

# STATUTORY CONSULTATION TO ENLARGE THE PREMISES AT 7 PRIMARY SCHOOLS

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<b>Cabinet Portfolio</b>	Education & Children's Services
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<b>Papers with report</b>	Appendix 1 - Consultation Summary Appendix 2 - Reference to research on school size & standards Appendix 3 - Hillingdon Births Appendix 4 - Complete Proposals ( <b>due to size circulated separately to Cabinet, Executive Scrutiny, Chief Officers only. Copies available for public inspection and in Group Offices</b> )

## HEADLINE INFORMATION

<b>Purpose of report</b>	To conditionally approve statutory proposals to enlarge the premises at 7 primary schools (Phase 1 of primary school expansions).
<b>Contribution to our plans and strategies</b>	Development and improvement of education in our schools (Council Plan 2007/10)
<b>Financial Cost</b>	£13.2m indicative costs included in the report
<b>Relevant Policy Overview Committee</b>	Education & Children's Services Policy Overview Committee
<b>Ward(s) affected</b>	All wards south of the A40

## RECOMMENDATIONS

That Cabinet:

1. Conditionally approves the statutory proposals to enlarge the premises at:-

- a. Brookside Primary School
- b. Grange Park Infant School and Grange Park Junior School (linked proposals)
- c. William Byrd Primary School
- d. Cranford Park Primary School
- e. Whitehall Infant School and Whitehall Junior School (linked proposals)

2. Subject to the following conditions for each proposal being met by 15th April 2011:-

- (a) that the Office of the Schools Adjudicator approves a variation to the school's published admission number for September 2011; and
- (b) that the relevant admissions authority determines a higher published admission number for September 2012; and
- (c) that the necessary planning permissions are granted.

## **INFORMATION**

### **Reasons for recommendation**

Legislation came into force in September 2009, separating the processes of enlarging school premises and increasing school admission numbers. Statutory proposals to enlarge school premises are presented here. The council has finished consulting stakeholders on proposals to enlarge the premises of Brookside Primary School, Cranford Park Primary School, Grange Park Infant and Junior Schools, Whitehall Infant and Junior Schools, and William Byrd Primary School.

No objections have been received to the proposals for Brookside Primary School, Grange Park Infant and Junior Schools, and William Byrd Primary School. These proposals are therefore not contentious.

Objections have been received to the proposal for Cranford Park Primary School, and the linked proposals for Whitehall Infant and Junior Schools. Whilst taking note of each concern made, the Local Authority considers that each point can be addressed. Most importantly, no new options have emerged during the consultation that were not considered before drawing up the proposals. The Local Authority strongly believes that the proposals as put forward remain the best solution for the Local Authority to provide sufficient primary school places in time to meet growing demand in the Uxbridge and Hayes Cranford areas.

When considering each of the statutory proposals, the Cabinet must follow statutory guidance from the Department for Education by considering some key issues. The key issues are set out in paragraph 3 of this report. The decision options available to the Cabinet, as set out in school organisation regulations are to:

- (a) Reject each proposal
- (b) Approve each proposal
- (c) Approve each proposal with a modification (e.g. modify the proposed implementation date)
- (d) Approve each proposal subject to meeting specific conditions (e.g. planning permission)

The linked proposals for Infant and Junior schools (the Grange Park and Whitehall pairs of schools) must be determined together with one single decision covering both the Infant and Junior school.

All of the proposals are dependent upon future events, and therefore any approvals must be conditional. Planning permissions will be required for each proposal. Permission is required from the Office of the Schools Adjudicator to vary published admission numbers for September 2011 (because those numbers have already been published). Permission is required from the relevant admissions authorities to determine higher published admission numbers for September 2012 (the Schools Admissions Code states that these must be determined by April 15th 2011). The Local Authority is the admissions authority for all of these proposals, except Grange Park Infant and Junior Schools which as foundation schools are their own admissions authority.

For these reasons, officers recommend option (d) above for each proposal. If the council cannot make a decision on each proposal within 2 months of the consultation period ending (i.e. by December 6th 2010) then each undetermined proposal will be referred to the Office of the Schools Adjudicator for a decision.

## Alternative options considered / risk management

The decision options set out above follow statutory school organisation regulations.

If any of the proposals are rejected, there is a risk that the council could fail in its statutory duty to provide sufficient school places. To ensure sufficient places, officers would need to look again at alternative solutions and report back to Cabinet by spring 2011.

## Comments of Policy Overview Committee(s)

None at this stage.

## SUPPORTING INFORMATION

### 1. Reasons for proposals

1.1 The reasons for proposing the permanent expansion of several primary schools were set out in a report to Cabinet in May 2010. Phase 1 school expansions will address long term pressure for primary school places already beginning from September 2010. Whilst temporary arrangements are in place for September 2010, statutory consultation with all key stakeholders is necessary before enlarging school premises to accommodate children beyond 2011.

### 2. Consultation

2.1 The Local Authority conducted the first phase of statutory consultations between June 11th 2010 and July 12th 2010. This included a meeting between council officers and the joint Governing Bodies of Whitehall Infant and Junior Schools on June 22nd 2010.

2.2 In August 2010, the Cabinet Member for Education and Children's Services considered the views expressed, and decided to proceed with further consultation through the publication of proposals in statutory notices. Notices were published and distributed on Wednesday 8th September 2010, with the statutory representation period concluding on Wednesday 6th October 2010.

2.3 In summary, the response to the whole consultation and representation period was as follows:

- **Brookside Primary School:** no responses were received. However a complaint was made at the outset that consultation material, particularly letters to be issued to parents, was not available in languages other than English. The Local Authority informed the school of the council's policy on translating material. The Local Authority also supplied the school with an additional information sheet, to be distributed at the school's own discretion, which could inform parents of the availability of a translation service. No further response was received. This proposal is therefore not contentious.
- **Grange Park Infant and Junior Schools** (linked proposals): no responses were received. These linked proposals are therefore not contentious.
- **William Byrd Primary School:** no responses were received. This proposal is therefore not contentious.

- **Cranford Park Primary School:** there were 3 individual responses containing a variety of concerns. A summary of the responses and the Local Authority's considerations are given in **Appendix 1** (Consultation Summary) of this report.
- **Whitehall Infant and Junior Schools** (linked proposals): there were 97 responses of which 8 expressed clear support, and a further 6 expressed some support but with concerns. All other responses expressed objections, including several specific points made by the governing bodies of both schools. The responses included 3 petitions containing a total of 631 signatories. A summary of the responses and the Local Authority's considerations are given in **Appendix 1** (Consultation Summary) of this report.

### Petition Hearings

2.4 During the initial consultation period, three separate petitions were received containing 631 signatures objecting to the proposals for Whitehall Infant and Junior Schools. The Cabinet Member for Education and Children's Services agreed to meet with the petitioners to hear and consider their points of view before the council made any final decision on the proposals.

2.5 On November 8th 2010, the Cabinet Member for Education & Children's Services held a meeting with 3 petition groups who expressed opposition to the Whitehall schools proposals, and this meeting gave the petitioners an opportunity to elaborate on their views before final decisions are taken by the council. The points made by the petitioners are addressed within Table 3 of **Appendix 1** (Consultation Summary).

### **3. Duty of the Decision Maker**

3.1 As set out in school organisation regulations, the Decision Maker for local school organisation proposals is the Local Authority. When considering each school organisation proposal, the Local Authority must follow statutory guidance in considering some key issues, which are:

- *A System Shaped by Parents, and Diversity*

3.2 The Local Authority has a duty to secure diversity in the provision of schools and to increase opportunities for parental choice when planning the provision of schools. The Uxbridge area already has diversity of provision with local Catholic and Church of England primary schools. The Hayes area already has diversity of provision with local Catholic, Church of England, and Sikh primary schools. Further diversity in these areas may come about through competitions for new schools. At present the likelihood of new schools is dependent on several factors and appears to be several years away, and this has been a key factor in deciding that the expansion of these schools offers the best solution to providing local school places in the required timescale.

- *Standards*

3.3 The Local Authority should be satisfied that proposals will contribute to raising local standards and improved attainment for children and young people, and the Local Authority should pay particular attention to the effects on groups that tend to under perform. Fundamentally, these goals can only be achieved if there are sufficient local school places for children to attend, and this is the reason for the proposals. Research published by the National Foundation for Educational Research has found no apparent link between school size and attainment so there is no obvious reason why schools' standards should be affected.

- *Every Child Matters*

3.4 The Local Authority should consider how proposals will help every child and young person achieve their potential in accordance with the ECM principles. Again, fundamentally these goals can only be achieved if there are sufficient local school places for children to attend, and this is the reason for the proposals.

- *Equal Opportunities Issues*

3.5 The Local Authority should consider whether there are discrimination issues that could arise from the proposed changes. There will be no issues, as the proposals will provide school places for each local community regardless of sex, race, religion or belief, or disability.

- *Need for Places*

3.6 The Local Authority should consider whether there is a fundamental need for the expansion and should consider the evidence for this. The Local Authority is proposing these school expansions based on clear evidence of increasing demand. This evidence has been gathered from the Office for National Statistics (ONS); the Greater London Authority (GLA); the local Primary Care Trust (PCT); the monitoring of local housing activity; and actual school applications.

3.7 The evidence overwhelmingly supports the fundamental need for more school places in the Hayes and Uxbridge areas. Births have risen, confirmed by ONS data, which means more children will require local school places in future. Net migration into the borough has rapidly increased since 2008, also confirmed by ONS data, and this is increasing school demand now. A significant number of new housing developments are likely to have contributed to the growing local demand for schools, and several more large developments are expected. Temporary school expansions have already been necessary in several regions of the borough for this school year. The growing demand for primary school places is not just a local issue; it is affecting most of Hillingdon, most London boroughs, and several regions of the country.

- *Travel and Accessibility*

3.8 The Local Authority should be satisfied that accessibility planning has been properly taken into account, that journey times would not be extended, and that consideration has been given to sustainable travel.

3.9 The proposed new school facilities will comply with disability regulations. The anticipated increase in demand will come from more local families, and the proposals will prevent excessive travel to other areas of the borough that may have school vacancies. The Council has been working with, and will continue working with schools to consider sustainable travel patterns through tools such as School Travel Plans, which can help reduce car journeys and the consequent impacts on the highway network. A Transport Statement or Transport Assessment is also something that would be prepared to support the planning applications for each proposal.

- *Land and Capital*

3.10 The Local Authority should be satisfied that the land and capital required to implement the proposals are definitely available and this should include confirmation of funding. For Local

Authority proposals, the confirmation of funding should come from an authorised person within the Local Authority.

3.11 Land is available. Brookside, Cranford Park, William Byrd, and Whitehall Infant and Junior Schools are all community schools and are council assets. The Grange Park schools are foundation schools and the proposals have been published with the full agreement and co-operation of the foundation Governing Body.

3.12 Capital is available as the Local Authority has made clear in publishing its own proposals. Confirmation of the funding is given in the Finance sections of this report.

- *School Playing Fields*

3.13 The Local Authority should be satisfied that the proposals will meet the required standards for school premises, including the minimum areas for team games, as set out in the Education (School Premises) Regulations 1999. If the minimum requirements cannot be met, then the proposers are required to seek Secretary of State agreement in principle to relax the regulations.

3.14 The Local Authority proposals will meet the required minimum standards for premises and playing fields. In some cases, this will require Multi-Use Games Areas (MUGAs) and access to nearby off-site playing fields.

- *Special Educational Needs*

3.15 The Local Authority is not proposing any changes to SEN provision with any of the statutory proposals presented in this report, therefore the Special Educational Needs Improvement Test is not applicable.

- *Views of Interested Parties*

3.16 The Local Authority should consider the views of all those affected by the proposals or anyone who has an interest in them. This includes objections made during the representation period once statutory proposals have been published. Statutory guidance stipulates that the Local Authority should give the greatest weight to any representations from stakeholders likely to be directly affected.

3.17 This report does carefully consider all views expressed during the whole consultation process, including the views of petitioners at the meeting held on November 8th 2010. The Local Authority feels that all of the concerns and points of objection can be addressed now, or will be addressed at the planning application stages. The views and concerns, including those explicitly expressed by petitioners and the governing bodies of Whitehall Infant and Junior Schools, are set out in **Appendix 1**.

- *Complete Proposals*

3.18 There is a statutory requirement to include with this report the Complete Proposals documents for each proposal. These statutory documents set out the reasons for the proposals and include details of consultation held prior to the recent statutory representation period. The Complete Proposals for each school are contained in **Appendix 4 (circulated separately)** to this report.

## **4. Conclusions**

4.1 Whilst carefully considering and addressing each point made, the Local Authority still believes that each proposal offers the best solution to providing sufficient local school places in the required timescales. Significantly, no new options have emerged during the consultation process that had not been considered before drawing up the proposals.

4.2 For the Whitehall Infant and Junior Schools, several alternative options had already been considered before making these proposals, and further details are given in the appropriate section of **Appendix 1** (Consultation Summary). If the proposals presented here are rejected, alternative proposals will need to be reconsidered in order to ensure sufficient school places in the required timescale.

### **Financial Implications**

The indicative costs for each proposal were prepared by Major Construction Projects and were contained within the Complete Proposals documents for each school. In summary these indicative costs are:

- Brookside Primary School = £2.44m
- Grange Park Infant School and Grange Park Junior School (linked proposals) = £2.52m
- William Byrd Primary School = £2.63m
- Cranford Park Primary School = £2.83m
- Whitehall Infant School and Whitehall Junior School (linked proposals) = £2.78m

Funding for this first Phase and subsequent Phases would need to come from several council funding streams including Basic Need (Annual Formulaic Capital); Section 106; Primary Capital Programme funding; and Modernisation (Formulaic Capital).

At this stage, individual local authorities' capital allocations are not known beyond 2010/11. Primary Capital Programme funding is confirmed as £6.271m in 2010/11. Formulaic capital for school places (Basic Need) is £2.6m in 2010/11. The balance of funding for this phase will come from Section 106 contributions and other council capital funding streams,

Further reports to Cabinet will be necessary in future in order to seek funding approval for specific programmes of work.

### **EFFECT ON RESIDENTS, SERVICE USERS & COMMUNITIES**

#### **What will be the effect of the recommendation?**

The recommendations will, subject to conditions being met, provide necessary school places for local residents. The expansion of local schools is necessary to meet the growing demand for primary school places resulting from changes to London migration patterns and increased birth rates.

#### **Consultation Required**

For these Phase 1 primary school expansions, this concludes the required statutory consultation to enlarge school premises. Additional consultation on varying each school's admission number is a separate process to be conducted through the Office of the Schools Adjudicator and the local Admissions Forum. Additionally, local consultations will be necessary

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in order to obtain planning permission to implement these proposals. For those reasons, conditional approval is recommended for each proposal.

## **CORPORATE IMPLICATIONS**

### **Corporate Finance**

Corporate finance has reviewed this report and confirms that there are sufficient budgetary resources to finance Phase 1 of the PCP programme. The council has received specific PCP grant of £10.063m for the years 2009/10 to 2010/11. In addition to this, there are other sources of ECS capital finance, including the application of appropriate S106 contributions, which can be deployed to enable the authority to begin to expand its school asset base so as to fulfil its statutory duty to provide sufficient primary school places.

The amounts noted above form part of the council's capital budget for 2010/11, and hence will not adversely impact the revenue account in future years over and above that already provided through the MTF process.

### **Legal**

Hillingdon Council has various duties under the Education Act 1996 to:

- Secure efficient and sufficient schools to meet the needs of the local population in view of the pupils' different ages, abilities and aptitudes.
- Promote high standards.
- Ensure fair access to opportunity for education and training.
- Promote the fulfilment of learning potential.
- Secure diversity in the provision of schools, increasing opportunities for parental choice as well as considering parental representations having regard to any guidance.

The Education and Inspection Act 2006 gives Hillingdon Council powers to alter and enlarge existing school premises which have the effect of increasing the number of pupils for which accommodation can be provided. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended) provide that where a Local Education Authority is bringing forward statutory proposals (under s.19 of the Education and Inspections Act 2006) to expand a school then it must consult interested parties, and in so doing, must have regard to the Secretary of State's guidance on "Expanding a Maintained Mainstream School by Enlarging or adding a Sixth Form".

Once the consultation process has been completed then Cabinet has the power under the Constitution to determine school organisation proposals where objections have been received, and the Cabinet Member has the delegated power to make that determination if there are no objections.

The consultation process and subsequent decisions of the local authority must have regard to equality and anti discrimination legislation.

The Equality Act 2010 is now in force to protect people from discrimination on the basis of protected characteristics. The relevant protected characteristics for local authorities are: disability, race, religion or belief, and sex.



In line with the court decision of R (on the application of Chavda and others) v Harrow Council 2007 decision makers must give due regard to the 2010 Act and to guidance especially when considering disability issues.

Decision makers are referred to non statutory guidance by the Equality Human Rights Commission for public sectors which as a matter of good practice should be considered. Guidance can be found at:

<http://www.equalityhumanrights.com/advice-and-guidance/public-sector-duties>

### **Corporate Landlord**

The Interim Head of Corporate Landlord has been closely involved in discussions regarding the location, design, and procurement of the schemes required for school expansion, and supports the recommendations set out in the report.

### **Relevant Service Groups**

No other service areas should be affected by these recommendations.

### **BACKGROUND PAPERS**

- Minutes of Petition Hearing held on 8th November 2010
- DfE Guidance on "Expanding a Maintained Mainstream School":  
<http://www.dcsf.gov.uk/schoolorg/guidance.cfm?id=5>