

CABINET

11 JUNE 2019

OUTCOMES OF CONSULTATION FOR THE PROPOSED PRESCRIBED ALTERATIONS AT ST NICHOLAS CHURCH OF ENGLAND VOLUNTARY CONTROLLED (CEVC) INFANT SCHOOL

Portfolio Holder: Councillor Mrs Josie Iles, Children's Services (Lead Member)
Councillor Martin Potter, Education and Schools

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Summary

This report outlines the outcomes of the informal consultation period on the Council's proposals to make prescribed alterations to change St Nicholas CE Infant School from an infant school to a primary school.

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. Therefore, this is 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.
- 2.4 The first stage in the process comprised of a five week informal public consultation, this took place over a five week period between 28 January and 3 March 2019, and the results of this are set out in sections 4 and 5 of this report.

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.
- 3.5 It is proposed, subject to the outcome of the consultation period and subsequent period of statutory representation, to formally implement the changes on 1 September 2020.

4. Results of the Consultation

- 4.1 As part of the statutory consultation process, there is an expectation that local authorities will conduct an informal consultation where the views of all interested parties can be expressed, and all views taken into consideration prior to formal publication of proposals.
- 4.2 The period of informal public consultation ran for five weeks from 28 January to 3 March 2019. The process included:
- public consultation documents circulated to the stakeholders and organisations listed in Appendix 1;
 - publication of the consultation document on Medway Council's website, and on the St Nicholas School website;
 - a press notice placed in the local newspaper to notify the public of the consultation period;
 - a public drop-in meeting held at the school on 12 February 2019; and
 - hand delivery of the consultation document to all local residents shown on the map at appendix 4.

4.3 There were 31 written responses in total to the consultations in the form of reply slips and emails, which were broken down as indicated below.

5. Proposals to ‘Change the age range’ and ‘Enlarge the Premises’ to accommodate the additional pupils, at St Nicholas CE Infant School

5.1 The public consultation document (attached as Appendix 3) asked for a ticked response to one of the following statements:

- “I approve of the proposal to change the age range and enlarge the premises at St Nicholas CE Infant School” or
- “I object to the proposal to change the age range and enlarge the premises at St Nicholas CE Infant School”

5.2 Thirty one responses were received to this consultation of which twenty four supported the proposal, six objected, and one was neutral. These are broken down as follows:

	Approve	Neutral	Object
Parent/guardian	12		1
Member of staff	4		
Other	3		1
Governor	2		
Parent/guardian, Local resident	2		
Local resident	1	1	3
Not given			1
Total	24	1	6

5.3 The response form also provided space for further comment. The comments have been summarised against a series of categories matching the comments and concerns of the respondents in the tables below. Some respondents offered more than one comment, and some reasons were included in more than one response, which has resulted in there being a higher number of reasons shown, in the tables below, than actual response sheets received.

Comments from respondents who approved (24 respondents)

Comment	Number of respondents
Parking/traffic issues	1
Will be beneficial to pupils/parents	3
Reduces disruption/transition	4
Will extend the school ethos/Church of England education	7
A good school/staff	6

Comments from respondents who objected/neutral (7 respondents)

Comment	Number of respondents
No room to expand	1
Might affect school quality/community	2
Parking/traffic issues	6

Other schools in area could expand instead	3
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6. Advice and analysis

- 6.1 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 Church of England schools 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.
- 6.2 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.
- 6.3 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.
- 6.4 Some stakeholders were consulted with directly, and the proposals are supported by the following; Medway's School Improvement Team, The Director of People - Children and Adults, The School and its governing body, Medway Council's Head of Education, The then Portfolio Holder for Children's Services (Lead Member) (Councillor Mackness) and the Portfolio Holder for Education and Schools, The Rochester Diocesan Board of Education and The Thinking Schools Academy Trust (TSAT), which operates the Gordon Academies. The new Portfolio Holder for Children's Services (Lead Member) is also supportive.
- 6.5 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.
- 6.6 The school, the Local Authority and the Thinking Schools Academy Trust (TSAT), who 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 provision of places.
- 6.7 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.

- 6.8 The proposals will make primary education in Strood streamlined and more sustainable, improving choice for parents and offering an increase in the number and balance of faith places.
- 6.9 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 2024, and will require planning permission to create 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.
- 6.10 Currently, as an infant school, St Nicholas 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 Strood Youth Centre. The field will remain in the allocation of Strood Youth Centre and a local agreement will be entered into to secure the use for the school. The proposal is that the school will use the field during the day with the youth centre accessing in the evenings. Community and weekend use can be managed between the parties.
- 6.11 The responses to the consultation which objected to the proposals were based around the following:
- 6.11.1 **No room to expand** – An architect will be commissioned to look at how best to provide the additional classroom space required. This will include assessing the whole site and ensuring that teaching and learning is not compromised, as well as looking at how best the outside space can be utilised. Stakeholders will be able to comment further on this aspect as part of the planning process which will be necessary if the proposals as set out in this report are approved.
- 6.11.2 **Might affect school quality/community** – The proposals will result in a maximum capacity at the school of 210 pupils, this is considered a small school and is the minimum practical capacity for a primary school. The school, the Diocese and the Local Authority all believe that pupils learning and outcomes will benefit from a complete primary school experience in one school rather than the disruption transfer to an alternative junior school can have on the pupils. The proposals should result in a stronger community feeling at the school as the pupils will be at the school for seven years rather than a short three year period, which does not support the improved community cohesion the proposals are expected to deliver. The proposals, if approved, will be phased in over a period of years, enabling the school and local community to grow organically and address any arising issues in good time.
- 6.12 **Parking/Traffic issues** – Understandably, local residents have concerns around the potential increase in traffic in the surrounding roads as well as the demand on parking space. To mitigate this, as part of the design process we will look at how on-site parking can be increased, as well as the possibility of creating a drop off zone. Officers are also working with the school to explore how best to encourage parents to walk/cycle their children

to school and also to look at the possibility of opening a pedestrian access from the area of the school that fronts London Road.

- 6.13 **Other schools in the area could expand** – Medway Council has overseen a number of school expansions across area increasing capacity in Strood at Wainscott, Bligh and Cedar Primary schools in recent years. With the number of housing schemes currently underway or planned over the next 15 to 20 years additional school places will be required. Feasibility studies have been undertaken at most other schools in the area, and it is likely that expansion at some or all of these will also be required during that period. The benefits that the proposals will provide means that St Nicholas and the associated impact at the Gordon Academies, was prioritised amongst the other options at this stage.

7. Public drop-in meeting

- 7.1 The public meeting was held at the school on the evening of 12 February 2019. Interested stakeholders were invited to come and talk about the proposals, ask any questions, and raise concerns.
- 7.2 8 people attended the session, where questions and concerns were answered and the proposals discussed. It was recommended that each person submit a response outlining their views on the proposals.
- 7.3 The comments made at the meeting were varied, with local residents mainly concerned about the impact of the additional traffic on the surrounding roads, whilst others were supportive of the proposals meaning their child could complete their primary education at one school.

8. Diversity Impact Assessment

- 8.1 A Diversity Impact Assessment (DIA) screening form is attached as Appendix 2. 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.

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

- 9.1 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 St Nicholas Infant School and the Gordon Academies.

10. Publication of a statutory notice

- 10.1 If Cabinet accepts the recommendation to progress the proposals further, it would be necessary to publish a statutory notice and formal proposals of the proposed changes to St Nicholas Infant School, by way of prescribed

alterations, to provide an opportunity for formal objection. This would run for a four-week period from 24 June to 21 July 2019. The process would follow the guidelines set out in “Making significant changes (‘prescribed alterations’) to maintained schools (A guide for proposers and decision makers) October 2018.”, and “The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013”.

- 10.2 Cabinet are also requested to approve that, should no objections be raised during the statutory period, the determination on the proposals be delegated to the Director of People - Children and Adults Services in consultation with the Portfolio Holders for Children’s Services and Education and Schools. However, if any formal objections are received during that time then the decision will revert to Cabinet.

11. 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

12. Financial implications

- 12.1 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 and polices to schools), and cannot be used to fund other Council services.

- 12.2 Each year as part of the schools and academies budget setting process, the Schools Forum approves the total budget available to support the Council's Growth Funding Policy. This policy outlines the funding support available for schools and academies who expand or reduce their PAN at the Local Authorities request.
- 12.3 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.

13. Legal implications

- 13.1 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.
- 13.2 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. This consultation satisfies that expectation.
- 13.3 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.

14. Recommendations

- 14.1 The Cabinet is asked to consider the responses to the informal consultation together with the advice and analysis from officers and to instruct the Director of People - Children and Adults Services to commence the period of statutory representation for the proposed changes to St Nicholas Infant School, as set out in paragraph 10.1 of the report, when statutory notices and full proposals will be published.
- 14.2 The Cabinet is asked to agree to delegate authority to the Director of People - Children and Adults Services, in consultation with the Portfolio Holders for Children's Services (Lead Member) and Education and Schools, to determine whether to approve the proposals at the end of the statutory representation 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.

15. Suggested reasons for decisions

- 15.1 Approval to proceed to a period of statutory representation will ensure the Council complies with its duty to follow the full consultation process when proposing changes to school organisation.

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Appendices

Appendix 1 - List of consultees

Appendix 2 - Diversity Impact Assessment screening form

Appendix 3 - Consultation document

Appendix 4 - Map of residents consultation letter drop

Background papers

1) Making significant changes ('prescribed alterations') to maintained schools (A guide 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/ukxi/2013/3110/contents/made>

3) Medway's School Place Planning Strategy 2018 - 2022

<https://democracy.medway.gov.uk/ieListDocuments.aspx?CId=115&MId=4052&Ver=4>