

# CABINET MEMBER DECISION

## **Decision:**

Public Questions

### **(i) Details of decision**

That the responses set out in Annex 1 be agreed.

### **(ii) Reasons for decision**

To respond to the questions asked by members of the public.

### **(iii) Details of any alternative options considered and rejected**

None

### **(iv) Details of any consultation and representations received not included in the published report**

Mr Mike Bennison, County Councillor for Hinchley Wood, Claygate and Oxshott; Melanie Harris, School Commissioning Officer North east Surrey, Surrey County Council and representatives from Claygate Class Action Group were also in attendance at the meeting.

A Response to each of the questions asked was tabled at the meeting and these have been collated and attached to as Annex 1 to these minutes.

Representatives from Claygate Class Action Group asked one supplementary question at the meeting in regard to why a travel audit from Claygate to Epsom and Ewell High School had not been undertaken by Surrey County Council. The Cabinet Member informed those in attendance at the meeting that it would not be possible to provide a definitive answer to this question at the meeting and so a written response would be provided after the meeting.

The School Commissioning Officer was asked by the Cabinet Member to explore a claim by Claygate Class Action Group that children who have accepted a place in and started at an offered school, but wish to remain on the waiting list for Hinchley Wood Academy to wait for a place to come available no longer retain the feeder status after September and so drop down the waiting list.

The Cabinet Member highlighted that a meeting was being organised to allow parents to discuss their concerns with County Council officers and Members. Claygate Class Action Group were asked to bring their proposed solutions to this meeting.

## **Conflicts of Interest and any Dispensations Granted**

**(Any conflict of interest declared by any other Cabinet Member consulted in relation to the decision to be recorded and any dispensations granted by the Audit and Governance Committee)**

None

**Decision taken by:**

(i) **Name:** Linda Kemeny

(ii) **Portfolio:** Cabinet Member for Schools, Skills and Educational Achievement

**Date of Decision:** 11 April 2016

**Date of Publication of Record of Decision:** 12 April 2016

## **CABINET MEMBER DECISION**

### **Decision:**

Amalgamation of Send CofE (Foundation) First School with St Bede's CofE (Voluntary Aided) Junior School

#### **(i) Details of decision**

The Cabinet Member for Schools, Skills and Educational Achievement approved St Bede's CofE Junior (Voluntary Aided) School becoming a primary school, extending its age range to 4 to 11 years in September 2016 with a reception Published Admissions Number of 60 from September 2017 and approved the closure of Send First CofE Infant Foundation School) from September 2016.

#### **(ii) Reasons for decision**

The amalgamation of would provide continued, secure progression of primary phase education in the Send locality.

#### **(iii) Details of any alternative options considered and rejected**

None

#### **(iv) Details of any consultation and representations received not included in the published report**

None

### **Conflicts of Interest and any Dispensations Granted**

**(Any conflict of interest declared by any other Cabinet Member consulted in relation to the decision to be recorded and any dispensations granted by the Audit and Governance Committee)**

None

### **Decision taken by:**

**(i) Name:** Linda Kemeny

**(ii) Portfolio:** Cabinet Member for Schools, Skills and Educational Achievement

**Date of Decision:** 11 April 2016

**Date of Publication of Record of Decision:** 12 April 2016

**Date decision effective (i.e. 5 working days after date of publication of record of decision unless subject to call-in by the Education and Skills Board):**

19 April 2016

## Annex 1 - Public Question Responses

### CABINET MEMBER FOR SCHOOLS, SKILLS AND EDUCATIONAL ACHIEVEMENT

11 APRIL 2016

#### PROCEDURAL MATTERS

##### Public Questions

###### **Question (1) Claygate Class Action Group:**

In a BBC radio interview in 2013, Ms Kemeny stated that additional funding could be made available to Hinchley Wood to resolve the admissions issue, but expressed concern that any additional places created would go to children out of borough. Why, therefore has SCC not introduced a further admissions criteria stipulating that Surrey residents are prioritised for Surrey schools before places are offered out of Borough?

##### **Reply:**

The legal ruling referred to as The Greenwich judgement (1989) established that admission authorities must not give priority to children on the basis of whether or not they live within the LA's administrative boundaries. Whilst the subsequent Rotherham judgement (1997) established that admission authorities may operate specified catchment areas as part of their oversubscription criteria, this was on the proviso that such catchment areas were not in breach of the Greenwich judgement. In this way it would be unlawful for any admission authority to give priority to applicants on the basis of the local authority in which they live.

In any case, Hinchley Wood School is an Academy and has been so since before 2013, therefore the Governing Body is responsible for admissions to the school and for setting its own admission criteria and catchment area. Both of these are fully compliant with the Schools Admissions Code and it is therefore outside the remit of Surrey County Council to determine which children should be prioritised for a place. Nor can Surrey County Council impose different admissions criteria on an academy.

###### **Question (2) from Claygate Class Action Group:**

Given the particular circumstances of this year's intake numbers, why were year 7 numbers not under serious consideration and options consulted with parents? Surely the economic equation for funding an additional form at Hinchley Wood Secondary school is favourable to the economics of funding transport for Claygate's children daily to a school out of borough?

##### **Reply:**

Surrey County Council has a legal duty to ensure a sufficiency of school places within its area of jurisdiction. It can confirm that, overall, there are sufficient secondary school places in Elmbridge borough for September 2016. Additional places were agreed in consultation with all schools after admissions had closed but before any places were allocated. These places enabled us to meet the demand and make every parent an offer of a school place. We are mindful that every year there is around a 15% fall out from pupils not taking up places in Elmbridge schools and therefore we are likely to have some surplus places in

September. As such there was no need to consider options for additional classes after the offer day or to consult with any particular group of parents.

The law states that the local authority (ie Surrey County Council) has a duty to ensure that a school place is available for every child who wants one and we have met this duty. Whilst the Local Authority should have due regard to parental preference there is no legal requirement to offer a place at a preferred school.

Surrey County Council has no plans to expand Hinchley Wood Secondary School as this school is now an academy. Academies own or lease their buildings and land and are their own admissions authority; Surrey therefore no longer manages these schools or their sites so is not able to expand them at will. Also, from our previous experience, we suggest that there may be significant planning opposition if Hinchley Wood attempted to increase in size. The school is in a residential area, on a very restricted site and there would be increased traffic considerations; all these points would make further expansion there extremely challenging.

**Question (3) from Claygate Class Action Group:**

Why, when we live in KT10, attending a feeder school have we been bypassed by children out of borough? Have SCC considered annexing Claygate (as is the case with other Surrey schools) to ensure Claygate pupils are not subjected to this annual disadvantage, being denied a place at their local school?

**Reply:**

The admission arrangements for Hinchley Wood Secondary School provide for priority to be given to children as follows:

1. Looked after and previously looked after children
2. Exceptional circumstances
3. Siblings
4. Children who attend a feeder school who live within the catchment area
5. Other children who live within the catchment area
6. Any other applicant

It is therefore possible for some children who live in Kingston to be allocated a place under criteria 1, 2 or 3 ahead of other children in criterion 4. In addition, as the catchment area for Hinchley Wood extends slightly across the County boundary in to Kingston, (which is permissible under the Schools Admissions Code and underpinned by the Greenwich and Rotherham Judgements) it is possible for some children who live in Kingston and who attend a feeder school, to be offered a place under criterion 4, ahead of other children who live in Surrey but who live further away from the school. The setting of admission criteria is the responsibility of the school.

It would be difficult, if not impossible, under the current Schools Admissions Code to make a special case for Claygate residents to have priority admissions to Hinchley Wood over any other group of local residents.

**Question (4) from Claygate Class Action Group**

Can SCC give us other examples of children in Surrey who are being asked to travel in excess of 80 mins, out of borough, on public transport to attend school, passing their local school on the way?

**Reply:**

Surrey records the offers it makes according to the home to school distance, measured in a straight line between the child's address and the address coordinates for the school. Journey times and travel modes vary from case to case and these are not recorded on a per pupil basis. As such we are unable to provide this information. However it should be noted that many parents make applications to schools across borough boundaries and which entail journeys by public transport.

**Question (5) from Claygate Class Action Group**

Have SCC conducted a specific travel audit from Glebelands Claygate to Epsom and Ewell School offered to Claygate pupils? What were the results?

**Reply:**

No audit has taken place.

**Question (6) from Claygate Class Action Group**

Will SCC commit to home to school transport for Claygate children offered Epsom and Ewell to safeguard the well-being of our children?

**Reply:**

The Local Authority has a statutory duty to provide home to school transport to secondary aged children who travel more than three miles to school (measured by the shortest safe walking route) where they were not eligible for a place at a nearer school. Surrey will assess each child's eligibility to home to school transport according to its home to school transport policy but it is not possible to extend a commitment to every child without consideration of their circumstances.