

SURREY COUNTY COUNCIL**CABINET MEMBER FOR SCHOOLS, SKILLS AND
EDUCATIONAL ACHIEVEMENT****DATE: 8 SEPTEMBER 2016****LEAD OFFICER: JULIE FISHER, DEPUTY CHIEF EXECUTIVE****SUBJECT: REVOCATION PROPOSAL: EXPANSION OF FURZEFIELD
PRIMARY SCHOOL****SUMMARY OF ISSUE:**

At the Cabinet Member Meeting of 3 March 2016, it was formally decided to determine a Statutory Notice that brought “into effect the formal expansion of Furzefield Primary School by 1 Form of Entry (1FE) for September 2016.” However, subsequent to this decision, it has become apparent that the Council and the school are unable to come to agreement on the built solution required to deliver this expansion. As such, the Council has undertaken consultation to revoke this proposed expansion.

The Cabinet Member is asked to review the rationale for revocation and summary of the consultation process/feedback provided within this report 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 revoking the formal expansion of Furzefield Primary School by 1 Form of Entry (1 FE) for September 2016.

REASON FOR RECOMMENDATIONS:

Subsequent to the determination of the Statutory Notice to expand the school, it has become apparent that the Council cannot, meet the aspirations of the school in relation to the proposed build solution within the defined parameters of what it considers to be ‘Basic Need’. As the school does not, therefore, wish to proceed with the expansion, it is proposed that the original decision be revoked. In line with this, Surrey County Council 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 formally revoke the decision to expand the school.

DETAILS:

1. On 18 January 2016, Surrey County Council published a proposal to:
 - Enlarge Furzefield Primary School from two forms of entry (2 FE) at Reception to three forms of entry (3 FE) at Reception, to allow for a roll of 630, comprising three 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 90 pupils worked its way progressively through the age range.
 3. Consultation on this proposal was undertaken between 18 January and 15 February 2016, with a mixed response, with respect to support/opposition to the proposal to expand. On the basis of the education rationale and taking into account the comments received, the Cabinet Member for Schools, Skills and Educational Achievement formally determined the Statutory Notice on 3 March 2016, thereby formally bringing into effect the expansion of the school from September 2016.
 4. Subsequent to the above decision being taken, further design workshops were held between the Council and the school, which resulted in the production of a Feasibility Study, considering the options for the built solution, required to facilitate the expansion of the school. Upon presentation of this study to the school, it became apparent that the school's aspirations for the expansion scheme were somewhat removed from the scope of works that could be justified under the Council's definition of 'Basic Need'.
 5. As a consequence of the above, the Governing Body of Furzeffield Primary School decided that it did not wish to proceed with the expansion on the basis of the buildings offer being made by Surrey County Council. As it is important that the Council takes a fair and universal approach to its definition of 'Basic Need', it was felt that the school's aspirations for the built expansion could not reasonably be met, within the scope of the current programme. As such, by mutual agreement with the school, it has been decided to propose the formal revocation of the expansion proposal. The Statutory Notice in this respect was published on 6 June 2016.
 6. It should be noted that this proposal will not alter the intake of the school for September 2016. Assuming that the expansion proposal is revoked, it has been agreed with the school that it will take 90 pupils in this year group, in the form of a "bulge class". Whilst an interim solution is workable for the 2016/17 academic year (owing to additional space flexibility in the Reception Block), it is likely that an additional temporary classroom will be required to house this bulge class from the 2017/18 academic year.
 7. As stated in the Cabinet Member Report pertaining to the expansion decision of 3 March 2016, there is a long-term primary pupil place need in the wider Reigate and Redhill area, which the original expansion proposal was directed at meeting. However, the Council is currently working on alternative proposals to meet this pupil place deficit and is confident of having alternative arrangements in place from September 2017 onwards.

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| <u>CONSULTATION:</u> |
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8. As a Community school, the proposal to revoke the decision to expand Furzeffield Primary School was the subject of a Council-led consultation process which was held for a 4-week period, between 6 June and 4 July 2016. The Statutory Notice was published at the beginning of the consultation

period and separately circulated to those key stakeholders who had been directly engaged in the previous consultation process (i.e. the school community, local admissions authorities, the School Admissions Forum, relevant unions and local elected representatives).

9. No responses were received to the consultation, reflecting the fact that the decision to revoke the expansion proposal is accepted by the school and wider community.

RISK MANAGEMENT AND IMPLICATIONS:

10. As the education consultation has been completed in compliance with the relevant legislation governing such decisions, there is no outstanding risk in this respect.

Financial and Value for Money Implications

11. The building project associated with this proposal is included in SCC's Basic Need Capital Programme element of its 2016-21 Medium Term Financial Plan (MTFP). Should it be decided to formally revoke the expansion proposal, this scheme will be removed from the MTFP and an alternative sought. The project to deliver the bulge classroom would then be included within the demountables element of the MTFP to be delivered in 2017/18.

Section 151 Officer Commentary

12. The basic need expansion scheme for this school is included in the 2016-21 MTFP. If the decision to revoke expansion at Furzefield goes ahead, then this particular scheme will be removed from the capital programme. An alternative scheme will need to be developed to ensure adequate provision of school places in the Reigate and Redhill area. The cost of any alternative scheme has yet to be estimated.

Legal Implications – Monitoring Officer

Public Sector Equality Duty

13. 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

14. 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.

Revocation of Proposals

15. The April 2016 statutory guidance for proposers and decision makers sets out the duty on a proposer where a proposal cannot be implemented because circumstances have changed so that implementation would be inappropriate or unreasonably difficult.
16. These duties have been adhered to in accordance with the statutory guidance and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

General Decision-Making

17. 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 medium term financial plan, the Council's fiduciary duty, any relevant risks, the results of the consultation and the public sector equality duty.

Fiduciary Duty

18. 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

19. 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.

Equalities and Diversity

20. 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 specifically affected as a consequence of its approval, or otherwise.

Corporate Parenting/Looked After Children implications

21. Naturally, by reducing the overall number of places available in the area, the revocation of this proposal will also reduce the availability of places available to Looked After Children. However, the Council is working on the development of alternative proposals for the 2017/18 academic year onwards, which will meet the long-term pupil place needs in the area and thereby deliver sufficient places for all children and young people, including those Looked After.

Climate change/carbon emissions implications

22. It is not anticipated that the revocation of this proposal will have any adverse consequences in relation to climate change/carbon emissions. Any alternative proposals that are developed will be within suitable proximity to demand, in accordance with the Council's general strategy in this respect.

WHAT HAPPENS NEXT:

23. Subject to Cabinet Member approval of the recommendation of this report, the next steps are:
- To implement revocation of the proposed expansion from September 2016.
 - To develop a proposal to house the "bulge class" that will then represent 1FE of the September 2016 intake.
 - To continue the development of alternative proposals to meet the long-term primary pupil place demand, from the 2017/18 academic year onwards.

Contact Officer:

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

Consulted:

Furzefield School Governing Body
Parents of pupils attending the school
Local residents
Local Headteachers
Liz Mills, Assistant Director, Schools and Learning
Bob Gardner, Local County Council Member for Merstham & Banstead South
Reigate & Banstead Borough Council
Unions (NUT, NASUWT, NAHT, ATL, GMB, UNISON)
School Admissions Forum

Annexes:

Annex 1 – Furzefield Primary School Statutory Notice

Sources/background papers:

- N/A
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