 13

Brighton & Hove City Council

Subject:	Expansion of Davigdor Infant and Somerhill Junior schools		
Date of Meeting:	6 July 2009		
Report of:	Director of Children's Services		
Contact Officer:	Name:	Gillian Churchill	Tel: 29-3515
	E-mail:	gillian.churchill@brighton-hove.gov.uk	
Key Decision:	Yes	Forward Plan No. CYP10144	
Wards Affected:	Brunswick & Adelaide; Central Hove; Goldsmid		

FOR GENERAL RELEASE

1. SUMMARY AND POLICY CONTEXT:

- 1.1 To inform members of the outcome of the statutory consultation on the proposed permanent expansion of Davigdor Infant and Somerhill Junior schools by one form of entry from September 2010 and September 2011 respectively and resultant enlargement of the premises.
- 1.2 To provide the Cabinet Member with sufficient information to be able to determine the proposal.

2. RECOMMENDATIONS:

- 2.1 That the Cabinet Member confirms the statutory notice and resolves to permanently expand Davigdor Infant and Somerhill Junior schools by one form of entry from September 2010 and September 2011 respectively and enlarge the premises accordingly.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Brighton & Hove City Council has a legal requirement to provide sufficient school places for all school age children in the city. School places should be provided in such a way that parents and pupils can access a local school wherever possible.
- 3.2 Over recent years there has been a considerable increase in the number of children growing up in the part of the city that is served by Davigdor Infant and Somerhill Junior Schools. This is evidenced by the fact that we had to temporarily increase the size of Davigdor Infant School by one form of entry in September 2008 and will have to do so again in September 2009. This increased intake will be looking to access a junior school place in September 2011.

- 3.3 The proposal is to permanently expand Davigdor Infant and Somerhill Junior Schools so that they become four form entry school with a yearly intake of 120 from September 2010 and 2011 respectively.
- 3.4 To support the expansion of the schools there will be an extension of both schools that will be funded by a combination of the Primary Capital Programme funding, the schools Devolved Formula Capital and other council capital funding. These extensions will provide additional classrooms to accommodate the extra pupils. There will also be some internal remodelling and refurbishment to provide accommodation that will better fit the needs of current teaching and learning and the delivery of a broad and balanced curriculum. The dining facilities of both schools will also be improved to better meet the needs of the pupils and staff.
- 3.8 At the Cabinet Member meeting held on 20th April 2009 it was agreed to publish the statutory notice required to progress this proposal.
- 3.10 The notice was published in accordance with the requirements of the Education and Inspections Act 2006 on 1st May 2009. Copies of the full proposal were made available to any person or body that requested one.

4. CONSULTATION

- 4.1 Consultation on the expansion of the community school must follow the processes set out in section 19 (1) of the Education and Inspections Act 2006 (EIA 2006) and the statutory guidance issued by the DCSF. Section 16(2) of the Act provides that before publishing any proposals for expanding a community school, the Council must have consulted 'such persons as appear to them to be appropriate'. This consultation was carried out between October 2009 and January 2009 in respect of Davigdor Infant School and February 2009 and April 2009 in respect of Somerhill Junior School.
- 4.2 The Children and Young People Cabinet Member authorised the Director of Children's Services to proceed to publish the required statutory notices for the expansion Davigdor Infant and Somerhill Junior schools by one form of entry from September 2010 and September 2011 respectively at Cabinet Member Meetings held on January 19th 2009 in respect of Davigdor Infant School and 20th April 2009 in respect of Somerhill Junior School. The subsequent 4 week representation period was the final opportunity for people and organisations to express their views about the proposals.
- 4.3 Statutory notices were published in the local newspaper on 1st May 2009. In addition notices were displayed at the entrances to the school and at other places used by the community. The Statutory notice stated where copies of the full proposal could be obtained from.
- 4.4 The Statutory notice forms part of the full proposal. Copies of the full proposal were sent to the Anglican and Catholic diocese, the governing body of the school, the Children and Young People Cabinet Member, ward councillors, the local MP and the DCSF. Copies of the complete proposal have to be made available to anyone who requests a copy during the publication period.

- 4.5 There were no requests received for a copy of the full proposal during the publication period. A copy of the full proposal information is in the Members room.
- 4.6 There were no representations or objections received during the publication period.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Any implications for funding the additional floor area at Davigdor Infant and Somerhill Junior schools will be met from the Individual School Budget (ISB), which may increase as a result of any additional pupils into the Authority as a result of the expansion. If no additional pupils come into the Authority then the additional funding Davigdor Infant and Somerhill Junior schools will receive will come from within the existing ISB. Any capital costs arising from the proposal would have to be met from within the Education Capital Programme which includes streams such as the Primary Capital Fund, NDS modernisation and a contribution from the schools Devolved Formula Capital (DFC). The full cost of this project is not yet known but will be reported in due course.

Finance Officer Consulted: Michelle Herrington

Date: 09/06/2009

5.2 Legal Implications:

- 5.2.1 Statutory Notices were published on 1st May 2009 in accordance with Section 19(1) of the Education and Inspections Act 2006 and the accompanying School Organisation Regulations (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended). The statutory four week period for representations to be made followed. The closing date for receipt of representations or objections was 29th May 2009.
- 5.2.2 Decisions on expansions of community schools are taken by the LA with some rights of appeal to the schools adjudicator. In this instance the Children and Young People Cabinet Member will act as the Decision Maker for the Local Authority.
- 5.2.3 The DCSF does not prescribe the process by which an LA carries out their decision-making function but the LA is required to have due regard to statutory guidance published by the DCSF. A full copy if the DCSF guidance 'Expanding a Maintained Mainstream School or adding a Sixth Form' is in the Members Room. Paragraphs 4.15 to 4.64 of the Guidance set out the factors which must be considered by Decision Makers when determining a statutory proposal.
- 5.2.4 In addition the DCSF provides that there are 4 key issues which the Decision Maker should consider before judging the respective factors and merits of the statutory proposals;
- a. Is any information missing? If so, the Decision Maker should write immediately to the proposer/promoter specifying a date by which the information must be provided;
 - b. Does the published notice comply with statutory requirements?
The Decision Maker should consider whether the notice is valid as soon

as a copy is received. Where a published notice does not comply with statutory requirements it may be judged invalid and the Decision Maker should consider whether they can decide the proposals

- c. Has the statutory consultation been carried out prior to the publication of the notice?

Details of the consultation should be included in the proposals. The Decision Maker should be satisfied that the consultation meets statutory requirements. If some parties submit objections on the basis that consultation was not adequate, the Decision Maker may wish to take legal advice on the points raised. If the requirements have not yet been met, the Decision Maker may judge the proposals to be invalid and should consider whether they can decide 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

- d. Are the proposals linked or related to other published proposals?
This is not the case for the proposals relating to this expansion.

- 5.2.5 In considering proposals for the expansion of a school, the Decision Maker can decide to:

- reject the proposals
- approve the proposals
- approve the proposals with a modification
- approve the proposals subject to them meeting a specific condition

The regulations provide for a conditional approval to be given where the Decision Maker is otherwise satisfied that the proposals can be approved, and approval can automatically follow an outstanding event. Conditional approval can only be granted in the limited circumstances specified in the regulations. In this instance there are no circumstances where a conditional approval would be acceptable.

- 5.2.7 All decisions must give reasons for the decision, irrespective of whether the proposals were rejected or approved, indicating the main factors/criteria for the decision. Section 7 of this report gives the reasons for the decision based on the legislative framework within which the decision must be decided.

Layer Consulted: Serena Kynaston

Date: 22/05/2009

Equalities Implications:

- 5.3 Planning and provision of school places is conducted in such a way as to avoid potentially discriminatory admissions priorities or planning processes. The city council and voluntary aided school governing bodies must be mindful of bad practice as described in the Admission Code of Practice

Sustainability Implications:

- 5.4 Planning and provision of school places are intended, so far as it is possible, to provide pupils, parents and carers with local places where they have asked for them. This is subject to limitations in school capacity, the funding available and the priority order for capital development determined by the Council

Crime & Disorder Implications:

- 5.5 There are no implications for the prevention of crime and disorder arising from this report.

Risk and Opportunity Management Implications:

- 5.6 There are no risk issues in terms of resources or risks to children as a result of this proposal

Corporate / Citywide Implications:

- 5.7 All planning and provision to for school places in the city should be operating on the basis of admission limits and admission priorities which have been the subject of broad consultation. The effective coordination of planning arrangements should lead to sufficient school paces in all areas of the city and the removal of excess provision.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 The alternative option would be to leave Davigdor Infant and Somerhill Junior schools as three form entry Schools.
- 6.2 This is not considered as acceptable since it will not address the need to provide local school places where they are needed within the city.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 Over the last few years there has been year on year growth in the number of pre-school age children registered with General Practice (GP) Surgeries in the city. This increase seems particularly acute in the area of the city served by Davigdor Infant School. It is anticipated that this situation is going to continue. Information on GP registration data shows that the number of children registered in this part of the city has increased from 150 in 1999 / 2000 to 350 in 2006/2007.
- 7.2 The Council has a statutory duty to provide a maintained school place for any child that wants one. We are committed to working with schools to make them centres for community learning, and supporting them in meeting the wider needs of the community by engaging social services, health, the police, and the voluntary sector. For this to be successful it is important that children can access a primary school that is local to their home.
- 7.3 Expanding both schools by one form of entry (an additional 30 places each year) will ensure that more families can access their local school. This means that children will be able to attend school with friends that they have made prior to starting school, parents will not have to travel long distances to deliver their children to school and extended services offered by the schools can be tailored to meet the needs of the whole community.
- 7.4 The schools are covered by the Councils admissions arrangements which strives to provide truly local schools which serves its most immediate community and assists in the aspirations of the Local Authority in terms of green travel arrangements.
- 7.6 Capital is available under the Primary Capital Programme to implement the necessary changes to the school. A scheme has been designed that will enable

the school to accommodate the additional pupils and also provides enhancements to disability access, pupil safety and school catering arrangements.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents In Members' Rooms

1. Copy of the full proposal information
2. DCSF Guidance document 'Expanding a maintained Mainstream School or Adding a Sixth Form'

Background Documents

1. None