

# CHILDREN & YOUNG PEOPLE CABINET MEMBER MEETING

## Agenda Item 47

Brighton & Hove City Council

<b>Subject:</b>	<b>Proposed Creation of a new all through Primary School to replace Benfield Junior School – final decision</b>		
<b>Date of Meeting:</b>	<b>10<sup>th</sup> December 2010</b>		
<b>Report of:</b>	<b>Strategic Director, People</b>		
<b>Contact Officer:</b>	<b>Name:</b>	<b>Gillian Churchill</b>	<b>Tel:</b> 29-3515
	<b>E-mail:</b>	<a href="mailto:gillian.churchill@brighton-hove.gov.uk">gillian.churchill@brighton-hove.gov.uk</a>	
<b>Key Decision:</b>	<b>Yes</b>	<b>Forward Plan No: 18706</b>	
<b>Wards Affected:</b>	<b>All</b>		

### FOR GENERAL

#### 1. SUMMARY AND POLICY CONTEXT:

- 1.1 To inform members of the outcome of the statutory consultation on the proposed change in age range of Benfield Junior School to create a two form entry all through Primary School on the same site.
- 1.2 The purpose of this report is 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 change the age range and expand the premises of Benfield Junior School from September 2011.

#### 3. RELEVANT BACKGROUND INFORMATION/CHRONOLOGY OF KEY EVENTS:

- 3.1 Pupil numbers across the city are rising generally and the rise in south central Hove is greater than the city generally and already causing a pressure on school places that cannot be met locally.
- 3.2 To address this it is now proposed that Benfield Junior School is made into a two form entry all through primary school from September 2011. The new school will have an intake of 60 pupils at 4+. Flexibility would remain for Key Stage 2 to take additional children to a maximum of 32 children per class.
- 3.3 Benfield Junior School is currently a three form entry school admitting 96 pupils per year. Consequently this proposal on its own will reduce the number of junior places available in the city. It is intended that the school will continue to admit up to three forms of entry in to Year 3 in September 2010, 2011 and 2012 in line with its current published admission number.
- 3.4 At the Cabinet Member meeting held on 11<sup>th</sup> October 2010 it was agreed to publish the statutory notice required to progress these proposals.

#### **4. 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 July and October 2010.
- 4.2 On 11<sup>th</sup> October 2010 the Cabinet Member for Children's Services authorised the Acting Director of Children's Services to proceed to publish the required statutory notices for the change in age range Benfield Junior School from September 2011. The subsequent publication period was the final opportunity for people and organisations to express their views on the proposals.
- 4.3 Statutory notices were published in the local newspaper on 15<sup>th</sup> October 2010. In addition Notices were displayed at the entrances to the school 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 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, 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 is in the members Rooms.
- 4.5 During the publication periods there were no requests received for the full proposal information.
- 4.6 During the publication period 2 objections were received to the proposal.

- 4.7 There were no responses received in support of the proposal.
- 4.8 The responses from those who did not support the proposal said that they were concerned about the traffic implications of there being more children in the school than at present.

## **5. FINANCIAL & OTHER IMPLICATIONS:**

- 5.1 Any revenue costs of the proposal would have to be met from the existing Individual School Budget (ISB) as there are no additional resources available to fund any associated costs that may arise as a result of this proposal. 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 Programme and NDS modernisation. However given the announcement on 20<sup>th</sup> October 2010 indicates that the Department for Education's Capital budget will reduce by 60% over the period 2011/12 to 2014/15, we are not sure if this will impact on funding for School Capital. If this reduced in 2011/12 then the funding for any adaptations will have to be the first call on any reduced budget.

Finance Officer Consulted: Andy Moore      Date: 02/11/10

### **5.2 Legal Implications:**

- 5.2.1 Statutory notices were published on 15<sup>th</sup> October 2010 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 in respect of the proposal to extend the age range and enlarge the premises of Benfield Junior School. The statutory six week period for representations to be made followed. The closing date for receipt of representations or objections was 26<sup>th</sup> November 2010.
- 5.2.2 At the end of this representation period a decision on the proposals will need to be taken within 3 months.
- 5.2.3 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. The Cabinet Member for Children's Services will act as the Decision Maker for the Local Authority.
- 5.2.4 In addition the DCSF guidance 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? 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”.

5.2.5 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

5.2.6 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.

5.2.8 The national deadline for expressing preferences for an infant/primary school place is 15<sup>th</sup> January 2011. To avoid a breach of the admissions code it is important that the final decision on these proposals can be published before this deadline. The admissions booklet alerted parents to the prospect of a decision being made in October. It is recommended that in the event the recommendation is agreed all parents are contacted and notified of the new arrangement, so that they are given the option of including this when expressing a preference.

Lawyer Consulted: Serena Kynaston

Date: 03/11/2010

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 places in all areas of the city and the removal of excess provision.

**6. EVALUATION OF ANY ALTERNATIVE OPTION(S):**

- 6.1 The alternative option is to leave the school as a junior school.

**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 Benfield Junior School and expand the premises accordingly are approved.
- 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 public consultation prior to publication of the notices showed that a number of parents and carers of the current infant school were unhappy with the proposal to create an all through primary school as, in their opinion, the school was in the wrong location and was not a high performing school. In addition there was concern that the school did not have existing expertise in early years teaching. This point was considered at that time and on balance it was considered that this was the best opportunity to provide much needed additional places in this part of the city. This view has not changed. It is considered that the proposed changes will benefit pupil and staff development.
- 7.5 The school 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 school is covered by the Council's admissions arrangements which strives to provide a truly local school 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**

1. Copy of the full proposal information
2. Copies of the representations received during the statutory notice period.
3. Copy of Guidance document 'Making Changes to a Maintained Mainstream School (Other than Expansion, Foundation, Discontinuance & Establishment Proposals)

### **Background Documents**

1. None