

Notice of Meeting

Leader Decisions

**Date & time**

Tuesday, 14 March
2017 at 3.00 pm

Place

Committee Room C,
County Hall, Kingston
upon Thames, KT1
2DN

Contact

Andrew Baird or Joss
Butler
Room 122, County Hall
Tel 020 8541 7609 or 020
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Chief Executive

David McNulty

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This meeting will be held in public. If you would like to attend and you have any special requirements, please contact Andrew Baird or Joss Butler on 020 8541 7609 or 020 8541 9702

Leader
Mr David Hodge CBE

AGENDA

1 DECLARATIONS OF INTEREST

All Members present are required to declare, at this point in the meeting or as soon as possible thereafter

- i. Any disclosable pecuniary interests and / or
- ii. Other interests arising under the Code of Conduct in respect of any item(s) of business being considered at this meeting

NOTES:

- Members are reminded that they must not participate in any item where they have a disclosable pecuniary interest
- As well as an interest of the Member, this includes any interest, of which the Member is aware, that relates to the Member's spouse or civil partner (or any person with whom the Member is living as a spouse or civil partner)
- Members with a significant personal interest may participate in the discussion and vote on that matter unless that interest could be reasonably regarded as prejudicial.

2 PROCEDURAL MATTERS

a Members' Questions

- (i) The deadline for Members' questions is 12pm four working days before the meeting (*08 March 2017*).

b Public Questions

The deadline for public questions is seven days before the meeting (*07 March 2017*).

c Petitions

The deadline for petitions was 14 days before the meeting, and no petitions have been received.

3 APPROVAL OF AN AMENDMENT TO THE SURREY COUNTY COUNCIL SCHEME OF DELEGATION

(Pages 1
- 10)

The Leader exercises the executive functions of the Council and is also able to delegate these functions to the Cabinet, to an individual Cabinet Member or to officers.

Currently, decisions to consult the public on modifications to public services is delegated to Cabinet. This report proposes that the Leader now delegate this function to senior officers.

The Council is required by the Local Government Act 2000 and Regulations made under it to indicate how it has arranged for its functions to be carried out. The Scheme of Delegation ('the Scheme') sets out details of who is responsible for which functions in the Authority and the extent to which any functions have been delegated.

The Scheme of Delegation forms part of the Council's Constitution and any changes are reported to Council for information.

4 PROPOSED AMALGAMATION OF DOWNS WAY SCHOOL AND ST. MARY'S C OF E JUNIOR SCHOOL

(Pages
11 - 34)

Surrey County Council (SCC), in partnership with the Governing Body of St. Mary's Church of England (C of E) Junior School and the Diocese of Southwark, has undertaken both the informal and formal stages of consultation on a proposal to amalgamate Downs Way School and St. Mary's C of E Junior School, with a view to creating a new all-through primary school from September 2018. It is also proposed to expand Key Stage 2 provision at the school from this date. The informal consultation was conducted between 1 November 2016 and 13 December 2016. On the basis of the education rationale and feedback from the informal consultation, a Cabinet Member decision approved the publication of statutory notices and the commencement of a formal consultation pertaining to the proposed amalgamation and enlargement. The notices were published on 25 January 2017, initiating a 4-week consultation, closing on 22 February 2017.

David McNulty
Chief Executive

Published: Monday, 6 March 2017

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SURREY COUNTY COUNCIL**LEADER DECISION****DATE: 14 MARCH 2017****LEAD OFFICER: ANN CHARLTON, DIRECTOR OF LEGAL, DEMOCRATIC AND CULTURAL SERVICES****SUBJECT: APPROVAL OF AN AMENDMENT TO THE SURREY COUNTY COUNCIL SCHEME OF DELEGATION****SUMMARY OF ISSUE:**

The Leader exercises the executive functions of the Council and is also able to delegate these functions to the Cabinet, to an individual Cabinet Member or to officers.

Currently, decisions to consult the public on modifications to public services is delegated to Cabinet. This report proposes that the Leader now delegate this function to senior officers.

The Council is required by the Local Government Act 2000 and Regulations made under it to indicate how it has arranged for its functions to be carried out. The Scheme of Delegation ('the Scheme') sets out details of who is responsible for which functions in the Authority and the extent to which any functions have been delegated.

The Scheme of Delegation forms part of the Council's Constitution and any changes are reported to Council for information.

RECOMMENDATIONS:

It is recommended that:

1. The Leader authorise the Chief Executive, Deputy Chief Executive, Strategic Directors and Directors to commence public consultation on proposed modifications to public service, in consultation with the relevant Cabinet Portfolio Holder.
2. The revised Section 3, Part 1 of the Scheme of Delegation as set out in Annex 1 to include a delegation on public consultation, is approved by the Leader of the Council.
3. The revised Section 3, Part 1 of the Scheme of Delegation be recommended to the County Council for noting at its meeting in March 2017.

REASON FOR RECOMMENDATIONS:

The revised delegation will enable officers to progress plans to deliver savings contained in the Medium Term Financial Plan (MTFP), whilst ensuring that the ultimate decision on changes to services remains with the Cabinet.

The revised Section 3 of the Scheme sets out the overall Executive functions that

Officers of the Council that are authorised to exercise relating to their areas of responsibility and any changes to this are required to be approved by the Leader of the Council and reported to County Council.

DETAILS:

1. The Director of Finance reported to Council at its February meeting that the financial and economic context facing the council remains challenging, a continuation of austerity, significant reduction in central Government funding at the same time as increasing demographic pressures for core council services, adult and children's social care in particular, must be addressed. The Council has made over £450m of savings and service reductions since 2010. In order to achieve sustainable services in future years, whilst delivering the savings required by the MTFP and addressing an additional £30million pressure in 2017/18, significant service efficiencies and transformations must be delivered at pace.
2. Significant modifications to service provision frequently require prior public consultation to inform the proposal. Before taking a decision on a proposal to modify services the decision maker (at Surrey County Council this is usually Cabinet) will give due regard to those consultation findings. Currently any such proposal requires at least two Cabinet decisions. The first of these decisions is at the point that the service intends to go out to public consultation and is simply a decision to start public consultation on that proposal. The more significant decision, which is whether or not to implement the service change and/or to include modifications to the original proposal, comes after the consultation is finished, when Cabinet is able to take the consultation responses into account in making that decision.
3. By delegating to the Chief Executive, Strategic Directors and Directors, authority to commence public consultation on proposed modifications to public services, planned savings contained in the MTFP can be progressed whilst allowing Cabinet to consider matters of more direct impact on Surrey residents. The proposed amendment to the Scheme incorporates two key safeguards: The first is that senior officers must consult the relevant portfolio holder before taking a decision to commence consultation. The second is that no proposal to modify public services can be implemented without an appropriate Member decision.
4. The Council is required by law to set out and publish a Scheme of Delegation detailing the responsibility for functions. This scheme forms part of the Constitution of Surrey County Council (SCC). The Scheme has been reviewed and a proposed revision to add a delegation to senior officers regarding decisions on public consultation is included. The proposed revised Scheme of Delegation Section 3 – Part 1: The Overall Scheme of Delegation, How the Scheme Works can be found attached at **Annex 1**.

CONSULTATION:

5. Internal consultation has been undertaken to include the Leader and Deputy Leader, Chief Executive, Deputy Chief Executive and the Chief Executive's direct reports.

RISK MANAGEMENT AND IMPLICATIONS:

6. The proposed new delegation to officers will enable service transformation proposals to progress in order to deliver challenging efficiency and savings requirements. The delegation has been designed to allow political input into the initial consultation decision and does not impact upon the role of Cabinet in implementing service changes.
7. It is essential that the revised Scheme of Delegation is accurate to enable effective and efficient decision making and to ensure that the Council clearly sets out who is authorised to take decisions in order to comply with legal requirements. Failure to do so would result in a breach of the requirements set out in the Local Government Act 2000 and could result in delays to decision making resulting in failure to deliver services in a timely manner.

Legal Implications – Monitoring Officer

8. The Leader has the statutory power to exercise and to delegate executive functions. The Scheme of Delegation creates the necessary authority for committees of the Council, the Cabinet, individual Cabinet Members and officers to conduct business and make appropriate decisions on behalf of the Council.

WHAT HAPPENS NEXT:

- Following approval by the Leader the revised Section 3 of the Scheme of Delegation will be reported to the County Council at its meeting on 21 March 2017.
- Once approved by Council the revised Section 3 of the Scheme will be published on the Council's website as part of the Council's Constitution and communicated to the organisation.
- Officers will be able to implement revised decision making arrangements for commencing public consultations.

Contact Officer:

Vicky Hibbert, Cabinet Business Manager Tel: 020 8541 9229 email:
vicky.hibbert@surreycc.gov.uk

Consulted:

Ann Charlton, Director of Legal, Democratic and Cultural Services
 Heads of Service across the Council

Annexes:

Revised Scheme of Delegation:
 Annex 1 – Part 3 – Section 3 Part 1 – The Overall Scheme of Delegation, How the Scheme Works

Sources/background papers: Constitution of the Council – February 2017

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Section 3 Scheme of Delegation to Officers

This Scheme of delegation comprises four parts

Part 1 – The overall Scheme of delegation to Officers

Part 2 – General delegations to the Strategic Directors and Heads of Service

Part 3 – Specific delegations to Officers

Part 4 – Proper Officer functions

<p>Part 1: The Overall Scheme of Delegation How the Scheme Works</p>
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1 **General Delegation**

1.1 The Council and the Leader delegate to the officers identified in Part 2 (the Chief Executive, Deputy Chief Executive, Strategic Directors, Directors, Assistant Directors and Head of Service) and authorise them, subject to the limitations and reservations (set out in paragraph 9) of this scheme to:

- a) exercise the County Council's functions (both executive and non-executive) which relate to their area of responsibility described in Part 2; and
- b) exercise functions specifically delegated to them by either the Leader (under Section 15 of the Local Government Act 2000) or by the Council, a committee or sub-committee (under Section 101 of the Local Government Act 1972).

1.2 Where any officer listed in Part 2 is absent for any period, the Chief Executive, Deputy Chief Executive or the relevant Strategic Director, may nominate in writing another officer to act in his or her place during their absence and shall make a record of all such nominations.

2 **Specific Delegations**

2.1 The Council and the Leader also delegate to the officers identified in column 2 of Part 3 the specific functions (executive and non-executive) allocated to them in column 3 of Part 3 subject to the limitations and reservations (set out in paragraphs 5 to 10) of this Scheme.

- 2.2 The officers identified in Part 2 are also authorised to exercise the functions described in Part 3 and which are within their area of responsibility, with the following exceptions:
- a) a statutory officer post remains the function of the post holder unless another officer is nominated to act in his place in accordance with paragraph 1.2 or 2.3
 - b) The determination of planning applications and town and country planning functions of the Council cannot be exercised above the level of Planning and Development Group Manager
- 2.3 Where any officer listed in Part 3 is absent for any period the appropriate Strategic Director, Director, Assistant Director or Head of Service with management responsibility for that officer may nominate in writing another officer to act in his or her place and shall make a record of all such nominations.

3 Powers Delegated to Officers

Without prejudice to the generality of paragraph 1, and to any specific delegation set out in Part 3, the Officers listed in Part 2 have authority to exercise the following functions of the Council and the Leader which relate to their area of responsibility: -

3.1 Legal Powers

To institute, appear in, prosecute and defend on behalf of the County Council proceedings before a Magistrates Court or similar Tribunal of first instance but not (unless specifically authorised by Part 3 of this Scheme) any other legal proceedings (which are delegated to the Director of Legal, Democratic and Cultural Services).

3.2 Human Resources

The Chief Executive, Deputy Chief Executive, Strategic Directors, Directors, Heads of Service and other managers with line management responsibility, as nominees of the Chief Executive are authorised subject to Part 5 of Standing Orders to appoint, discipline and dismiss employees within their Directorate or Service. In addition the Chief Executive may, subject to Part 5 of Standing Orders, nominate a Strategic Director to discipline and dismiss employees within any other Directorate or Service.

3.3 Service Plans

The Chief Executive, Deputy Chief Executive and Strategic Directors and Directors, in consultation with the relevant Cabinet Member, are authorised to approve Service Plans.

3.4 Emergencies or Disasters

The Chief Executive, Deputy Chief Executive and the Strategic Directors and Directors are authorised to exercise the powers of the County Council under section 138 of the Local Government Act 1972 in the event of an emergency or disaster.

3.5 Certification of Contracts

The Chief Executive, Deputy Chief Executive and Strategic Directors and Directors are authorised to sign Certificates under the Local Government (Contracts) Act 1997.

3.6 Covert Surveillance and the Use of Covert Human intelligence sources

The Trading Standards Community Protection Manager and Policy and Operations Manager are required to authorise directed surveillance, the use of covert human intelligence sources and communications data checks and to keep the Council's central record of such authorisations in accordance with the Regulation of Investigatory Powers Act 2000.

3.7 Public Consultation

The Chief Executive, Deputy Chief Executive, Strategic Directors and Directors are authorised to commence public consultation on proposed modifications to public service in consultation with the relevant Cabinet Portfolio Holder.

3.7.3.8 Proper Officers

The Council appoints the Proper Officers specified in Part 4 and delegates to the Chief Executive the function of making Proper Officer appointments in cases of urgency.

4 Other Requirements

The exercise of functions delegated to officers under this Scheme must comply with: -

- 4.1 any legal requirements or restrictions;
- 4.2 the Council's Constitution;
- 4.3 the Council's policy framework and any other plans and strategies approved by the Cabinet;
- 4.4 the in-year budget;

- 4.5 the Members Code of Conduct;
- 4.6 the Code of Conduct for Staff, the Fairness & Dignity At Work Procedure, the Equalities Policy Statement, the Health & Safety Policy and any other Code issued by the County Council from time to time;
- 4.7 any Employee Code issued under the Local Government Act 2000;
- 4.8 the County Council's Human Resources (HR) policies and procedures including those relating to employment;
- 4.9 the Code of Recommended Practice on Local Authority Publicity;
- 4.10 the requirements to achieve Best Value;
- 4.11 Procurement Standing Orders, Financial Regulations and Financial Instructions;
- 4.12 the adopted development plan policies and any guidance issued by the Planning and Regulatory Committee.

5 **Scrutiny**

The exercise of delegated functions by officers is subject to the right of a Select Committee to review and scrutinise decisions in respect of both executive and non-executive functions.

6 **Reservations**

This scheme does not delegate any function to an officer which

- 6.1 is reserved by law or this Constitution to the full Council or any committee of the Council or the Cabinet; or
- 6.2 may not by law be delegated to an officer; or
- 6.3 is an executive function which the Leader has reserved to himself or the Cabinet for a decision.

7 **Limitations**

Officers in the exercise of functions delegated by this Scheme may not:

- 7.1 make key decisions (as defined in Article 6 of the Constitution);
- 7.2 change or contravene policies or strategies approved by the Council or the Cabinet;
- 7.3 create or approve new policies and strategies;

- 7.4 take decisions to withdraw public services;
- 7.5 take decisions to significantly modify public services without consultation with the appropriate Cabinet Member before exercising the delegated power;
- 7.6 take decisions on significant new powers or duties arising from new legislation before the new powers or duties have been reported to the Council or the Cabinet as appropriate, (except in cases of urgency and in consultation with the appropriate Cabinet Member or Committee Chairman);
- 7.7 provide formal responses to any Government White Paper or Green Paper or other consultation likely to lead to policy changes or have significant impact upon services (except in cases of urgency and in consultation with the appropriate Cabinet Member or Committee Chairman);
- 7.8 declare land or property surplus to requirements;
- 7.9 agree grant criteria or approve fees and charges (except where specific delegations to officers have been made in Part 3 of the Scheme of Delegation, or as a matter of urgency, in consultation with the appropriate Cabinet member or committee chairman, provided the decision is within Council policy and budget).

8 Consultation

- 8.1 Where an officer takes a decision under delegated authority on a matter which has significant policy, service or operational implications or is known to be politically sensitive, the officer shall first consult with appropriate Cabinet Member(s) or Committee Chairman before exercising the delegated powers.
- 8.2 An officer may at his/her discretion consult the appropriate Cabinet Member, or the Cabinet, or the appropriate Committee, or its Chairman before exercising delegated powers, or not exercise delegated powers but refer the matter to the Cabinet or a committee for a decision.
- 8.3 In exercising delegated powers, officers will, in line with the Member/Officer Protocol, keep local members informed of matters affecting their divisions.

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SURREY COUNTY COUNCIL

LEADER OF THE COUNCIL

DATE: 14 MARCH 2017

LEAD OFFICER: JULIE FISHER, DEPUTY CHIEF EXECUTIVE

SUBJECT: PROPOSED AMALGAMATION OF DOWNS WAY SCHOOL AND ST. MARY'S C OF E JUNIOR SCHOOL



SUMMARY OF ISSUE:

Surrey County Council (SCC), in partnership with the Governing Body of St. Mary's Church of England (C of E) Junior School and the Diocese of Southwark, has undertaken both the informal and formal stages of consultation on a proposal to amalgamate Downs Way School and St. Mary's C of E Junior School, with a view to creating a new all-through primary school from September 2018. It is also proposed to expand Key Stage 2 provision at the school from this date. The informal consultation was conducted between 1 November 2016 and 13 December 2016. On the basis of the education rationale and feedback from the informal consultation, a Cabinet Member decision approved the publication of statutory notices and the commencement of a formal consultation pertaining to the proposed amalgamation and enlargement. The notices were published on 25 January 2017, initiating a 4-week consultation, closing on 22 February 2017.

The Leader of the Council is asked to review the education rationale for the project and summary of the consultation process/feedback provided within this report and associated Annexes and, on that basis, decide whether to approve the closure of Downs Way School, as an integral element of the proposed amalgamation of this school with St. Mary's C of E Junior School, inclusive of the expansion of Key Stage 2 provision, effective from 1 September 2018.

RECOMMENDATIONS:

It is recommended that the Leader of the Council determines the Statutory Notice, thereby bringing into effect closure of Downs Way School, as an integral element of the proposed amalgamation of this school with St. Mary's Church of England Junior School, inclusive of the expansion of Key Stage 2 provision, effective from 1 September 2018.

REASON FOR RECOMMENDATIONS:

The schools serve the same geographic area and are on adjacent sites. The proposal will formalise existing partnership working; augment the cohesiveness of the school community; provide for more streamlined transitions between key stages; and allow for the most efficient allocation of resources. The proposal to expand the school is in response to the local demand for junior school places at this school and a basic need for more school places in the Oxted & Limpsfield area. In particular, as infant provision in the area has recently been expanded, through the enlargement of Downs Way, this amalgamation provides an appropriate opportunity to expand what would become corresponding junior provision in an amalgamated all-through primary school.

In line with this, Surrey County Council (SCC) has undertaken the requisite two-stage consultation to inform the decision making process and a significant majority of respondents at both stages have confirmed their agreement with the proposed alterations. For these reasons, it is recommended that the Leader of the Council determines the Statutory Notice (appended to this report as Annex 1), so as to bring the closure of Downs Way School formally into effect from September 2018, as an integral element of the proposed amalgamation of this school with St. Mary's C of E Junior School.

DETAILS:

The Proposal

1. At present, the two schools that are the subject of this consultation comprise two distinct institutions, formulated as follows:
 - Downs Way School – a two form entry (2FE) Community Infant School, which accommodates children from Year R to Year 2. The school has a Published Admission Number (PAN) of 60 and admits up to this number each year, into its Year R, giving an overall capacity of 180 places for mainstream pupils.
 - St. Mary's C of E Junior School – a three form entry (3FE) Voluntary Aided Junior School, which accommodates children from Year 3 to Year 6. The school has a PAN of 90 and admits up to this number each year, into its Year 3, giving an overall capacity of 360 places for mainstream pupils.

2. On 1 November 2016, SCC, in partnership with the Governing Body of St. Mary's C of E Junior School and the Diocese of Southwark, initiated an informal consultation on a proposal to amalgamate the two schools into a single institution, as well as expand junior provision therein, from September 2018. Specifically, it is proposed to:
 - Close Downs Way Infant School, effective from 31 August 2018.
 - Alter the lower age limit of St. Mary's C of E Junior School, in order that the age range broadens from 7-11 to 4-11, effective from 1 September 2018.
 - Rebrand this newly expanded school as a Primary School, effective from 1 September 2018.
 - Enlarge the Key Stage 2 (KS2) provision at this Primary School from 3FE to 4FE, effective from 1 September 2018.

3. The consequence of this proposal would be to create a new, amalgamated Voluntary Aided Primary School from 1 September 2018 accommodating pupils from Year R to Year 6. The school would have a PAN of 60 in Key Stage1 (KS1) and an *additional* 60 in KS2 giving an overall capacity of 660 places for mainstream pupils, as shown in the below table:

Year	Capacity
YR	60
Y1	60
Y2	60
Y3	120
Y4	120
Y5	120
Y6	120
Total	660

4. The school would expand its KS2 provision incrementally year-on-year eventually reaching its full capacity in 2021 as detailed in the below table:

Year	YR	Y1	Y2	Y3	Y4	Y5	Y6	Total
2018/19	60	60	60	120	90	90	90	570
2019/20	60	60	60	120	120	90	90	600
2020/21	60	60	60	120	120	120	90	630
2021/22	60	60	60	120	120	120	120	660

Reasons for the Proposal

5. The combination of the schools' proximity to each other and the current arrangement of sharing a Headteacher makes this proposal the next logical step in the development of the educational offer at these schools. The closer working brought about by the shared Headteacher function has already had benefits across both schools and it is felt that these will be augmented under the current proposal. In particular, it is expected that an amalgamated school will enhance the cohesiveness of the school community and provide for more streamlined transitions between key stages thereby improving the educational experience. Additionally, it is anticipated that the new school will, by virtue of its scale, be significantly more cost-effective to operate than two distinct institutions (e.g. with respect to shared procurement/contracts etc.) and this, in turn, will make the school more sustainable in the long-term.
6. St Mary's has been chosen as the institution to retain for a number of reasons principal amongst which is the fact that it was felt necessary to retain Diocesan provision in the locality, in order to ensure a diversity of provision, especially at KS2 (Oxted will continue to be well served by the area's other Community Schools). In addition, St. Mary's 'Outstanding' Ofsted judgement will be retained by the new institution which will add significant value in terms of the future development of the school.
7. The expansion of the school's KS2 provision is underpinned by a steady increase in the demand for schools places in Oxted & Limpsfield. Within this area, there is presently provision for 150 places per year in Year 3, composed of the following:
- Holland Junior School (offering 60 Year 3 places per annum); and
 - St. Mary's C of E Junior School (offering 90 Year 3 places per annum).
8. Projections of future demand for school places in this area are presented in the below table:

Year	Jun. PAN	Jun.	Surplus
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		Projection	
2017/18	150	141	9
2018/19	150	161	- 11
2019/20	150	171	- 21
2020/21	150	163	- 13
2021/22	150	170	- 20
2022/23	150	159	- 9
2023/24	150	157	- 7
2024/25	150	160	- 10
2025/26	150	162	- 12

9. As can be seen from the above, there is a sustained need for additional junior places in the area. This is also a relatively popular area for admissions applications and, even in years where a projected surplus has existed, placing all children with a preference in the area has proved difficult. The proposed expansion of the new school by a Form of Entry at Year 3 would reduce all of the above projected deficits by 30 places and add surplus in other years, thereby augmenting the scope for parental preference.

School Building Requirements

10. The St. Mary's school site has sufficient capacity to enable the expansion of its KS2 provision in its existing location. Naturally, though, a building programme will be required to provide the permanent facilities to allow for the increase in pupil intake. To this end, SCC has allowed for an appropriate capital sum for this project within the Basic Need Capital Programme element of its Medium Term Financial Plan (MTFP).
11. Should the decision be taken to proceed with the expansion, design workshops will be undertaken in partnership with the school to develop the building proposal on the basis of which a planning application will be submitted and consulted upon separately.

CONSULTATION:

12. SCC, in partnership with St. Mary's C of E Junior School and the Diocese of Southwark, conducted an informal consultation on the proposals between 1 November 2016 and 13 December 2016. A consultation document was produced and made available on both the school's and SCC's website. All key stakeholders were made aware of this process, inclusive of parents/carers of children attending both St. Mary's C of E Junior School and Downs Way School; employees and Governors of the schools; the Diocese of Southwark; relevant unions; local residents; other local schools; local borough and county councillors; and the School Admissions Forum. In addition, two distinct public meetings were held (one at each school) on 16 November 2016, to which all interested parties were invited.
13. The feedback to the consultation was largely positive and in support of the proposed change in age range; in total over 93% of respondents expressed support for the proposal. The feedback raised multiple issues, all of which were factored into the decision-making process undertaken by the County Council and the Governing Body of the school. In particular, three core themes emerged and have been/are being addressed as follows:

- **Admissions** – a number of respondents were concerned about the potential impact that the amalgamation could have on admissions to the new school. With respect to infant entry, the overarching concern was that the implementation of faith-based criteria may have the potential to exclude non-church-going families from attending. The Governing Body of St. Mary's C of E Junior School are aware of this concern and, in response, are proposing that the admission criteria for Year R have the added stipulation that faith-based admission criteria will only apply to those pupils *for whom the new school is the nearest Church of England school*, as measured from their place of residence. This will ensure that the new school continues to serve its local community. In relation to junior entry, a concern was that, by automatically granting transition to 2FE worth of infant provision, the amalgamation would restrict the number of places available to pupils from other infant schools. As the large majority of Downs Way pupils gain place at St. Mary's Junior School under the current arrangements and, further, since the overall junior capacity was proposed to increase, this was not felt to be a relevant concern in practice.
 - **Alternative Options** – a number of respondents queried whether an expansion of the other junior provision in the area (Holland Junior School) had been considered. This option has been actively considered by SCC and both expansion schemes have been evaluated against one another in a Balanced Scorecard exercise. Ultimately, it was decided to proceed with proposing St. Mary's C of E Junior for expansion, principally on the grounds that the infant provision at Downs Way had recently been expanded and the natural transition for this increased cohort was into St. Mary's, especially in view of the proposed amalgamation.
 - **Traffic and Parking** – there was a common concern expressed about the implications of the proposed expansion at KS2 in relation to the potential for this to increase traffic movements at peak drop-off and pick-up times. The respondents also offered a number of potential solutions targeted at ameliorating this issue, including a park and ride scheme, a walking bus and amendments to traffic regulations at certain times of the day. If it was decided to proceed with the proposed amalgamation and expansion, these concerns and potential solutions could be fed into the design process and reformulation of the School Travel Plan. In advance of that, and as a direct result of the consultation feedback, St. Mary's C of E Junior School has worked with a group of parents to start a walking bus scheme. It is hoped that this will serve to ameliorate some of the identified issues, as well as act as a starting point for the development of more sustainable travel patterns to and from school.
14. On the basis of the feedback from this initial stage of consultation, together with consideration of the education rationale for the project, a joint panel (comprising representation from SCC, the Southwark Diocesan Board of Education and the Governing Bodies of St. Mary's C of E Junior School and Downs Way School) met on 20 December 2016 and determined that the proposal should proceed to the next stage of the statutory process, which involved the publishing of statutory notices, as well as the initiation of a formal 4-week phase of consultation. This decision was confirmed by Surrey County Council's Cabinet Member for Schools, Skills and Educational Achievement at a meeting on 17 January 2017. The formal consultation period ran from 25 January 2017 to 22 February 2017. As part of this, interested parties were invited to return responses to the consultation via a formal Consultation Response Form, or as part of an online form.

15. Feedback to the formal consultation was again largely positive, with only one response (of the fifteen received) expressing opposition to the proposal. Responses to this phase of consultation raised similar issues to those discussed in the informal stage, although a number of new issues were highlighted, principal amongst which were:
- **Expansion of KS2** – whilst one respondent expressed support for the proposal to expand the junior element of the new primary school, another identified this as their principal concern. The concern was rooted in the projected surplus junior places that the proposed expansion of junior provision would create. The respondent asked that the expansion be postponed by a year, to reduce the financial burden on schools in the area, created by surplus places. However, failure to create these additional places for 2018 (and in each subsequent year) would result in a deficit of places in the area. Whilst the vast majority of planning areas in Surrey operate with a small surplus of places (which enhances the capacity for parental preference and in-year admissions), to operate on a deficit of places would effectively constitute a failure of the County Council to discharge its statutory duty to provide sufficient pupil places to meet local demand. In this respect, a forecast surplus is preferable to a forecast deficit of places.
 - **Transport** – one respondent asked that consideration be given to the provision of a transport link between Limpsfield C of E Infant School and the new primary school, so as to ameliorate the transport pressure experienced at peak drop off / pick up time. St Mary's have instigated new provision, via a buses4U bus, that drops off to and picks up from St Mary's school; which serves Limpsfield, Limpsfield Chart and Hurst Green. St Mary's Head Teacher continues to work with the parent body to further explore these issues.
16. A summary of the feedback from both stages of the consultation process is appended to this report as Annex 2. The St. Mary's C of E Junior School Governing Body is also meeting on 14 March 2017 to discuss the outcome of this phase of consultation and decide on whether to implement the corresponding element of the amalgamation for which they have statutory decision-making responsibility (i.e. the expansion of the age range and increase of capacity at Key Stage 2). The County Council and Governing Body components of the decision-making process would only be implemented as a whole. As such, if one of these parties decided not to proceed with the proposal at this stage, this would void the proposal in its entirety.

RISK MANAGEMENT AND IMPLICATIONS:

17. There are naturally risks associated with the building project required to facilitate the expansion associated with this amalgamation. Ultimately, these are, in large part, related to cost and programme, i.e. the capacity to deliver the requisite project within the defined financial parameters, in line with the timeline for increased demand. A Risk Register will be maintained and updated on a regular basis by the Project Manager of the scheme and this should serve to both mitigate risk (in part) and to provide early foresight of any issues as they materialise. A contingency allowance appropriate to the scheme will be included within the project budget to mitigate for potential identified risks.

Financial and Value for Money Implications

18. The building project associated with this proposal is included in the 2017-22 Medium Term Financial Plan (MTFP). A scheme of works will be developed and agreed by Property Services and this will subsequently go to Cabinet for approval. All schemes are expected to remain within the funding that has been allocated to them in the MTFP.

Section 151 Officer Commentary

19. The basic need expansion scheme for this school is included in the school basic need programme of works and has a funding allocation in the 2017-22 MTFP.

Legal Implications – Monitoring Officer

Pre-consultation

20. There is a clear expectation in public law that the Council should carry out a consultation process whenever it is considering making significant changes to service provision particularly including the closure of any of its resources. There is a statutory requirement for consultation in this context as set out in the School Organisation Maintained Schools Guidance for Proposers and Decision Makers dated April 2016 and the School Admissions Code 2014.
21. As it is proposed that Downs Way School be closed, the statutory procedure described in The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 has been followed.
22. As it is proposed to alter the lower age limit of St. Mary's C of E Junior School, the statutory procedure described in The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 has been followed.

Post-consultation

23. In considering this report, the Leader must give due regard to the results of the consultation, as set out above and in Annex 2, and the response of the Service to the consultation comments and conscientiously take these matters into account when making its final decision.

Best Value Duty

24. The best value duty is contained in s3 of the Local Government Act 1999 as a result of which the Council is under a duty to make arrangements to secure continuous improvement in the way in which functions are exercised, having regard to a combination of economy, efficiency and effectiveness. The relevant guidance states that Councils should consider overall value, including economic, environmental and social value when reviewing service provision.

School Expansion

25. Section 13 of the Education Act 1996 places a general duty on the Council to secure that efficient primary and secondary education is available to meet the

needs of the population in its area. In doing so, the Council is required to contribute to the spiritual, moral, mental and physical development of the community. Section 14 of the Education Act 1996 places a duty on the Council to secure that sufficient schools for providing primary and secondary education are available in its area. There is a legal duty on the Council therefore to secure the availability of efficient education in its area and sufficient schools to enable this.

26. This report sets out how the Authority will meet its duties in response to increasing demand for school places in Oxted & Limpsfield, in line with the general increase across the whole of Tandridge District.
27. As it is proposed that the amalgamated school's junior capacity and published admission number will be increased, a consultation and publication of notices was required. Responses to the consultation were considered carefully and the School Organisation Guidance and Admissions Code 2014 were duly followed.

Equalities and Diversity

28. The amalgamation of the schools and expansion of the newly created all through primary school will not create any issues that would require the production of an Equality Impact Assessment (EIA), as no group with protected characteristics will be adversely affected as a consequence of its approval, or otherwise.
29. The school building will comply with Disability Discrimination Act (DDA) regulations.
30. Under the proposed amalgamation admission to Year 3 would continue to be based on the current admission arrangements for St. Mary's C of E Junior School. Admission to Year R would be amended to reflect the St. Mary's Admissions Policy with the additional stipulation that faith-based admission criteria will only apply to those pupils *for whom the new school is the nearest Church of England school*, as measured from their place of residence. This will ensure that local pupils from non-church-going families will not be excluded from obtaining a place at the school. The admissions arrangements give the highest priority to Looked After Children thus supporting provision for the county's most vulnerable children. Priority is then given (in order) to those who regularly attend an Anglican church and live within a specified parish; those who regularly attend another Christian church and live within a specified parish; those who live within a specified parish and are siblings of current pupils; those who live within a specified parish; those who are siblings of current pupils and children of members of teaching staff. Remaining applicants are then sorted on the basis of distance from home to school. These admissions criteria are fully compliant with the Schools Admissions Code.

Corporate Parenting/Looked After Children implications

31. This proposal would increase the provision of junior places in the area which would be of benefit to the community served by the school. This would therefore also be of benefit to any Looked After Children who have the opportunity of attending the school, with this grouping of children receiving the highest priority ranking within the school's admission arrangements.

Climate change/carbon emissions implications

32. The design philosophy is to create buildings that will support low energy consumption, reduce solar gain and promote natural ventilation. Any expansion would be built to the local planning authority's adopted core planning strategy. In addition, the provision of additional school places to meet local demand is likely to have a positive impact on reducing journey times (and therefore carbon emissions), relative to the scenario of not so doing.

WHAT HAPPENS NEXT:

33. Subject to the Leader's approval of the recommendations contained in the report, the next steps are:
- To implement the proposed amalgamation and expansion from September 2018.
 - To take a Business Case for the capital works associated with the expansion SCC's Cabinet at a future date.
 - If approval to the above referenced Business Case is granted, the project will move to delivery, with a view to having the expanded school facilities ready to accommodate the new cohort, in line with the timeline for increased demand.

Contact Officer:

Oliver Gill, School Commissioning Officer, Tel: 020 8541 7383

Consulted:

St. Mary's C of E Junior School Governing Body
 Downs Way School Governing Body
 Diocese of Southwark
 Parents of pupils attending the school
 Local residents
 Local Schools
 Liz Mills, Assistant Director for Schools and Learning
 Nicholas Skellett, Local County Council Member for Oxted
 Tandridge Council
 Unions (NUT, ATL, NASUWT, GMB)
 School Admissions Forum

Annexes:

Annex 1 – Downs Way School Statutory Notice (Full)
 Annex 2 – Summary of Consultation Feedback

Sources/background papers:

- Proposed Amalgamation of Downs Way School and St. Mary's C of E Junior School – Decision of the Cabinet Member for Schools, Skills and Educational Achievement
- Downs Way and St. Mary's Consultation Document

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Statutory proposal for the closure of Downs Way School (Community)

Notice is given in accordance with section 15(1) of the Education and Inspections Act 2006, as amended by the Education Act 2011, that Surrey County Council, in cooperation with the Governing Body of St. Mary's C of E Junior School and the Southwark Diocesan Board of Education, intends to discontinue **Downs Way School**, with effect from 31 August 2018. This proposal is related to the proposal to extend the age range at St. Mary's C of E junior School. The closure of Downs Way School reflects one half of the process of amalgamating the two schools, with the extension of the lower age range of St. Mary's C of E Junior reflecting the other essential step in this respect.

Contact details

Name and address of Local Authority publishing the proposal:

Surrey County Council, County Hall, Penrhyn Road, Kingston upon Thames, Surrey, KT1 2DN

Name, address and category of school proposed to be discontinued:

Downs Way School (Community), Downs Way, Oxted, Surrey, RH8 0NZ

Contact details during statutory representation period:

This is a four week consultation, which begins on Wednesday 25 January 2017 and concludes at midday on Wednesday 22 February 2017. Any person may object to or make comments on the proposals by sending representations to:

Oliver Gill, Surrey County Council, Room 326, County Hall, Penrhyn Road, Kingston upon Thames KT1 2DN

Email: schoolorg@surreycc.gov.uk

Web: www.surreysays.co.uk

Implementation

Date on which it is proposed to close the school:

31 August 2018

Reason for closure

Surrey County Council, in partnership with the Governing Body of St. Mary's C of E Junior School and the Southwark Diocesan Board of Education, is proposing that Downs Way School and St. Mary's C of E Junior School amalgamate to become one primary school from 1 September 2018, admitting pupils from 4 to 11 years of age. The amalgamated school would have an intake of 60 pupil places in Year R, in line with the intake of Downs Way School.

It is proposed to implement the amalgamation through the closure of Downs Way School and a prescribed alteration to extend the lower age range of St. Mary's C of E Junior School from 7-11 (Junior) to 4-11 (Primary), so that it becomes a Primary School from this date. The schools serve the same geographic area and are on adjacent sites. The proposal will formalise existing partnership working; augment the cohesiveness of the school community; provide for more streamlined transitions between key stages and allow for the most efficient allocation of resources.

All children on roll at either school as of 1 September 2018 will automatically continue to have a place at the amalgamated school.

Pupil numbers and admissions

4 The numbers for whom provision is currently made at the school:

Downs Way School currently provides for 146 pupils from Year R to Year 2, with capacity for 60 places in each year group. The school is coeducational and does not presently provide dedicated specialist facilities for pupils with Special Educational Needs.

Displaced pupils

This proposal forms part of an amalgamation and, as such, no pupils at the school will be displaced. The decision on the closure of Downs Way School will be linked to the decision to extend the lower age range of St. Mary's C of E Junior School. If the latter decision is not approved, this proposed closure will not proceed. Should both proposals be approved by the relevant body, from 1 September 2018, pupils currently at Downs Way School will have places at St. Mary's C of E Junior School, which will have been rebranded as a Primary School by that stage.

Overall, it is proposed that capacity will be enlarged, relative to the current situation. Presently, Downs Way is a 180-place Infant School, providing 60 places per year from Reception to Year 2, and St. Mary's C of E Junior School is a 360-place Junior School, providing 90 places per year from Year 3 to Year 6. The current format of the two schools is shown in the below tables:

Downs Way School:

Year	Capacity
YR	60
Y1	60
Y2	60
Total	180

St. Mary's C of E Junior School:

Year	Capacity
Y3	90
Y4	90
Y5	90
Y6	90
Total	360

Combined Total	540
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These schools will be amalgamated into a new 660-place Primary School, providing 60 places per year from Reception to Year 2 and an additional intake of 60 pupils at Year 3, giving 120 places in total from Year 3 to Year 6. Consequently, there is no scope for pupils to be displaced through these proposals. The final proposed format of the new, amalgamated school is shown in the below table:

New Primary School:

Year	Capacity
YR	60
Y1	60
Y2	60

Y3	120
Y4	120
Y5	120
Y6	120
Total	660

From September 2019, the Year 3 PAN at St. Mary's C of E Junior School will be reduced from four Forms of Entry (120 places) to two Forms of Entry (60 places), to reflect the fact that pupils in Year 2 will automatically transition to Year 3 in the new primary school.

Impact on the community

Downs School and St. Mary's C of E Junior School serve the same geographic area and are adjacent to each other. The proposal will provide certainty of progression to junior phase and offer a cohesive all through primary education. Consequently, it is not anticipated that there will be an adverse impact on the local community.

Travel

Should the proposal to close Downs Way School be approved, this would be related to the decision to extend the lower age range of St. Mary's C of E Junior School and the effective amalgamation of the two schools into a single Primary School. As such, no pupils would be displaced as a function of this closure and there is no anticipated impact on travel patterns.

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Proposal to amalgamate Downs Way School and St. Mary's C of E Junior School

Summary of Consultation

Informal Consultation Period:

The informal consultation process ran from 1 November 2016 to 13 December 2016. On 16 November 2016, two distinct consultation meetings were held in sequence, one at each of Downs Way School and St. Mary's C of E Junior School. At the meeting, the following issues were raised and discussed:

- Admissions (i) – a general query was raised regarding how admissions would work in the new school. It was confirmed that the proposal would be to retain the current admissions policy for Year 3. For Year R, this would be adapted to mirror the criteria for Year 3, with the added stipulation that faith-based admission criteria will only apply to those pupils *for whom the new school is the nearest Church of England school*, as measured from their place of residence, thus ensuring that the new school continues to serve its local community. Amalgamation of the schools would mean that pupils entering at Year R would be guaranteed a place through to Year 6.
- Admissions (ii) – a specific query was raised with respect to what would happen to pupils entering the school at Year R, whose family subsequently moved out of the local area. It was confirmed that such pupils would continue to hold a place at the school; this is required by the relevant legislation.
- Admissions (iii) – a specific query was raised with respect to whether the proposed alternations to admissions arrangements for Year R would affect the eligibility of non-church-goers to attend the new primary school. It was explained that the intention of the added requirement for the new school to be the nearest Church of England school for faith-based criteria to apply should ensure that admission is secured to provide for local need.
- Admissions (iv) – the question was raised as to which Downs Way year group would be the first to benefit from automatic transition to Year 3 in the new school. It was confirmed that this would be for pupils presently in Year R.
- Levels of Demand – it was asked whether there would be County funding for empty places if classes were not filled as a consequence of the proposed expansion at Year 3. It was confirmed that the primary school would be expected to function as any other and that, as such, vacant spaces would naturally arise at times, which could not be covered by vacant place funding by the County, as this would not be in line with the overall policy. It was explained that the County Council has a statutory duty to provide sufficient pupil places to serve local demand and that this necessitated a certain amount of surplus being built into the system to accommodate spikes in demand, parental preference and in-year admissions. Furthermore, although a small amount of surplus places are

forecast, it should be noted that this does not take account of the additional houses projected to be built under the Tandridge Local Plan that is currently being consulted upon. As such, any forecast surpluses are only likely to reduce in future. A related query was made with respect to whether this increased demand might lead to a future expansion of St. Mary's. It was confirmed that there are too many variables at this stage to predict what might happen in terms of future expansion proposals, although there were natural limits on how much any individual school could be expanded within the confines of its existing site.

- Other Church of England Schools – a common query was raised with respect to whether other Church of England infant schools in the area would be disadvantaged by the proposed changes, with respect to the fact that automatic transition to Year 3 may incentivise applications to the new primary school and disincentivise applications to nearby infant schools. It was explained that the requirement for the new school to be the nearest Church of England school for faith-based criteria to apply at Year R was added, in part, to protect the intakes of other Church of England schools. In addition, the expansion of St. Mary's at Year 3 will reduce the pressure on entry at this point and, therefore, rates of oversubscription. This should serve to allay some of the concern regarding the perceived advantage of entering the new primary school at Year R.
- School Ethos – concern was raised about the potential for the new school to lose some of the nurturing elements of a smaller school. It was confirmed that the principle of community and all teachers knowing all pupils, with a view to nurturing confident and secure pupils, would remain at the core of the new school's ethos. Work is already underway in considering examples of how other schools have successfully managed this in a larger school environment.
- Teams – concern was raised about the potential for pupils missing out on opportunities to participate in teams, with the additional competition for places that would be brought about by a larger school. It was responded that a larger school would provide more opportunities for pupils, in terms of the fact that it would be able to sustain a greater number of teams and, indeed, augment the viability of further clubs and societies being established. It would also enhance the scope for intra-school competition.
- New Build (i) – a general query was raised with respect to whether consideration had yet been given to the form that any new building would take. It was confirmed that this had yet to be considered and that it was standard procedure for the education consultation to be decided prior to significant expenditure/commitment being made towards a built solution, as this would be seen to be pre-empting the outcome of the consultation process. It was confirmed that the built solution would be the subject of a separate statutory consultation process, within which all interested stakeholders would be provided with the opportunity to have input. Whilst no guarantees could be provided about the building being granted planning permission, Surrey County Council has an excellent track record of

delivering workable solutions on school sites that are sensitive to the needs of the local area and thereby secure planning permission.

- New Build (ii) – a specific query was raised with respect to the health & safety of pupils during the build process, as well as the arrangements for adherence to fire regulations. It was confirmed that the project team that is ultimately charged with delivering any project at the school will have had experience of delivering similar schemes before and will be conversant with the need to provide for the health & safety of pupils onsite, both during the build period and in terms of the design/layout of any new buildings.
- New Build (iii) – a question was raised as to whether there would be a contingency plan, should the building project overrun. It was confirmed that, if the proposal were to proceed, sufficient accommodation to provide for an increased intake in 2018 would certainly be provided, whether that be in the form of the final new build agreed, or of a temporary building located onsite for the duration of the build period.
- Traffic and Parking – concern was raised about traffic and parking around the school during peak pick-up and drop-off times and the potential for this situation to be exacerbated as a consequence of the proposed expansion of junior provision. It was confirmed that the School Travel Plan would be updated as part of any planning process for expanded provision, with a focus improving the delivery of Golden Boot Weeks and consideration of the potential for a walking bus. The school also does work with a parent group, with a view to improving driving and parking practices around the school.

In addition, interested parties were invited to return responses to the consultation via a formal Consultation Response Form, included at the end of the Consultation Document, as well as in an online form. In total, 100 such formal responses were received. The breakdown of category of respondents is provided below¹:

Respondent Category	No.
Parent of child attending Downs Way	56
Parent of child attending St. Mary's	32
Member of staff at either school	21
Local resident	21
Parent of a child that may attend either school in future	14
Parent of a child attending another school	3
Governor at either school	2
Other	5

¹ It should be noted that a number of respondents fitted more than one category, making the overall number greater than the 100 distinct respondents.

Of the responses received, 93 agreed with the proposal, 3 disagreed with the proposal and 4 classified themselves as “don’t know” in this respect. There were no discernible patterns in terms of the category of respondents that typically agreed/disagreed with the proposal, except for the fact that all current members of staff and governors at the schools agreed with the proposal.

Among the responses that agreed with the proposal, there was a general consensus that the amalgamation “made sense” and was a “natural progression”, due to the proximity of the schools; their cohesive ethos; and the existing partnership arrangements, from which respondents could see clear benefits emerging. Furthermore, these respondents were clear that the proposed amalgamation had the potential to bring mutual benefits to both organisations, such as effective/efficient use of resources; encouraging good staff to stay; and the sharing of knowledge. A number of respondents also mentioned the direct benefit to families, in terms of smoothing the transition between key stages and eliminating the need for an application process at entry to junior, for those pupils starting at the school in advance of that. There was also general support for the proposed expansion of Key Stage 2 provision, with the perception being that this would help in ensuring that local families could secure a place at the school, in the context of local population growth.

However, it should be noted that, even amongst those who supported the proposal, there was still a common concern about the implications of the proposed expansion at Key Stage 2 in relation to the potential for this to increase traffic movements at peak drop-off and pick-up times. Road safety and issues with parking were identified as particular issues in this respect and these concerns were echoed by all three of the respondents who disagreed with the proposal. Potential solutions offered within the responses included:

- The provision of a dedicated school shuttle bus;
- A park and ride scheme;
- A walking bus scheme;
- The provision of a school crossing patrol officer;
- A dedicated parent car park; and
- Traffic regulations stipulating a one-way road system around the school at peak drop-off and pick-up times.

One respondent did, though, point out that traffic issues may be ameliorated by the amalgamation, as it had the potential to reduce the number of local parents travelling outside of the immediate area for infant provision. Whilst parking and traffic are not strictly relevant concerns in relation to the evaluation of this education consultation, the above concerns and potential solutions could be fed into the design process and reformulation of the School Travel Plan, if it was decided to proceed with the proposed amalgamation and expansion. Certainly, any design process would involve

a Highways Assessment to determine the impact of traffic movements and potential means of amelioration. As a consequence of the above feedback, St. Mary's C of E Junior School has worked with a group of parents to start a walking bus scheme. It is hoped that this will serve to ameliorate some of the identified issues, as well as act as a starting point for the development of more sustainable travel patterns to and from school.

Within the responses that agreed with the proposals, the following areas of concern were also highlighted:

- School Ethos – a number of respondents were keen to stress that they would not want the infant provision to lose the nurturing ethos currently provided by Downs Way School. As stated above, this is something that the school is actively looking at, with respect to the consideration of other successful examples. In addition, one respondent wished to stress the importance of the amalgamation not leading to a fall in the standard of teaching at St. Mary's. It is not felt that this will be an issue. Conversely, it is believed that the greater opportunities for the sharing of resources and knowledge will enable the effectiveness of education to be improved even further in a fully integrated school.
- Admissions (i) – one respondent stated that they would prefer for there to be automatic transition into Year 3 for pupils currently in Year 1 at Downs Way. Unfortunately, this is not legally possible, as under the current proposal, the schools would not be amalgamated at the point at which applications for Year 3 in 2018 were being taken. Automatic transition between Year 2 and Year 3 would only be possible from 2019.
- Admissions (ii) – one respondent was also concerned about the potential for non-church-going families to be prevented from attending the infant provision, with the amended admission criteria. The respondent understood that the added requirement for the new school to be the nearest Church of England school for faith-based criteria to apply should safeguard against this. However, they were keen to stress that the school should be mindful of maintaining this safeguard, in view of future demographic and policy-related changes.

Of those who classified themselves as “don't know” in respect of the proposals, the following distinct concerns were raised:

- Admissions (i) – one respondent was concerned that pupils presently attending Downs Way, but who are residing outside of the Oxted area would receive an automatic place in the junior provision at an amalgamated school. This concern was also echoed by one of the respondents who disagreed with the proposal. As confirmed above, the offer of automatic transition for such pupils (starting with those pupils currently in Year R) is a requirement of the relevant legislation.
- Admissions (ii) – one respondent queried why the current Admissions Policy of St. Mary's C of E Junior (which would be retained for junior admission under the amalgamation proposal) included the parish of Hurst Green as an applicable area

for Criterion 2 (faith-based admission), but not for Criterion 4 (sibling-based admission). It was felt that there was no justification for this imbalance and that consideration should be given to including Hurst Green under Criterion 4 within any review of the admissions procedures. The Governing Body of St. Mary's discussed this matter, although it was ultimately decided not to amend Criterion 4, on the basis that there are infant and junior schools within this parish. These schools do not offer faith-based education, meaning that the inclusion of this parish within Criterion 2 was still relevant.

- Admissions (iii) – one respondent, acting on behalf of a local infant school, requested that consideration be given to providing this school with feeder status to the junior phase at any new primary school. The perception outlined in the response and the associated letter was that the proposed amalgamation had the potential to disadvantage pupils attending this infant school, relative to pupils in the infant portion of the new primary school, with respect to the latter group having assurance of junior transition. It was felt that this could result in some parents choosing to send their children to the all through primary in preference to the infant school, even if the latter were to be their preferred choice for Key Stage 1 provision. The respondent therefore requested that feeder status be considered for their school, with a view to retaining parity of access to junior provision for pupils at this infant school, relative to those pupils who would form the infant provision within the amalgamated primary school. The Governing Body of St. Mary's discussed this matter, although it was ultimately decided not to change the admissions criteria to include any feeder schools. The proposed expansion of junior provision would serve to align Oxted's junior and infant PAN, thereby ensuring that all pupils currently in infant school will be able to secure a junior place in the Oxted area. Additionally, it was felt important to maintain parity of access to junior entry for pupils attending the other infant schools in the Oxted area.
- Alternative Options – one respondent was concerned that Holland Junior School had not been considered as an alternative for expansion of Key Stage 2 provision in the area. The preference for the expansion of Holland Junior was also echoed by one of the respondents who disagreed with the proposal. In fact, this option has been actively considered by Surrey County Council and both expansion schemes have been evaluated against one another in a Balanced Scorecard exercise. Ultimately, it was decided to proceed with proposing St. Mary's C of E Junior for expansion, principally on the grounds that the infant provision at Downs Way had recently been expanded and the natural transition for this increased cohort was into St. Mary's, especially in view of the proposed amalgamation.

Among those who disagreed with the proposals, the following distinct concerns were raised:

- Educational Capacity – one respondent felt that, whilst St. Mary's was strong at providing for pupils at the higher and lower end of the academic spectrum, the

needs of those in the middle were overlooked. The respondent was concerned that if the proposals were to go ahead and a single, larger school were created, this could exacerbate this issue. However, there is no statistical basis for the single view expressed here. RAISEonline has consistently shown that St. Mary's pupils in all groups perform better than their peers nationally. The school's Ofsted report in 2015 confirmed the high quality of teaching and support for children of all abilities. The school's recent SIAMS inspection emphasises how every child feels known and supported. Consequently, the school is confident that its professional approach and school ethos – which is to help each individual reach their full potential and have access to the widest possible range of experience – would continue whatever the size of school.

- Building Capacity – one respondent raised concerns regarding the perception that the existing hall and catering facilities were not large enough to accommodate the proposed expansion. Naturally, there will be a building project associated with the expansion of Key Stage 2 provision, which will not only consider classroom space, but also ancillary facilities such as catering and dining space, with these being measured against the national guidelines set out in Building Bulletin 103.
- New Build (i) – one respondent felt that the planning process for the new build should be run alongside the school expansion consultation and that agreement to expand the school in education terms should not be agreed in advance of planning approval for the new build being approved. As set out above, it is standard procedure for the education consultation to be decided prior to significant expenditure/commitment being made towards a built solution, as if the Council were to incur the significant expense of developing the scheme design to the planning stage, there would be reasonable grounds for assuming that the Council had a vested interest in approving the education expansion, making consultation effectively meaningless. This is a situation that the existing process avoids. Moreover, if a scheme were not realisable through the planning process, there is always scope to revoke any school organisation decision, should that be the position agreed amongst the parties concerned.
- New Build (ii) – one respondent felt that a new build would be unrealisable in time for the proposed expansion of the school in 2018 and, further, that temporary buildings would be disruptive to the operation of the school. At the present time, in the absence of survey data and an agreed design, it is impossible to comment on the achievability of 2018 for the delivery of new, permanent buildings. However, the County Council has extensive experience of the successful deployment of temporary accommodation and, if this should be required, there are no grounds for concern that this would be disruptive to the education of pupils onsite.
- Alternative Options – one respondent, acting on behalf of a local junior school, agreed with the overarching proposal to amalgamate the schools, but objected to the proposal to expand Key Stage 2 provision. The primary concern was that this

expansion would result in surplus junior places being created in the area, which would result in vacant places that would affect the funding position of the schools concerned. As set out above, the County Council has a statutory duty to provide sufficient pupil places to serve local demand and, when working in terms of 30-place classes it is impossible to precisely align the number of available places with the pupil place demand. In line with this statutory duty, it is always necessary to over-provide, rather than under-provide and, since the proposed over-provision is projected to be less than 30-places within the forecast horizon (to 2025/26), it is felt that this proposed expansion is entirely justified.

Representation Period:

On the basis of the feedback from this initial stage of consultation, together with consideration of the education rationale for the project, a joint panel (comprising representation from SCC, the Southwark Diocesan Board of Education and the Governing Bodies of St. Mary's C of E Junior School and Downs Way School) met on 20 December 2016 and determined that the proposal should proceed to the next stage of the statutory process, which involved the publishing of statutory notices, as well as the initiation of a formal 4-week phase of consultation. This decision was confirmed by Surrey County Council's Cabinet Member for Schools, Skills and Educational Achievement at a meeting on 17 January 2017. The formal consultation period ran from 25 January 2017 to 22 February 2017. As part of this, interested parties were invited to return responses to the consultation via a formal Consultation Response Form, or as part of an online form. In total, 15 such formal responses were received. The breakdown of category of respondents is provided below:

Respondent Category	No.
Parent of child attending Downs Way	8
Parent of child attending St. Mary's	2
Member of staff at either school	1
Local resident	4
Parent of a child that may attend either school in future	4
Parent of a child attending another school	1
Governor at either school	0
Other	5

Of the responses received, 13 agreed with the proposal, 1 disagreed with the proposal and 1 classified themselves as "don't know" in this respect. It is worth noting that no current parents or staff disagreed with the proposal at this stage.

Respondents who agreed with the proposal raised the following points:

- Faith-based education – two respondents made points in relation to the proposed faith-based nature of the new primary school. One respondent was keen that the school remained open to all religions and another expressed concern about the lack of non-faith schools in Oxted. The requirement for the new school to be the nearest Church of England school for faith-based criteria to apply at Year R should ensure that the school continues to serve its local community and, consequently, is open to pupils and families from a diverse range of backgrounds, including with respect to their faith.
- Staffing – one respondent asked that the capacity of the current staff with respect to teaching in a larger school be considered. The Governors and staff have considered the capacity of current staff and staff recruitment for the enlarging school and are fully confident that the school can develop in a positive manner to ensure that ethos and standards continue. This is affirmed by our Head Teacher being appointed a National Leader of Education NLE and St Mary's school being given National Support School status.
- Play Areas – one respondent asked that consideration be given to play and recreation areas for pupils, as part of the new building proposal. Should approval be granted to proceed with this proposal, detailed design workshops will be undertaken between Surrey County Council and the school to determine the design of new facilities to realise the vision for the new school. Play facilities will be considered as part of this.
- Expansion of KS2 – whilst one respondent expressed support for the proposal to expand the junior element of the new primary school, another identified this as their principal concern. The concern was rooted in the projected surplus junior places that the proposed expansion of junior provision would create. The respondent asked that the expansion be postponed by a year, to reduce the financial burden on schools in the area, created by surplus places. However, failure to create these additional places for 2018 (and in each subsequent year) would result in a deficit of places in the area. Whilst the vast majority of planning areas in Surrey operate with a small surplus of places (which enhances the capacity for parental preference and in-year admissions), to operate on a deficit of places would effectively constitute a failure of the County Council to discharge its statutory duty to provide sufficient pupil places to meet local demand. In this respect, a forecast surplus is preferable to a forecast deficit of places.
- Transport – one respondent asked that consideration be given to the provision of a transport link between Limpsfield C of E Infant School and the new primary school, so as to ameliorate the transport pressure experienced at peak drop off / pick up time. St Mary's have instigated new provision, via a buses4U bus, that drops off to and picks up from St Mary's school; which serves Limpsfield, Limpsfield Chart and Hurst Green. St Mary's Head Teacher continues to work with the parent body to further explore these issues.

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The two responses that disagreed or “didn’t know” with respect to the proposal had both responded previously and were restating their previous concerns. As such, these points are noted and responded to above, under the ‘Informal Consultation’ section.