

## **CABINET**

**15 JANUARY 2019**

### **STATUTORY PROPOSALS TO MAKE PRESCRIBED ALTERATIONS AT ST NICHOLAS CHURCH OF ENGLAND INFANT SCHOOL**

Portfolio Holders:	Councillor Andrew Mackness, Children's Services (Lead Member)  Councillor Martin Potter, Educational Attainment and Improvement
Report from:	Ian Sutherland, Director of People - Children and Adults Services
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#### **Summary**

This report outlines the proposal to make prescribed alterations to St Nicholas CE 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 St Nicholas Church of England 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 St Nicholas CE Infant School is currently a PAN 40 voluntary controlled infant school, providing early years and key stage 1 education for up to 120 children age 4-7 in the Strood area. The school is rated as Outstanding by Ofsted and is popular with parents.

- 2.2 When the children transfer to Junior School for key stage 2, they generally move to Gordon Junior School a short distance away. Gordon Junior School is not a faith school and some parents would prefer the option of continuing their child's education at a Church of England School. The pupils are only able to choose an alternative junior school if places are available in nearby primary schools.
- 2.3 By St Nicholas becoming a through primary school, the children will be able to stay at the school for their primary education, reducing transition and enhancing outcomes through continuity of education. Should the proposals be approved, the school, when full, would cater for 210 children aged 4-11.

### **3. The Proposals**

- 3.1 The proposals are to change St Nicholas CE Infant School from an infant school to a primary school. This will formally be implemented through statutory prescribed alterations, which are:
- 3.2 A 'Change of age range'. This will extend the upper age range at the school from 7 to 11. This element is proposed by the school's Governing Body, with the Local Authority the decision maker.
- 3.3 The 'Enlargement of the premises' to ensure sufficient physical capacity is available for the school when full with a 210 pupil capacity. This element is proposed by the Local Authority, which is also the decision maker.
- 3.4 Although the individual elements of the proposals as set out in 3.2 and 3.3 are proposed by different bodies, it is prudent to manage the proposals in tandem so that they cohesive and are fully understood by stakeholders. The Local Authority will oversee the joint proposal process.

### **4. Advice and analysis**

- 4.1 The proposals will have associated impacts. As set out in section 2.2, the children at St Nicholas CE Infant School generally move to Gordon Junior Academy at key stage 2 transfer. This causes issues for both schools as the parents who choose St Nicholas at key stage 1 do so because it is an outstanding rated school and offers a faith based education. Gordon Academies do not share the same faith ethos and so parents are often looking for alternative schools that do. This is often difficult because most CE school in the area are popular and full therefore limiting the options for parents. The proposal will enable parents to choose a faith based school for the whole of their child's primary education.
- 4.2 To mitigate this loss of pupils at Gordon Junior Academy for key stage 2, Gordon Infant Academy will increase its intake from a PAN of 60 to 90, resulting in those children following their primary education on a continuous journey through to the Gordon Junior Academy. The junior academy will reduce its intake from 100 pupils to 90. This will result in a total roll of 630 when full; currently the capacity of the Gordon Academies is 580.
- 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 school's popularity and performance, which can fluctuate over time.

- 4.4 Some 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, The Rochester Diocesan Board of Education and The Thinking Schools Academy Trust (TSAT). No objecting views have been expressed so far. Further consultation will be undertaken, if the proposals are approved by Cabinet, with parents, staff, other schools and local residents.
- 4.5 The proposal and its associated changes at the Gordon Academies, will create an additional 20 places per year group in the Strood 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 Thinking Schools Academy Trust (TSAT), which operate the Gordon Academies, will need to work in partnership to coordinate the phasing of the changes so that no school is disadvantaged and that there is no over or under provision of places.
- 4.7 An admissions consultation will be required to amend the PAN of St Nicholas CE Infant School from 40 to 30. The Gordon Academies will also need to amend their admissions criteria; the infants from PAN 60 to 90 and the juniors from 100 to 90. This will be a coordinated approach to ensure the appropriate timescales are met.
- 4.8 The proposals will result in primary education in Strood being more streamlined and sustainable, improving choice for parents and offering an increase in the number and balance of faith places.
- 4.9 A project to expand the premises at St Nicholas CE Infant School will be required to ensure sufficient capacity is available. This will be required for completion by 2023, and will require planning permission to create up to four additional classrooms and a reconfiguration of the security fencing at the site. A separate consultation regarding the additional buildings will take place as part of the planning process at the appropriate time.

## 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 would 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 A Diversity Impact assessment screening form will not accompany this report, however one will be presented with the Outcomes of Consultation report which will come before Cabinet following the informal consultation period.
- 6.3 The following is an indicative timeframe.

Cabinet to approve consultation	15 January 2019
Informal Consultation period	28 January - 3 March 2019 (5 weeks)
Cabinet Outcomes of Consultation period	9 April 2019
Statutory Representation period	22 April – 19 May 2019 (4 weeks)
Determination of proposals	June /July 2019
Implementation of proposals	September 2020

## 7. Financial implications

- 7.1 Medway voluntary controlled 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 The physical expansion of St Nicholas CE Infant School 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. The expansion will be dependent on sufficient available funding within the Children and Adults Basic Need Capital Programme.

- 7.3 Some capital works will be required at the Gordon Academy. This will also 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. The expansion will be dependent on sufficient available funding within the Children and Adults Basic Need Capital Programme.
- 7.4 The School Admissions (Infant Class Sizes) (England) Regulations 2012 sets a statutory maximum class size of 30 pupils in each key stage one year group. With a PAN of 40 St Nicholas CE Infant School are required to open two classes per year but receive funding based on one and half class per year group. A reduction in the PAN to 30 will enable the school to provide one class per year group, which will result in a more streamlined and cost effective education provision.

## **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 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 consultation that will be undertaken as part of the proposal if approved satisfies that expectation.
- 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. Recommendation**

- 9.1 The Cabinet is requested to instruct the Director of People – Children and Adults Services to commence the period of informal consultation for the proposed changes at St Nicholas CE Infant School, as detailed in section 3 of the report.

## **10. Suggested reasons for decision**

- 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](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>