

Open Report on behalf of Debbie Barnes, Assistant Director for Children's Services

Report to:	Mrs P A Bradwell, Executive Councillor for Children's Services and Adult Learning
Date:	01 March 2012
Subject:	The expansion of Boston Park Primary School
Decision Reference:	02012
Key decision?	No

Summary:

The proposal under consideration is to expand Boston Park Primary School to ensure that there are enough primary school places in Boston to accommodate the increasing pupil numbers in the town.

It is the Local Authority's (LA) statutory duty to ensure that there are sufficient school places to accommodate all pupils of statutory school age in Lincolnshire. The LA believes that this proposal is the best available option to address the increasing pressure on primary school places in Boston.

The LA is co-ordinating the process following statutory guidelines (see the Department for Education (DfE) guide "Expanding a Mainstream School by Enlargement or Adding a Sixth Form" in Appendix A) and under the terms of the Education and Inspections Act (EIA) 2006 as updated by the Education Act 2011. Consultation commenced on 10 January 2012 with a four week period of consultation which closed on 7 February 2012 and is further referred to later in this report in the Consultation section. A summary of written responses received is also attached as Appendix B.

This report advises the Executive Councillor on making a decision regarding the publication of a Statutory Notice, as required by law, to propose the expansion of Boston Park Primary School. If the Executive Councillor gives approval to this there will follow a further four weeks Representation Period giving another opportunity for people and organisations to express their views and ensure that they are taken into account when the final decision is taken by the Executive Councillor later this year.

Recommendation(s):

Following the completion of the consultation period, the first phase of the statutory process, the Executive Councillor is recommended to take the next step of publishing a Statutory Notice. This notice will confirm the proposal to expand the capacity at Boston Park Primary School with effect from 1 September 2013 and enable the continuation of the statutory process to the

next stage.

Alternatives Considered:

1. That the Statutory Notice is not published and the consultation process is stopped. This would mean that the school would continue as it is currently and there would be no further consultation on expansion at Boston Park Primary School.

However, the above alternative would have the following disadvantages:

There would be insufficient available primary school places in Boston and the LA would be unable to comply with its statutory duty within Boston and the surrounding area to ensure that there are sufficient school places for children of a statutory school age.

It would place increasing pressure on all primary schools in Boston, where the numbers on roll are already at capacity, leading to concerns over the consequent impact on the quality of education provided.

It would lead to either overcrowded schools and/or additional mobile classrooms (subject to planning approval) with insufficient infrastructure for the number of pupils being accommodated.

It would likely lead to children being offered places at villages outside of Boston, with increasing transport costs and potential increased car usage and also concerns over the impact of this additional travelling time on the children concerned.

2. That the Statutory Notice is not published, the consultation process is stopped and Boston Park Primary School remains as it currently is with no further expansion but the LA looks to increase capacity at other primary schools in Boston and the surrounding area.

Other options in Boston and the surrounding area have been explored and current expansion work is being undertaken at both Boston West Primary School and Boston Hawthorn Tree School to increase capacity in the town. All primary schools have been considered for potential expansion but none have been found to be suitable due to reasons such as undersized sites or distance that pupils would have to travel. Boston Park Primary School is the most appropriate primary school for expansion.

Reasons for Recommendation:

To enable the LA to meet its statutory obligation to ensure that there are sufficient school places in the area for all children of statutory school age.

To ensure that the provision of school places is planned so as to promote high educational standards, enable fair access to educational opportunity for every child and promote the fulfilment of each child's potential. This proposal will both enhance the quality of provision and sustain local provision.

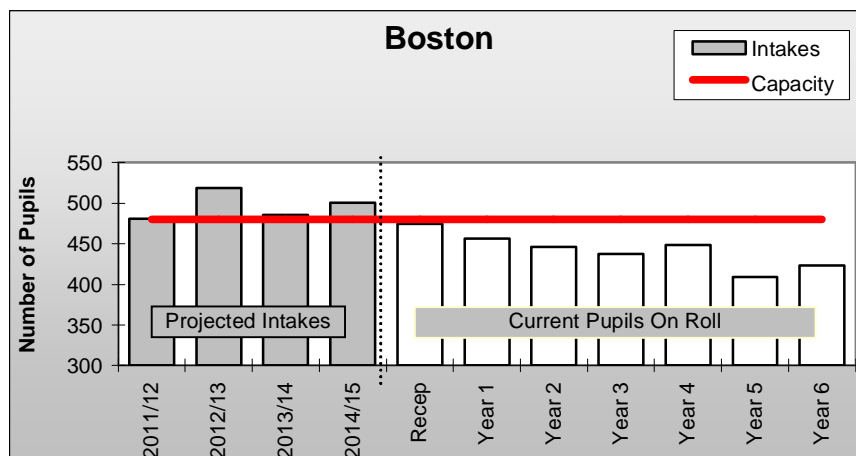
The LA considers the proposal to be the best available solution to the expected shortage of primary school places in Boston town.

To enable the process to continue to the next stage and allow a further opportunity for people and organisations to express their views about the proposal and ensure that they will be taken into account by the Executive Councillor prior to a final decision being taken in May 2012.

1. Background

National birth rates, mostly concentrated in towns and cities (urban areas), have been steadily rising in recent years. This increased birth rate, combined in some areas with migration and housing development, is now starting to have an impact at primary school age putting significant pressure on schools across the country where there is a shortage of Reception places.

Boston is one of the urban pressure points in Lincolnshire where there will be a shortage of available places if capacity in the town is not increased further in addition to the current expansion of Boston West Primary School and Boston Hawthorn Tree School. The graph below shows the known pupil numbers across all Boston primary schools of children aged 0-3 that will be needing primary places in the current year and years ahead (shaded columns), compared to existing pupil numbers aged 4+ already in Boston schools (non- shaded columns).



Data includes extra places available at Boston West Primary School and Boston Hawthorn Tree School from September 2012.

Data updated at October 2011 School Census

Based on information from the Office of National Statistics, combined with local NHS birth data, there is expected to be a long term requirement of at least 15 additional places per year group in the area. The latest NHS data showing the number of pupils in Boston that will be entering primary education in 2015/2016 indicates even higher numbers than the data for the years shown in the graph above. A permanent sustainable solution is needed to accommodate these extra children. The proposed solution is to expand Boston Park Primary School from its

existing capacity of 210 to 315. This will increase the Published Admission Number (PAN) for the Reception intake and each year group from 30 to 45.

The aim is to have the new facilities ready for the September 2013 intake. Due to the pressure on primary school places in Boston the school has admitted over their PAN in the last year with the agreement of the LA with the number on roll at the start of the January term standing at 259 in a school with an original capacity of 210. This has already required the use of temporary accommodation at the school which will continue to provide additional places while building work takes place. The expansion proposal will enable the correct infrastructure and facilities to be provided for the number of pupils on roll. Currently the school is overcrowded with key facilities (such as hall size and outdoor hard play area) being insufficient for the number of pupils on roll. If the expansion proposal is approved it is proposed that building work to add the additional accommodation will begin during 2012 and be completed by September 2013. This would be managed to cause minimal disruption to the school during term time making best use of the school holidays.

The LA understands that an increase in the number of pupils attending a school may have an impact on the local road network and access. However, many of the children that will benefit from improved facilities and additional accommodation are already attending the school and the majority of additional pupils are likely to come from within a suitable walking or cycling distance from the school. Also the LA would look to mitigate any negative impact by considering improvement to the infrastructure together with the implementation of a travel plan and would have to meet stringent requirements at the planning application stage. Any planning queries will be dealt with through a separate planning consultation process should the proposal go as far as a planning application. It must also be noted that although the proposal is based on an increased capacity at the school of 105 places, as the number on roll already stands at 259, this proposal would actually only lead to a further 56 additional places.

2. Conclusion

The LA believes this proposal to be in the best interests of local children and local parents as well as educational provision in the area and it supports the council's aim of ensuring that as many children as possible can reach their full potential. It also enables the LA to fulfil its statutory duty of ensuring that there are sufficient places to accommodate all pupils of statutory school age in Lincolnshire.

It is recommended that the proposal is implemented to ensure the best educational opportunities for the children of Boston and surrounding area. The advantages of implementing this proposal are detailed earlier in this report in the "Reasons for Recommendations" section.

A decision is required at this stage from the Executive Councillor as to whether to proceed to the publication of a Statutory Notice. The factors to consider in making this decision are within this report and all valid written responses received during consultation must be considered (summarised in Appendices B and C).

This report recommends that a Statutory Notice be published regarding the expansion of Boston Park Primary School. Publishing a Statutory Notice to confirm this proposal will allow the process to continue initiating a Representation Period of four weeks giving a further opportunity for people and organisations to send in their views and comments before the final decision is taken.

3. Legal Comments:

The legal issues to be taken into consideration in the making of this decision are fully set out in this report. The decision is within the remit of the Executive councillor.

4. Resource Comments:

There are no significant or immediate financial implications arising from the recommendation in this report, i.e. to publish a statutory notice. Should a decision be made at the end of this process to expand Boston Park Primary school, then the building costs would be met from Children's Services capital programme, with additional revenue costs funded from the Dedicated Schools Grant.

5. Consultation

In order for the school to expand the LA must follow the necessary statutory legal processes as required by the Secretary of State in accordance with the EIA 2006, the Education Act 2011 and the guidance of the DfE regarding expansion (Appendix A)

Under these guidelines the LA must ensure that sufficient time and information are provided for people to understand and form a view on the proposal and make a response. The consultation document must set out the problem that is being addressed and invite comment on one or more solutions. The LA must explain the decision making process and take all reasonable steps to draw the consultation to the attention of all those who might be interested and take into account their views.

The Education Act 2002 states the requirement for current pupils to be consulted and this was further extended by subsequent legislation to also include all pre-school children over the age of 3. The Headteacher has consulted with the children currently attending the school by explaining how the proposal may affect them. Pupils were all given the opportunity to respond and copies of their responses are attached. (Appendix C) The EIA 2006 specifically includes as interested parties the registered parents of registered pupils at the school and also the appropriate District and Parish Councils for the area. The list of interested parties was compiled according to statutory guidelines comprising as wide a range of consultees as practicable and including parents, the Chief Executive of the District Council, the Parish Clerk of the relevant Parish Councils as well as individual councillors as appropriate.

A letter, (Appendix D) incorporating relevant information and reasons for the proposal, was sent out to interested parties (listed in Appendix E) on 10 January 2012 to commence a four week period of consultation. Individual meetings were offered to parents to meet with representatives of the LA at the school to ask questions and raise any concerns although no appointments were actually taken up. There was the opportunity to provide a response to the consultation by letter, email or by returning the response form (Appendix F) attached to the consultation document by 7 February 2012. Copies of the letter commencing consultation and the response form were also published on the County Council website under the webpage Current Consultations on www.lincolnshire.gov.uk/provisionplanning

The written responses received during consultation have been provided to the Executive Councillor for consideration and further details are confirmed in this report in Appendix B. To briefly summarise, however, there were 32 valid responses in total with 27 supporting the proposal, 1 against and 4 expressing views neither in favour nor against the proposal. The overwhelming majority of responses (85%) were from parents of current pupils and staff at the school. 40% of all the consultation responses were from parents with only 1 against the proposal. 43% of the responses were from teachers and non-teaching staff members of the school with all being in favour.

If the Executive Councillor decides to proceed to Statutory Notice, this would initiate a 4 week Representation Period giving a further opportunity for people and organisations to express their views and ensure that they are taken into account when the final decision is taken by the Executive Councillor in May 2012. Under current legislation the LA is the decision maker for the proposal and is co-ordinating the statutory process before making a decision at the end of the process in May 2012. The LA, as decision maker, must be able to show that all relevant issues raised are taken into consideration in the decision making process. Points raised can be considered unpersuasive but must not be ignored altogether.

The last stage of the statutory process would be the implementation of the proposal with the expansion of Boston Park Primary School with effect from 1 September 2013 if it is decided to proceed.

a) Has Local Member Been Consulted?

Yes

b) Has Executive Councillor Been Consulted?

n/a

c) Scrutiny Comments

n/a

d) Policy Proofing Actions Required

An Equality Impact Assessment (EIA) has been completed and is attached as an appendix to this report (Appendix G)

Apart from its obligations to consider the statutory guidance referred to the Council has obligations under the Equality Act 2010 which must be taken into account by the Executive when coming to a decision.

The Council must, in the exercise of its functions, have due regard to the need to:

(1) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;

(2) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(3) foster good relations between persons who share a relevant protected characteristic and persons who do not share it: Equality Act 2010 s 149(1). The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation: s 149(7).

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

The Council believes that this proposal will not lead to any discrimination and that in recommending the proposal the Council is having due regard to its obligations under The Equality Act.

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	DfE Guide "Expanding a Mainstream School by Enlargement or by Adding a Sixth Form"
Appendix B	Summary of written responses in the Consultation period
Appendix C	Summary of responses from students on roll at Boston Park primary School
Appendix D	Letter to commence the consultation process
Appendix E	List of Interested Parties
Appendix F	Consultation Response Form
Appendix G	Equality Impact Assessment (EIA)

7. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Paul Holmes, who can be contacted on 01522 553366 or paul.holmes@lincolnshire.gov.uk