

CABINET

6 FEBRUARY 2018

OUTCOMES OF STATUTORY CONSULTATION FOR THE PROPOSED PRESCRIBED ALTERATIONS AT HALLING PRIMARY SCHOOL

Portfolio Holders: Councillor Andrew Mackness, Children's Services (Lead Member)
Councillor Martin Potter, Educational Improvement and Attainment

Report from: Ian Sutherland, Director, Children and Adults Services

Author: Paul Clarke, Programme Lead School Organisation and Capital Services

Summary

This report outlines the outcomes of the formal consultation (statutory representation) period on the Council's proposal to enlarge the premises at Halling Primary School, by way of statutory prescribed alteration.

1. Budget and policy framework

- 1.1. The proposals to make a prescribed alteration to Halling Primary School is consistent with the provisions of the School Organisation Plan 2011-16, with the Council Plan outcome of 'All children achieving their potential in schools' and are within budget. This would therefore be a matter for Cabinet.

2. Background

- 2.1. On 27 September 2016, the annual review of the School Organisation Plan 2011-16 highlighted the forecasted need for additional capacity in the Halling and Cuxton area. Under decision 115/2016, the Cabinet approved the expansion proposals to provide sufficient additional primary places in Halling.
- 2.2. At the same meeting, under decision 117/2016, the Cabinet agreed to authorise the Director of Children and Adults, in consultation with the Portfolio Holder for Children's Services, to commence the statutory processes at the appropriate time for the expansion of Halling Primary School.

- 2.3. The first stage in the process comprised a four week informal public consultation. This took place over a four-week period between 9 January and 5 February 2017, and the results of this were set out in a Cabinet paper on 4 April 2017.
- 2.4. At the Cabinet meeting on 4 April 2017, under decision 33/2017, the Cabinet authorised the Director of Children and Adults Services to commence the formal consultation stage of the statutory process. This took place over a four-week period between 13 November and 10 December 2017. The results of this formal consultation are set out in section 4 of this paper.
- 2.5. At the same meeting, under decision 34/2017, the Cabinet agreed to delegate the authority to approve the proposed expansion to the Director of Children and Adults Services, in consultation with the Portfolio Holders for Children's Services (Lead Member) and Educational Attainment and Improvement, on condition there were no objections. However, as an objection has been received, the proposal must now be determined by Cabinet.

3. The Proposals

- 3.1. The proposal is, by way of statutory prescribed alteration; The 'Enlargement of the Premises at Halling Primary School' to provide adequate accommodation for the additional children who will attend the school as a result of an increase in the Published Admission number (PAN) from 40 to 60.
- 3.2. It is proposed, subject to the decision of the Cabinet, to formally implement the changes on 1 September 2018.

4. Results of the Formal Consultation

- 4.1. As part of the statutory process, there was an informal consultation where the views of all interested parties could be expressed, and all views taken into consideration prior to formal publication of proposals. The period of informal public consultation ran for four weeks from 9 January to 5 February 2017.
- 4.2. Following on from the informal consultation, there was a four-week formal consultation, or statutory representation period. The period ran from 13 November to 10 December 2017.
- 4.3. There was one response to the formal consultation. This raised concerns about the impact of the expansion on other schools in the area. These concerns are addressed in section 5.

5. Advice and analysis

- 5.1. Halling Primary School is a community primary school, which currently provides education for pupils aged 4 to 11. The school is popular with parents, and at the last full Ofsted inspection in July 2015 the school was rated as 'good' overall with 'behaviour and safety of pupils' and 'early years provision' rated as 'Outstanding'.

- 5.2. Under its current admissions arrangements (PAN 40), the school was oversubscribed for the reception intake in September 2017 receiving 44 first preferences for the 40 places available.
- 5.3. The proposals to expand the provision at Halling Primary School are demand led, and the popularity of the school is likely to continue, due in the main to an increasing local population, with ongoing housing developments likely to continue to produce future demand.
- 5.4. Consultation will take place as part of the school admissions consultation process at the appropriate time to ensure that the PAN has formally increased to 60 in time to take effect from September 2018.
- 5.5. National policy emphasises that the Local Authority has a key role to support parents and families through promoting a good supply of strong schools and should focus on supplying enough good spaces rather than reducing surplus places. Medway's School Organisation Plan principles state that popular and successful schools should expand.
- 5.6. It is not expected that the proposals will have a detrimental impact upon the numbers or standards at the other primary schools in the area. Forecasts indicate that without expansion of provision in the area, there will most likely be a shortage of spaces in reception classes from September 2018, and the expansion of Halling Primary School will help to alleviate that pressure.
- 5.7. The expansion of Halling Primary School to 2FE will also support the financial viability of the school. At the current 40 PAN the school experiences difficulty with high staffing levels compared to the number of pupils due to the manner in which the school has to be organised, and by increasing to 60 will afford the school the opportunity to release the financial pressure with more pupil funding and only a small increase in the number of staff.
- 5.8. The remainder of this section sets out the officer response to the objection received during the statutory representation period, highlighted in section 4 above.
- 5.9. *"With reference to the proposal to expand the primary school at Halling to 420 places there are three lines upon the impact it will have on other schools in the area. I do not feel sufficient consideration has been given to this level. Whilst the document says there will be no negative impact on other schools, will the council be making any provision to offset any negative impact that will come as a result of expanding Halling Primary School? There is also a concern that only Medway schools have been taken into account. Given the position of Halling Primary School and the new bridge over the River Medway, it is placed in very close proximity to the brand new and doubled in size Wouldham Primary School being built as part of the Peters Pit Development. I therefore propose that this does not go ahead until clarity can be achieved about the impact it will have on other local schools or provision is made within the proposal that should other local schools within Medway be affected financially the council is prepared to offset that risk".*

5.10. Officer response

Forecasts show that without the additional capacity at Halling there would be insufficient spaces available to meet expected demand, and whilst some flexibility will exist within the system, this is essential to ensure that in year applications can be met, especially in an area of significant housing development. Given Halling's location on the boundary with KCC, it is expected that the school will continue to admit pupils from both authorities despite the additional capacity being created in Kent around Peters Village and Holborough Lakes.

Conversations have taken place with colleagues from Kent prior to these proposals being taken forward which looked at the wider school place planning issue.

Cuxton School, the next nearest Medway school to Halling, admits pupils not only from its immediate locality, but also from the western end of Strood, and this is likely to continue given the new housing development at Temple Waterfront and the maturing of the Medway Gate scheme.

The St Andrews Park development is situated equidistant between the Cuxton and Halling schools, but the new footbridge from there into Halling village makes Halling school more accessible with demand expected to increase from the development as families move in and grow.

Further development in the Halling area is expected to be proposed in the coming years and this, if forthcoming, will add further pressure to the number of school places available.

The PAN increase will be implemented from reception year only on a year by year basis.

On this basis the council is confident that the additional places created by the expansion of Halling is necessary to ensure the council can meet its statutory duty to provide sufficient school places.

The objector requests that the council makes provision to offset any financial loss felt by the other schools in Medway as a result of this proposal. That is not possible as there are a variety of reasons why school rolls may fall and not just because of additional places being made available. The performance of any school, should it decline, could affect parental preference; conversely the improved performance at schools in the wider area may divert parental preference away from other schools.

Furthermore, given Halling's location on the Medway/ Kent boundary, the vast majority of its pupils come from the immediate area around Halling and few travel in from beyond the St Andrews Park development, it is reasonable to consider therefore that Halling itself may be the school impacted upon financially should the expected numbers not materialise. However, as Medway's forecasts have been proven to be very accurate, falling well within the DfE's benchmarking 1% error margin for accuracy, this risk is considered to be small.

6. Diversity Impact Assessment

- 6.1. A Diversity Impact Assessment (DIA) screening form is attached as Appendix 1. The DIA looks at how the proposed changes could impact upon various groups. The report shows that there could potentially be some impact upon certain groups; however it shows that any impacts are expected to be positive ones. The screening form indicates that a full DIA is not necessary.

7. Impact of the proposal on arrangements for looked after children

- 7.1. Looked after children receive the highest priority for admission to all Medway schools. If necessary, the Admissions Code allows the council to place looked after children in schools that would otherwise be deemed full. This ensures that the council can secure appropriate provision for children that are looked after by the local authority. This strategy covers both mainstream and special schools and as such includes Halling Primary School.

8. Risk management

- 8.1. The following risks arise if the proposals as stated in this report are not implemented. These are:
- A risk that it could undermine the Council's need to ensure the most effective use of resources, and in turn, the aim to raise standards across all schools.
 - The Council's statutory duty to provide sufficient good quality school places will be at risk if additional provision is not made available in the Halling area.
 - That by not increasing the provision at Halling Primary School, more parents will be required to transport their children to schools further afield, which would mean increased traffic in the wider Medway area.
 - Parents dissatisfied at not being able to access their local school, potentially leading to parents having children at different schools and the logistical problems that this would bring.
- 8.2. The following risks could arise if the proposals are implemented:
- If the expected numbers of additional pupils do not materialise, then the school may find itself having surplus places as well as larger buildings to maintain without the funding to do so. Current forecasts based upon roll numbers, birth rates and inward migration due to extensive housing development in the area generally, together with Halling Primary School being a good and popular school indicate that this risk is likely to be minimal.

9. Financial and Legal implications

- 9.1. Medway's maintained schools are funded from central Government via the local authority in the form of the dedicated schools grant. This is a ring-fenced grant for the provision of education across Medway and must be

used to fund schools (and certain specified services to schools), and cannot be used to fund other Council services.

- 9.2. The project to expand the premises of Halling Primary School will be funded via the Children and Adults Capital Programme, which is mainly funded by Government grants, targeted grants and section 106 developer contributions.
- 9.3. The Council has the power under sections 18 and 19 of the Education and Inspections Act 2006 to make "prescribed alterations" to a maintained school. The procedure for making prescribed alterations is set out in the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
- 9.4. From 24 January 2014 there is no longer a prescribed 'pre-publication' (informal) consultation period for prescribed alterations, there is however a strong expectation on Local Authorities to consult interested parties in developing their proposal prior to formal publication as part of their duty under public law to act rationally and take into account all relevant considerations. The previous informal consultation satisfies that expectation.
- 9.5. The Council has a statutory duty to provide sufficient good quality school places.

10. Recommendation

- 10.1 The Cabinet is recommended to note the responses to the formal and informal consultations, together with the advice and analysis from officers and approve the proposal:
 - For the enlargement of the Premises at Halling Primary School to provide adequate accommodation for the additional children who will attend the school as a result of an increase in the Published Admission number (PAN) from 40 to 60 for implementation from 1 September 2018.

11. Suggested reasons for decision

- 11.1. Where an objection has been made during formal consultation to the proposals for prescribed alterations to a School, the Cabinet must consider the objection(s) and decide whether to approve the proposals.
- 11.2. Subject to Cabinet's agreement, approval to proceed with the proposals would ensure that the Council meets its statutory duty to provide sufficient school places.

Lead officer contact

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Appendices

Appendix 1 - Diversity Impact Assessment screening form

Background papers

1) Making 'prescribed alterations' to maintained schools (A guide for proposers and decision makers) April 2016.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/514548/16-04-06_FINAL_SO_Guidance_PA_Regs.pdf

2) The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

<http://www.legislation.gov.uk/uksi/2013/3110/contents/made>

3) Medway's School Organisation Plan 2011 - 2016

<http://www.medway.gov.uk/pdf/School%20Organisation%20Plan%202011-2016%20revised.pdf>

4) 2016 Annual Review of the School Organisation Plan (item 6) – Cabinet 26 September 2016

<https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=3370>

5) Outcomes of Consultation for the Prescribed Alterations at Halling Primary School (item 6) - Cabinet 4 April 2017

<https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=3377>

Diversity impact assessment

Appendix 1

<i>Name/description of the issue being assessed</i>	Enlargement of physical premises and extension of the lower age limit at Halling Primary School
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DATE <i>Date the DIA is completed</i>	16/02/2017
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LEAD OFFICER <i>Name of person responsible for carrying out the DIA.</i>	Paul Clarke
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1 Summary description of the proposed change

- *What is the change to policy/service/new project that is being proposed?*
- *How does it compare with the current situation?*

The proposals are to enlarge the premises in order to accommodate extra pupils at Halling Primary School; there will also be an extension of the lower age limit from 4 to 3, which will enable the school to admit a nursery class. This is to meet forecast demand for more primary school places in the Halling area. The proposals are in line with the School Organisation Plan 2011-16 and its subsequent reviews. The school is popular and therefore there will be a greater percentage of first preference satisfaction amongst parents. In recent years the school has been oversubscribed in reception and these proposals will cater for that level of demand. The enlarged buildings will be designed to improve the learning environment for pupils.

2 Summary of evidence used to support this assessment

- *Eg: Feedback from consultation, performance information, service user records etc.*
- *Eg: Comparison of service user profile with Medway Community Profile*

A public consultation has been carried out over a 4-week period when views were expressed and any concerns regarding issues could have been raised. Of a number of concerns raised and comments made, none related to the potential for any impact on any protected characteristic groups.

Diversity impact assessment

3 What is the likely impact of the proposed change?

Is it likely to :

- Adversely impact on one or more of the protected characteristic groups?
- Advance equality of opportunity for one or more of the protected characteristic groups?
- Foster good relations between people who share a protected characteristic and those who don't?

(insert ✓ in one or more boxes)

Protected characteristic groups	Adverse impact	Advance equality	Foster good relations
Age		✓	
Disabilty		✓	
Gender reassignment			
Marriage/civil partnership			
Pregnancy/maternity			
Race			
Religion/belief			
Sex			
Sexual orientation			
Other (eg low income groups)			

4 Summary of the likely impacts

- Who will be affected?
- How will they be affected?

None of the current pupils are intended to be displaced and there will be no reduction to staff numbers made as part of this proposal. There is however expected to be an increase in the number of pupils who attend the school and it is possible that there could be an increase in the number of pupils with disabilities. It is expected that these extra pupils will benefit from the improved facilities that will come as part of the enlargement of the premises, and as such it is expected that the outcomes for these pupils will be positive. A public consultation has been carried out over a 4-week period when views were expressed and comments received however none relating to this issue were raised. Local authorities have a statutory duty to promote equality and all schools in Medway are responsible for ensuring equality in their schools and for promoting community cohesion.

Diversity impact assessment

5 What actions can be taken to mitigate likely adverse impacts, improve equality of opportunity or foster good relations?

- Are there alternative providers?
- What alternative ways can the Council provide the service?
- Can demand for services be managed differently?

There are no alternative schools in the area. The nearest Medway school is Cuxton and this also has been expanded recently to meet demand. Other schools within a mile radius are in Kent, and these schools are full too.

Expanding schools in another area would require pupils to travel further, and therefore would disadvantage lower income families, and the Council could incur transport costs.

Parking issues were raised at the public meeting and through written consultation responses. As part of the design and planning process work will be undertaken to minimise any impact of extra school traffic due to the increased number of pupils.

6 Action plan

- Actions to mitigate adverse impact, improve equality of opportunity or foster good relations and/or obtain new evidence

Action	Lead	Deadline or review date
Involve the Council's integrated transport and Safer Journey's Team as part of the design process to ensure parking and road safety issues are addressed	Paul Clarke	Sept 2018

7 Recommendation

The recommendation by the lead officer should be stated below. This may be:

- to proceed with the change implementing action plan if appropriate
- consider alternatives
- gather further evidence

If the recommendation is to proceed with the change and there are no actions that can be taken to mitigate likely adverse impact, it is important to state why.

To proceed with the change

8 Authorisation

The authorising officer is consenting that:

- the recommendation can be implemented
- sufficient evidence has been obtained and appropriate mitigation is planned
- the Action Plan will be incorporated into service plan and monitored

Assistant Director

Helen Jones

Diversity impact assessment

Date

28/12/17

Contact your Performance and Intelligence hub for advice on completing this assessment

RCC: phone 2443 email annamarie.lawrence@medway.gov.uk

C&A: phone 1031 email paul.clarke@medway.gov.uk

BSD: phone 2472 or 1490 email: corppi@medway.gov.uk

PH: phone 2636 email: david.whiting@medway.gov.uk

Send completed assessment to the Corporate Performance & Intelligence Hub (CPI) for web publication