

CHILDREN & YOUNG PEOPLE CABINET MEMBER MEETING

Agenda Item 87

Brighton & Hove City Council

Subject: Proposed Expansion of Balfour Junior School
Date of Meeting: 2 March 2009
Report of: Director of Children's Services
Contact Officer: Name: Gillian Churchill Tel: 29-3515
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Key Decision: Yes Forward Plan No. CYP7788
Wards Affected: All

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 Balfour Junior School by one form of entry from September 2010 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 Balfour Junior School by one form of entry from September 2010 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 There are two Balfour primary phase schools adjacent to each other – Balfour Infant School and Balfour Junior School. Each school operates as a separate institution with its own head teacher, staff and governing body. Children remain in the Infant school until the age of seven, and then are able to transfer to the Junior School in accordance with the City's admissions criteria. The majority of children wish to transfer from one school to the other in this way. However owing to an historical anomaly while the infant school is a four form entry school, the junior school is only a three form entry school. This means that around 25% of pupils at the infant school are unable to transfer to the junior school with their friends and peers.

- 3.3 The proposal is to expand the junior school so that it becomes a four form entry school with a yearly intake of 128 to match the four form nature of the infant school.
- 3.3 At the Cabinet Member meeting held on 1st December 2008 it was agreed to publish the statutory notice required to progress this proposal.
- 3.4 The notice was published in accordance with the requirements of the Education and Inspections Act 2006 on 5^h January 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 September 2008 and December 2008.
- 4.2 On 1st December 2008 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 Balfour Junior School by one form of entry from September 2010. 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 5th January 2009. In addition notices were displayed at the entrances to the school and the adjacent infant 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, East and West Sussex County Councils, the governing body of the school 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 No requests were 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 During the publication period the only representations received related to the design of the proposed building i.e concerns about the planning process. No representations or objections to the proposal to expand the school by one form of entry were received.

5. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 5.1 Any implications for funding the additional floor area at Balfour Junior School 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 Balfour Junior school 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 Programme, NDS modernisation and a contribution from the schools Devolved Formula Capital (DFC). The full cost of this project will be reported in due course.

Finance Officer Consulted: Sue Coleman

Date 05/02/2009

5.2 Legal Implications:

- 5.2.1 Statutory Notices were published on 5th January 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 2nd February 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 of 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.

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: 04/02/2009

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 Balfour Junior School as a three form entry School.
- 6.2 This is not considered as acceptable since it will not address the anomaly in size between Balfour Infant school and Balfour Junior School. It will also not address the need to provide school places where they are needed within the city.

7. REASONS FOR REPORT RECOMMENDATIONS

- 7.1 It is recommended that the proposal to expand Balfour Junior School by one form of entry are approved as this will resolve the historical anomaly between the size of the junior school and the adjacent infant school.
- 7.2 Balfour Junior School is a popular and successful school that many parents and carers would choose to send their children to if places were available. The expansion of this school will assist in meeting this aspiration of parents and carers.
- 7.3 The school provides a range of extended services to the school community, by expanding the school these services will be available locally to a greater number of people.
- 7.4 Brightin & Hove are currently experiencing rising rolls across most part so the city. The additional form of entry proposed at Balfour Junior School will help meet this increased demand.
- 7.5 The school is covered by the Councils 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.
- 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