

CABINET

15 JANUARY 2019

STATUTORY PROPOSALS TO MAKE PRESCRIBED ALTERATIONS AT GREENVALE INFANT SCHOOL

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

This report outlines the proposal to make prescribed alterations to Greenvale Infant School from an infant school to a primary school and asks Cabinet to approve the commencement of the statutory process to enable the changes.

1. Budget and Policy Framework

- 1.1 The proposals to make prescribed alterations to Greenvale Infant School are consistent with the provisions of the School Place Planning Strategy 2018-22, and with the Council Plan outcome of 'All children achieving their potential in schools' and are within budget. This is therefore a matter for the Cabinet.

2. Background

- 2.1 Greenvale Infant School is currently a 2 form entry (FE) PAN 60 infant school, providing early years and key stage 1 education for up to 180 children age 4-7 in the Chatham area. The school is rated as Good by Ofsted and is popular with parents.
- 2.2 When the children transfer to Junior School for key stage 2, they generally move to Phoenix Junior Academy a short distance away. The pupils are only able to choose an alternative junior school if places are available in nearby primary schools.

- 2.3 By Greenvale becoming a through primary school, the children will be able to remain at the school for their primary education, reducing transition and enhancing outcomes through continuity of education. Should the proposals be approved, the school would become a 1FE primary school and when full, would cater for 210 children aged 4-11.

3. The Proposals

- 3.1 The proposal is to change Greenvale Infant School from an infant school to a primary school. This will formally be implemented through a statutory prescribed alteration, which is:

- A 'Change of age range'. This will extend the upper age range at the school from 7 to 11.

4. Advice and analysis

- 4.1 The proposal will have associated impacts. As set out in section 2.2, the children at Greenvale Infant School generally move to Phoenix Junior Academy at key stage 2 transfer. However, Phoenix has recently been approved by the Regional Schools Commissioner (RSC) to become a through 1.5 FE primary school, which means that the pupils at Greenvale will have no school to move to at junior transition. An over provision situation in key stage 1 would result from the change at Phoenix if no change was made at Greenvale. Therefore, it is proposed to make Greenvale a 1FE through primary school.
- 4.2 The capacity at Greenvale when full under the new arrangements will be 210, and the capacity at Phoenix will be 315. This means that there will be an increase of 105 primary school places in the Chatham area, which will help to meet future demand.
- 4.3 There is not expected to be a detrimental impact upon other local schools. However, how parents choose which primary school to send their children to can depend upon each schools popularity and performance, which can fluctuate over time.
- 4.4 A number of stakeholders have already been consulted with, and the proposals are supported by the following; the School and its governing body, Medway's School Improvement Team, the Director of People – Children and Adults Services, Medway Council's Head of Education, the Portfolio Holders for Children's Services (Lead Member) and for Educational Attainment and Improvement, and the Fort Pitt Thomas Aveling Trust. No objecting views have been expressed so far. If the proposals are approved by Cabinet, the statutory representation period will allow other groups to comment and approve or object to the proposals.
- 4.5 The proposal, and its associated changes at the Phoenix Academy, will create an additional 15 places per year group in the Chatham area. This will assist in ensuring that sufficient places are available in the area as more housing schemes are approved.

- 4.6 The school, the Local Authority and the Fort Pitt Thomas Aveling Trust (FPTA), which operates the Phoenix Academy, will need to work in partnership to coordinate the phasing of the changes so that neither school is disadvantaged and that there is no over or under provision of places during the transition period.
- 4.7 An admissions consultation will be required to amend the PAN of Greenvale Infant School from 60 to 30. The Phoenix Academy will also need to amend their admissions criteria; this will follow a coordinated approach to ensure the appropriate timescales are met.
- 4.8 The proposal will result in primary education in Chatham being more streamlined and sustainable, improving choice for parents and removing transition for children between the key stages.
- 4.9 Currently, as an infant school, Greenvale does not have, nor is it required to have, a grassed playing field, however, Government guidance (BB103 Annex B page 44) recommends that primary schools should benefit from external soft play areas. To meet this recommendation it is proposed that the school will share the use and maintenance of the adjacent field which is allocated to Phoenix Junior Academy. The field will remain in the allocation of Phoenix and a local agreement will be entered into to secure the use for the school. Community and weekend use can be managed between the parties.

5. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Numbers of forecast pupils do not materialise	Forecasts suggest that the changes will not create an over provision situation, however should the expected pupil numbers not materialise, there could be an impact upon any school in the area with low intakes which could affect the viability of a school	Continue to monitor forecasts robustly so that any changes to expected numbers can be reacted to and therefore avoid any negative impacts	C3
Objection from other schools or residents	Other local schools may object to the proposals as they may fear a negative impact. Local residents may object to the additional numbers of pupils who will attend the school over time	Ensure full and comprehensive consultation with stakeholders is undertaken and views considered	C2

6. Consultation

- 6.1 The consultation process will need to follow the prescribed route as found in the DFE's guidance 'Making significant changes ('prescribed alterations') to

maintained schools (Statutory guidance for proposers and decision-makers) October 2018’.

6.2 In most cases where changes are proposed at maintained schools, there is an initial non-statutory period of informal consultation. The purpose of this is to receive feedback to help develop the proposals. The choices in this particular situation are limited by the decision of the Regional Schools Commissioner to allow Phoenix to become a 1.5FE primary school meaning that the Council must find another option for the children at Greenvale when they reach Year 3. There are three possible solutions to this:

- Expand a junior school in the area to take additional pupils
- Expand a primary school in the area to take additional pupils
- Expand Greenvale to a primary school.

6.3 There are no junior schools or primary schools in the area which are suitable for expansion to take key stage 2 pupils from Greenvale. Greenvale already has sufficient classroom space to become a primary school. Changing Greenvale into a primary school has the added benefit of removing the transition from infant to junior, and so benefits pupils. This makes the proposal to make changes at Greenvale the most efficient option, both in terms of cost and school organisation.

6.4 Therefore, as alternative options are limited, it is recommended that the discretionary non-statutory informal stage of the consultation is not undertaken in this instance and the Local Authority moves straight to the formal statutory representation stage.

6.5 A Diversity Impact Assessment screening form will not accompany this report, however one will be presented with the Outcomes of the Statutory Representation report which will come before Cabinet if there are objections to the formal proposals, or to the delegated determination if no objections are received.

6.6 The following is an indicative timeframe.

Cabinet to approve consultation	15 January 2019
Statutory Representation period	25 February- 24 March 2019 (4 weeks)
Determination of proposals	May/June 2019
Implementation of proposals	September 2020

7. Financial implications

7.1 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.

7.2 No physical expansion will be required at Greenvale as the school already has sufficient overall space to provide for 210 pupils, however some internal reconfiguration and upgrade will be required to ensure facilities are age

appropriate and this will be funded via the Children and Adults Basic Need Capital Programme, which is mainly funded by Government grants, targeted grants and section 106 developer contributions, or from the School Condition Grant. The remodelling will be dependent on sufficient available funding within the Children and Adults Capital Programme.

- 7.3 Greenvale will be able to access additional funding as outlined in Medway's growth funding policy to help support the school financially while it grows from an Infants school to a Primary school.

8. Legal implications

- 8.1 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.

- 8.2 From 24 January 2014 there is no longer a prescribed 'pre-publication' (informal) consultation period for prescribed alterations. There is a strong expectation on Local Authorities to consult interested parties to develop their proposal, as part of their duty under public law to act rationally and take into account all relevant considerations. Paragraph 4.4 shows the stakeholders consulted with so far. Due to the circumstances around this proposal, it is recommended to bypass the informal consultation period.

- 8.3 The Council has a statutory duty to provide sufficient good quality school places. The implementation of these proposals will assist the Council in meeting that duty.

9. Recommendations

- 9.1 The Cabinet is requested to instruct the Director of People - Children and Adults Services, to commence the statutory process required to make the prescribed alterations at Greenvale Infant School from the Statutory Representation stage, as set out in paragraph 3.1 of the report, bypassing the informal consultation element.

- 9.2 The Cabinet is requested to delegate authority to the Director of People - Children and Adults Services, in consultation with Portfolio Holders for Children's Services (Lead Member) and Educational Attainment and Improvement, to determine whether to approve the proposals at the end of the statutory consultation period if no objections are received. However, if any objections are received during that time then a report will be prepared and presented to Cabinet for determination.

10. Suggested reasons for decisions

- 10.1 Approving the commencement of the statutory process will ensure that the Council meets its duty to follow the appropriate consultation processes when making changes to maintained schools.

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Appendices

None

Background papers

1) Making significant changes ('prescribed alterations') to maintained schools (Statutory guidance for proposers and decision-makers) October 2018.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/751295/Maintained_schools_prescribed_alterations_guidance.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 Place Planning Strategy 2018 - 2022

<https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=4052>