

Subject:	Changing the Age Range of Three Primary Schools in Portslade – Final Decision		
Date of Meeting:	12 th July 2012 Policy & Resources Committee 19th July 2012		
Report of:	Strategic Director People		
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Ward(s) affected:	All		

FOR GENERAL RELEASE**1. SUMMARY AND POLICY CONTEXT:**

- 1.1 Current and projected pupil numbers for the city show there is an immediate and ongoing need for additional school places in the city as a whole. This need is most acute in the west of the city.
- 1.2 As part of the solution for providing these places, Benfield Junior School was made into a primary school in September 2010. This has resulted in a mismatch in the numbers of forms of entry for infant places and junior places.
- 1.3 Cabinet agreed at its meeting on 10th May 2012 to publish the required statutory notices for providing the 3 additional junior forms of entry that are needed.
- 1.4 The purpose of this report is to report the representations and objections received during the period of the statutory notice period and to seek Policy and Resources endorsement to the proposals.

2. RECOMMENDATIONS:

- 2.1 That Policy and Resources endorse the decision to proceed with each of the three proposals
- 2.2 That Policy and Resources recommend that on 19th July 2012 Council confirms the statutory notices and resolves to change the age range to allow for an additional junior form of entry and expand the premises of St Peter's Community Infant School, Portslade Infant School and St Nicolas Voluntary Aided Church of England Junior School from September 2013.

3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Pupil numbers across the city are rising generally and the rise in Hove and Portslade is greater than the city generally and already causing a pressure on

school places that cannot be met locally

- 3.2 The need for additional reception and infant class places in the city over the last three years has been partly addressed by providing permanent additional forms of entry Benfield Primary School. As a result of this change there still exists a need to find sites for three additional forms of entry for juniors (school years 3 to 6) in Portslade.
- 3.3 At its meeting on 10th May 2012 Cabinet agreed to publishing the three statutory notices required to progress the proposals for providing the 3 additional junior forms of entry that are needed and that the final decision be made by the Strategic Director, People and the lead member for Children and Young People following the end of the statutory notice period.
- 3.4 Owing to changes in the Council's constitution all decisions regarding proposed changes to the Council's school admission arrangements currently need to be determined by full Council. This means the final decision regarding the change of age range and consequential enlargement of premises of St Peter's Community Infant School, Portslade Infant School and St Nicolas Voluntary Aided Church of England School will need to be taken by full Council on 19 July 2012.

4. COMMUNITY ENGAGEMENT AND CONSULTATION

- 4.1 Consultation on expanding the age range of community schools must follow the processes set out in section 19 (1) of the Education and Inspections Act 2006 (EIA 2006). The Act provides that before publishing any proposals to change the age range of a community school, the Council must have consulted 'such persons as appear to them to be appropriate'. This consultation was carried out between January and May 2012.
- 4.2 On 10th May 2012 Cabinet authorised the Strategic Director People to proceed to publish the required statutory notices for the change in age range and consequential enlargement of St Peter's Community Infant School, Portslade Infant School and St Nicolas Voluntary Aided Church of England School. The subsequent representation period of six weeks was the final opportunity for interested people and organisations to express their views on the proposals.
- 4.3 Statutory notices were published in the local newspaper on 25th May 2012. In addition Notices were displayed at the entrances to the schools and at other places used by the community (details of locations are in the full proposal information in the Members rooms). The statutory notice stated how the full proposal information on the proposal could be obtained.
- 4.4 The Statutory Notices form part of the full proposals. Copies of the full proposals were sent to the Anglican and Catholic diocese, the governing body of the school, ward members, the Children and Young people Cabinet Member, the Member of Parliament and the Department for Education (DfE). Copies of the complete proposal have to be made available to anyone who requests a copy during the publication period. A copy of the full proposal information has been made available as an electronic addendum for Members.

- 4.5 The closing date for receipt of representations or objections was 6th July 2012 in all cases. The date for submitting this report was 29th June 2012.
- 4.6 At that date there had been no requests received for the full proposal information for any of the proposals.
- 4.7 At that date there had been no objections received to any of the three proposals.
- 4.8 At that date a response from each of the schools head teacher and Chair of governors in support of each of the three proposals had been received.
- 4.9 If this position has changed at the meeting a verbal update will be given.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Capital costs arising from the proposal would have to be met from within the Education Capital Programme which includes funding for additional pupil places and maintenance. In addition to this the council as received additional funding for additional pupil places in the current financial year.
- 5.1.2 The revenue costs of funding the additional forms of entry will be met from the Dedicated Schools Grant (DSG) in 2013/14 onwards.

Finance Officer Consulted: Andy Moore

Date: 07/06/12

Legal Implications:

- 5.2 Statutory notices were published on 25th May 2012 in accordance with Section 19(1) and 19(3) of the Education and Inspections Act 2006 and the accompanying School Organisation Regulations (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 as amended in respect of the proposals to change the age range and enlarge the premises of St Peters Community Infant School and St Nicolas Church of England Junior School, and to change the age range of Portslade Infants School. Following publication there followed a statutory six week period for representations to be made. The closing date for receipt of representations or objections was 6th July 2012 in all cases.
- 5.2.1 At the end of this representation period a decision on the proposals will need to be taken within 2 months.
- 5.2.2 The Education and Inspections Act 2006 sets out who decides proposals for any alterations to schools. In the case of these proposals the decision is to be taken by the LA with some rights of appeal to the schools adjudicator. Full Council will act as the Decision Maker for the Local Authority on these proposals.
- 5.2.3 Guidance published by the Department for Education ((i)Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form and (ii) Making Changes to a Maintained Mainstream School) provide 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? Regulation provides that where proposals are related they must be considered together. Paragraphs 4.11- 4.14 provide statutory guidance on whether proposals should be regarded as "related".

5.2.4 In considering proposals for making changes to the age range 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

5.2.5 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.

5.2.6 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.

Lawyer Consulted: Serena Kynaston

Date: 13/06/12

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 best practice as described in the Admission Code of Practice.

Sustainability Implications:

- 5.4 All new extensions to Brighton and Hove Schools utilise, where ever possible, environmental and sustainable principles such as higher than minimum insulation levels, the use of efficient gas condensing boilers, under floor heating, solar shading and natural ventilation. Materials are sourced from sustainable sources where ever possible.

Crime & Disorder Implications:

- 5.5 Throughout the development of the proposals consultation will be undertaken with community groups and the Community Safety team and police liaison officers. It is anticipated that by including the community in the development and use of the facilities at the schools that crime and disorder in the local area will be reduced. This will be further improved by offering extended use of the facilities to the community outside of the school day.

Risk and Opportunity Management Implications:

- 5.6 It is important that this opportunity is taken to ensure the future provision of learning and teaching, and continuing improvement in standards of education in the city.

Public Health Implications:

- 5.7 There are no public health implications arising from this report.

Corporate / Citywide Implications:

- 5.8 These proposals are an essential element in providing additional local school places for children.

6. EVALUATION OF ANY ALTERNATIVE OPTION(S):

- 6.1 A paper to Cabinet in January 2012 presented the full range of options available to address the need for future places in Portslade. The proposals within this report were the preferred option for addressing this need

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 The Council has a statutory duty to provide a school place for any child that wants one. Current and projected pupil numbers for the city as a whole show there is an immediate and ongoing need for additional school places in the city.
- 7.2 It is recommended that the proposals to change the age range of St Peter's Community Infant School, Portslade Infant School and St Nicolas Church of

England Junior School and expand the premises accordingly are approved as this will provide the three additional forms of entry for junior age children needed in Portslade.

7.3 The Council believes the advantages of the creation of all through primary schools are as follows:

- Greater continuity in teaching, pupil care and development under a single head teacher and teaching staff. It is very important to ensure continuity in planning the curriculum across the stages of education so that pupils make the best possible progress in learning.
- The school could offer a greater range of teaching skills, including the opportunity to appoint curriculum co-ordinators with the time to oversee the effective teaching of individual subjects across the whole 4–11 age range.
- Greater flexibility that a 4–11 school has in organising classes, deploying teachers and support staff and using resources, including buildings, more effectively.
- Closer contact with parents over a longer period of time and covering the full span of the children's primary education.
- Practical advantages to parents' e.g. same staff development days, the same school policies relating to home links, uniform, codes of conduct etc.
- Transfer to a different school environment after three years or less of schooling might be seen as an unnecessary disruption to pupil's sense of security and well being. A positive feature of 4–11 schools is the social interaction between younger and older pupils.

7.4 The initial public consultation on options for providing the additional places showed that the majority of parents and carers of children at the current schools were happy with the proposal to create all through primary schools. Very few parents and carers were unhappy with the selected option. Subsequent consultation has shown that the number of parents and carers who do not support the proposals has further diminished. The vast majority of respondents (96%) to the consultation just prior to publication of the statutory notice supported the proposals.

7.5 The schools currently provide a range of extended services to the school community; this situation will not change as a result of these proposals.

7.6 The schools are covered by the 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.

SUPPORTING DOCUMENTATION

Appendices:

1. None

Documents in Members' Rooms

None, the following documents have been included in an addendum which was provided in electronic form to Members of the Committee and included in the Members' intranet.

1. Full Proposal information for each school
2. Department for Education guidance document Making Changes to a Maintained Mainstream School
3. Department for Education guidance document Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form

Background Documents

1. None

