

**SURREY COUNTY COUNCIL**

**LEADER OF THE COUNCIL**

**DATE:** **14 NOVEMBER 2017**

**LEAD  
OFFICER:** **ROSE DURBAN, DIRECTOR OF CHILDREN'S SERVICES**

**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 24 July 2017 and 4 September 2017. 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 18 September 2017, initiating a 4-week consultation, closing on 16 October 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 proposed amalgamation of Downs Way School with St. Mary's C of E Junior School, inclusive of the expansion of Key Stage 2 provision, effective from 1 September 2018. The Business Case for the capital expansion project was approved by Cabinet in September 2017.

**RECOMMENDATIONS:**

It is recommended that the Leader of the Council determines the three statutory notices, pertaining to the proposals to:

1. Close Downs Way School, effective from 31 August 2018.
2. 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.
3. Enlarge the formal capacity of this Primary School from 360 places (i.e. the current capacity of St. Mary's C of E Junior School) to 660 places, effective from 1 September 2018.

The combined effect of these proposals would be to bring into effect the amalgamation of Downs Way School with St. Mary's C of E Junior School, inclusive of the expansion of Key Stage 2 provision, effective from 1 September 2018.

**REASON FOR RECOMMENDATIONS:**

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The schools serve the same geographic area and are on adjacent sites. The proposal will formalise existing partnership working (e.g. in respect of the shared Headteacher across both schools); 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. St. Mary's 'Outstanding' Ofsted judgement will be retained by the new institution, meaning that the proposed expansion is in line with the policy of expanding Good and Outstanding schools.

In line with this, Surrey County Council has undertaken the requisite two-stage consultation to inform the decision making process and a significant majority of respondents have confirmed their agreement with the proposed alterations. For these reasons, it is recommended that the Leader of the Council determines the statutory notices (appended to this report as Annexes 1, 2 and 3), formally proposing the necessary prescribed alterations.

#### **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 24 July 2017, Surrey County Council (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 formal capacity of this Primary School from 360 places (i.e. the current capacity of St. Mary's C of E Junior School) to 660 places, 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 Stage 1 (KS1) and an *additional* 60 in KS2 giving an overall capacity of 660 places for mainstream pupils, as shown in the below table:

<b>Year</b>	<b>Capacity</b>
YR	60
Y1	60
Y2	60
Y3	120
Y4	120
Y5	120
Y6	120
<b>Total</b>	<b>660</b>

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:

<b>Year</b>	<b>YR</b>	<b>Y1</b>	<b>Y2</b>	<b>Y3</b>	<b>Y4</b>	<b>Y5</b>	<b>Y6</b>	<b>Total</b>
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 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 was the fact that it was felt that it was 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:

<b>Year</b>	<b>Jun. PAN</b>	<b>Jun. Projection</b>	<b>Surplus</b>
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. Design workshops have been 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. It is important to note that SCC has previously consulted on this proposal. Informal consultation was undertaken between 1 November 2016 and 13 December 2016, the results of which were taken to a Cabinet Member Meeting on 17 January 2017 (to approve the publication of a statutory notice). Following this, a statutory representation period was undertaken between 25 January 2017 and 22 February 2017, the results of which were taken to a Leader Meeting on 14 March 2017 (to approve the proposal to amalgamate the two schools). However, a critical technical detail was missing within the statutory notices that were published in respect of the proposal. The consequence of this omission was that the decisions taken in respect of the amalgamation on 14 March 2017 were effectively voided and, as a result, the statutory process of consultation and decision-making needed to be rerun. The consultation run between 18 September 2017 and 16 October 2017

represents the rerun of the statutory representation period. Consultees, however, were informed that any responses to the original consultation exercise would be considered with equal weight alongside any new responses that were received during this current round. As such, full details of the previous two rounds of consultation are provided below.

13. 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.
14. 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. 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.

15. The original 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. 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. One additional comment was received as part of the informal consultation run between 24 July 2017 and 24 September 2017. A further two responses were received within the formal representation period conducted between 18 September 2017 and 16 October 2017. Of these responses, two agreed with the proposal and one classified themselves as "don't know" in this respect. No new issues were identified as part of this new phase of consultation. A summary of the feedback from both stages of the original consultation process is appended to the report as Annex 4.

<b>RISK MANAGEMENT AND IMPLICATIONS:</b>
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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 2017-20 Medium Term Financial Plan (MTFP). A scheme of works has been developed and agreed by Cabinet in September 2017. All schemes are expected to remain within the funding agreed in the MTFP.

#### **Section 151 Officer Commentary**

19. The County Council is facing a very serious financial situation, whereby there are still substantial savings to be identified and delivered to achieve a balanced budget in the current year and a sustainable budget plan for future years.
20. The Section 151 Officer can confirm that an estimated cost for this capital scheme has been included in the current School Basic Need capital programme as part of the 2017-20 Medium Term Financial Plan. A significant part, but not all of the school basic need capital programme is funded from DfE capital grant with the remainder having to be funded through Council borrowing.
21. It is therefore important to recognise that agreeing to this recommendation will reduce the council's options to achieve a sustainable budget in future years. The County Council is facing a very serious financial situation, whereby there are still substantial savings to be identified and delivered to achieve a balanced budget in the current year and a sustainable budget plan for future years.

#### **Legal Implications – Monitoring Officer**

##### **Pre-consultation**

22. 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.
23. 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.

24. 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.
25. As it is proposed to enlarge the capacity 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**

26. In considering this report, the Leader must give due regard to the results of the consultation, as set out above and in Annex 4, 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**

27. 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**

28. Section 13 of the Education Act 1996 places a general duty on the Council to ensure 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.
29. 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.
30. 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**

31. 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.

32. The school building will comply with Disability Discrimination Act (DDA) regulations.
33. 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**

34. 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**

35. 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:**

36. Subject to the Leader of the Council's approval of this report's recommendations, the next steps are:
  - To implement the proposed amalgamation and expansion from September 2018.
  - Since the Business Case for the expansion has been agreed by Cabinet, the project can 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  
Cameron McIntosh, Local County Council Member for Oxted  
Tandridge Council  
Unions (NUT, ATL, NASUWT, GMB)  
School Admissions Forum

**Annexes:**

Annex 1 – Statutory Notice for the Closure of Downs Way School  
Annex 2 – Statutory Notice for Altering the Lower Age Limit of St. Mary's C of E Junior School  
Annex 3 – Statutory Notice for Enlarging the Capacity of St. Mary's C of E Junior School  
Annex 4 – 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 Education
  - Downs Way and St. Mary's Consultation Document
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