

SURREY COUNTY COUNCIL**CABINET MEMBER FOR SCHOOLS, SKILLS AND EDUCATIONAL ACHIEVEMENT****DATE: 14 DECEMBER 2015****LEAD OFFICER: JULIE FISHER, DEPUTY CHIEF EXECUTIVE****SUBJECT: PROPOSED EXPANSION OF DOWNS WAY SCHOOL****SUMMARY OF ISSUE:**

Surrey County Council has consulted on a proposal to expand Downs Way School by half a form of entry from September 2016. The education consultation was conducted between 21 September and 19 October 2015.

The Cabinet Member is asked to review the education rationale for the project and summary of the consultation process/feedback provided within this report and associated Annex and, on that basis, decide whether to determine the associated Statutory Notice.

RECOMMENDATIONS:

It is recommended that the Cabinet Member determines the Statutory Notice, thereby bringing into effect the formal expansion of Downs Way School by 0.5 Forms of Entry (0.5 FE) for September 2016.

REASON FOR RECOMMENDATIONS:

There is an increasing demand for primary school places in Oxted and Limpsfield which reflects a rise in the primary-age population over recent years. In order to meet this demand, there is a need to expand school capacity in the area. The proposal to expand the capacity of Downs Way School by 0.5 FE is a core element of Surrey County Council's (SCC) strategy in this respect. In line with this, SCC has undertaken the requisite statutory consultation to inform the decision making process and no objections have been received as part of this. For these reasons, it is recommended that the Cabinet Member determines the Statutory Notice (appended to this report as Annex 1), so as to bring the expansion of the school formally into effect.

DETAILS:**The Proposal**

1. On 21 September 2015, SCC published a proposal to:
 - Enlarge Downs Way School from one-and-a-half forms of entry (1.5 FE) at Reception to two forms of entry (2 FE) at Reception, to allow for a roll of 180, comprising two classes of 30 pupils in each year group.
 - Build additional permanent classrooms and ancillary space to facilitate this.

2. It was proposed that the above enlargement would be effective from 1 September 2016 and that the school would grow incrementally, year-on-year, as the higher intake of 60 pupils worked its way progressively through the age range. However, it should be noted that, as the school has taken an additional bulge year half-class in the 2015/16 academic year, the school will effectively reach its new capacity of 180 places in September 2017.

Reasons for the Proposal

3. Tandridge is experiencing a steady increase in the demand for school places, reflecting both a rise in birth rate and increased house building and migration within the area. Births in Tandridge in 2014 were 9.2% higher than births in 2002. Additional primary school places have been provided reflecting this demand and further growth is anticipated in the short- to medium-term which needs to be accommodated via further expansions of school provision.
4. Within the Oxted and Limpsfield Planning Area, there is presently provision for 165 places per year in Reception, composed of the following:
 - Downs Way School (offering 45 Reception places per annum);
 - Hurst Green Infant School (offering 30 Reception places per annum);
 - Limpsfield C of E Infant School (offering 60 Reception places per annum); and
 - St. Peter's C of E Infant School (offering 30 Reception places per annum).
5. Demand for primary school places has been rising in Oxted and Limpsfield, in line with the general increase across the whole of the Tandridge District. Projections of future demand for school places are presented in the below table:

Year	Inf. PAN	Inf. Projection	Surplus	Jun. PAN	Jun. Projection	Surplus
2015/16	165	159	6	150	152	- 2
2016/17	165	170	- 5	150	129	21
2017/18	165	173	- 8	150	139	11
2018/19	165	160	5	150	139	11
2019/20	165	153	12	150	148	2
2020/21	165	153	12	150	150	0
2021/22	165	153	12	150	139	11
2022/23	165	153	12	150	133	17
2023/24	165	153	12	150	133	17
2024/25	165	153	12	150	133	17

6. As can be seen from the above, there is a need for additional Infant places in the area in the short- to medium-term. 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. This ultimately culminated in the “bulge” year expansion of Downs Way School for the 2015/16 academic year. The proposed expansion of Downs Way School by a half a Form of Entry would reduce all of the above projected deficits by 15 places and add further surplus in other years, thereby augmenting the scope for parental preference. In this respect, it should be noted that a 0.5FE expansion neatly aligns with the profile of demand in the

area. This, coupled with the fact that the expansion would enable the school to operate on the basis of full forms of entry (which supports effective financial and curriculum planning), was provided as a key part of the rationale for proposing to expand Downs Way to meet demand in the area.

7. Where possible, SCC's strategy is to expand high quality provision that meets parental demand, whilst also ensuring that there is a diverse pattern of provision, so as to provide families with some element of choice. The most recent Ofsted report on the school, from November 2014, rates the school as 'Good'. In particular, this report noted that "[t]he headteacher, ably supported by other leaders and governors, has ensured that all staff have high expectations of pupils' learning and achievement. As a result, teaching staff focus strongly and effectively on ensuring that pupils make enough progress". The evident quality of education provision at Downs Way was a key reason underpinning the move to expand this school and thereby increase the provision of high-quality school places to the local community.

School Building Requirements

8. The school site has sufficient capacity to enable expansion 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)
9. 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:

10. As a community school, the increase in admission number was the subject of a Council-led consultation process which was held for a 4-week period, between 21 September and 19 October 2015. This process engaged a range of interested stakeholders, including the school community, local residents, local admissions authorities and the Surrey School Admissions Forum. On 7 October 2015, a consultation evening was held at the school, to which all interested parties were invited. A summary of the feedback from the entire consultation process is appended to this report as Annex 2.
11. The feedback to the consultation was largely positive and in support of the proposed expansion; in total over 85% of respondents expressed support for the proposal. The feedback raised a number of issues, most of which were neutral in character. One core concern was raised in relation to the proposal, in terms of the perception that access to the site was restricted and thereby problematic, especially at peak drop-off/pick-up times. Naturally, this is an issue that will be picked-up in more detail during the planning process with suitable highways measures being introduced to the scheme, if it is deemed to be necessary, in order to mitigate the proposed level of expansion. As such, should the decision be taken to proceed with this proposal, this concern will be relayed to the project delivery team, to inform that phase of the project.

RISK MANAGEMENT AND IMPLICATIONS:

12. As the education consultation has been completed in compliance with the relevant legislation governing such decisions, there is no outstanding risk in this respect.
13. There are naturally risks associated with the building project required to facilitate this expansion. 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 time for the opening of the new provision by September 2016. A risk register is being 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 has been included within the project budget to mitigate for potential identified risks.

Financial and Value for Money Implications

14. The building project associated with this proposal is included in SCC's Basic Need Capital Programme in the 2015-20 Medium Term Financial Plan (MTFP). It is to be funded from the allocation for demountable provision. All schemes are expected to remain within the funding allocated in the MTFP.

Section 151 Officer Commentary

15. This scheme will be funded from within the demountable allocation of the 2015-20 MTFP.

Legal Implications – Monitoring Officer

Public Sector Equality Duty

16. The public sector equality duty (Section 149 of the Equality Act 2010) applies to the decision to be made by the Cabinet Member in this report. There is a requirement when deciding upon the recommendations to have due regard to the need to advance equality of opportunity for people with protected characteristics, foster good relations between such groups and eliminate any unlawful discrimination. These matters are dealt with in the equalities paragraphs of the report.

Pre-consultation

17. 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 January 2014 and the School Admissions Code 2014. Such consultation will need to involve those directly affected by such changes together with relevant representative groups. It will be important that the material presented to consultees provides sufficient information to allow for intelligent consideration and response in relation to the proposals. This information will need to be presented in a way that consultees will understand. The responses to the consultation will need to be conscientiously

taken into account when the Cabinet Member makes any future decision in relation to the school.

Post-consultation

18. In considering this Report, the Cabinet Member must give due regard to the results of the consultation as set out above and the response of the Service to the consultation comments and conscientiously take these matters into account when making its final decision.

General Decision-Making

19. In coming to a decision on this issue, the Cabinet Member needs to take account of all relevant matters. The weight to be given to each of the relevant matters is for the Cabinet Member to decide. Relevant matters in this context will include the statutory requirements, the policy considerations, the impacts of the options on service provision, the MTP, the council's fiduciary duty, any relevant risks, the results of the consultation and the public sector equality duty.

Fiduciary Duty

20. The council owes a fiduciary duty to its council tax payers, analogous to that owed by trustees responsible for looking after property belonging to other people. Accordingly in deciding to spend money a local authority must take account of the interests of council taxpayers who have contributed to the council's income and balance those interests against those who benefit from the expenditure. It will also need to act in a prudent way having regard to the short and long term consequences of the decision.

Best Value Duty

21. 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

22. 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.
23. This report sets out how the Authority will meet its duties in response to increasing demand for school places in Oxted & Limpsfield.

24. As the school's capacity and published admission number will be increased, a consultation and publication of notices was required. Seven responses were made to the consultation, of which six were in support and one opposed to the proposal. These responses were duly considered. The School Organisation Guidance and Admissions Code 2014 were duly followed.

Equalities and Diversity

25. The expansion of the 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.
26. The new school building will comply with Disability Discrimination Act (DDA) regulations.
27. As a community school, admissions to Dovers Green are governed by SCC's Determined Admissions Arrangements. These admissions arrangements give the highest priority to Looked After Children (LAC) and children with exceptional medical or social needs, thus supporting provision for the county's most vulnerable children. The next order of priority employs the "sibling rule", following which priority is given to children for whom the school is the nearest to their home address. Remaining applicants are then sorted on the basis of distance from home to school. There is no proposal to amend the admissions criteria, which are fully compliant with the Schools Admissions Code.

Corporate Parenting/Looked After Children implications

28. This proposal would provide increased provision for primary 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

29. The design philosophy is to create buildings that will support low energy consumption, reduce solar gain and promote natural ventilation. The school will be built to the local planning authority's adopted core planning strategy. Furthermore, 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:

30. Subject to Cabinet Member approval of the recommendation of this report, the next steps are:
- To implement the proposed expansion from September 2016.
 - To deliver the associated building works through the demountables programme for 2016/17, with a view to having the expanded school facilities ready to accommodate the new 2 FE pupil cohort in September 2016.

Contact Officer:

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

Consulted:

Downs Way School Governing Body

Parents of pupils attending the school

Local residents

Local Headteachers

Peter-John Wilkinson, Assistant Director for Schools and Learning

Nicholas Skellett, Local County Council Member for Oxted

Tandridge District Council

Unions (NUT, GMB)

School Admissions Forum

Annexes:

Annex 1 – Downs Way School Statutory Notice (Full)

Annex 2 – Summary of Consultation Feedback

Sources/background papers:

- Downs Way School Consultation Document
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