

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

Report to:	<b>Mrs P A Bradwell, Executive Councillor for Children's Services and Lifelong Learning</b>
Date:	<b>01 May 2012</b>
Subject:	<b>Proposal to expand Spalding Primary School</b>
Decision Reference:	<b>01969</b>
Key decision?	<b>Yes</b>

**Summary:**

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. This report seeks to advise the Executive Councillor on making the final decision regarding the proposed expansion of Spalding Primary School to provide a solution to the pressure on primary school places in Spalding town and to accommodate the increased intake of pupils. The implementation date of this proposal is September 2013. Section 106 (S106) education contributions from local housing developments and LA Basic Need capital funding will be used to fund the proposed expansion.

In accordance with the Education and Inspections Act 2006 (EIA 2006) as updated by the Education Act 2011 and the guidance of the Department for Education (DfE) (see Appendix A), Lincolnshire County Council has consulted on the proposal to expand Spalding Primary School. Following the first stage of the statutory process, the decision was made to publish a Statutory Notice on 2 February 2012 which commenced the representation period when objections or comments can be made. This period ended on 1 March 2012 and the process is now entering the final stage when the LA, as decision maker, must take the final decision regarding the proposal. It is noted that the decision to expand requires planning permission subject to a separate consultation running currently.

**Recommendation(s):**

That following the completion of the statutory process, in accordance with current legislation, the Executive Councillor for Children's Services is recommended to take the final decision to expand Spalding Primary School as detailed in this report – the expansion of Spalding Primary School could be delivered through one of two options:

(a) expand on the existing site (the preferred option) or

(b) expand via an annex as a split site if planning permission for (a) is not granted (the planning process is separate from this process).

If the decision is to approve the recommendation for expansion, then either of the above options is being approved. Full details are within this report.

**Alternatives Considered:**

1. That the proposal to expand the school is rejected, the council retains the school as it currently is with consequently no increase in the number of school places in the area.

The above alternative would have the following disadvantages:

- It would place increasing pressure on all primary schools in Spalding where the numbers on roll are already close to capacity and projected to increase, leading to concerns over the consequent impact on the quality of education provided.
  - It would lead either to overcrowded schools and/or additional mobile classrooms with insufficient infrastructure for the additional pupils.
  - It would likely lead to children being offered places at villages outside of Spalding, with increasing transport costs and car usage and also concerns over the impact of this additional travelling time on young learners.
  - There would be insufficient available primary school places in Spalding and the LA would at risk of being unable to comply with its statutory duty to ensure that there are sufficient school places for children of a statutory school age.
2. The proposal to expand Spalding Primary School is rejected and the council retains the school as it currently is but looks to increase capacity at other primary schools in Spalding.

The above alternative would have the following disadvantage:

- Other options in Spalding have been considered and this is the most suitable primary school for expansion. Other primary schools either have undersized sites and/or are further away from the 'Wygate Park' and 'The Hayfields' housing developments that this additional capacity is intended to serve (see map in 'Background' section of this report).
3. The proposal to expand Spalding Primary School is rejected and the council retains the school as it currently is but looks to build a separate new school/academy to increase primary capacity in Spalding with the resources available. This is a viable alternative, but not the preferred option for the following reasons.

The above alternative would have the following disadvantages:

- The S106 funding from the housing developments at 'Wygate Park' (670 new homes) and 'The Hayfields' (300 new homes) is for approximately £1.6m in total (depending on inflation) which is not enough to fully fund the build of a new school. Additional LA capital would be required. The proposed project for expanding Spalding Primary School will also require a similar amount of additional LA funding, but is better value for the LA and the tax payer. Expanding Spalding Primary School not only adds the required additional 210 capacity, but it also provides improved accommodation for the 420 children already on roll at the school through improved facilities and the replacement of old mobiles with purpose built permanent accommodation providing a more suitable school for 630 children for the future. There is also the opportunity to review the nursery accommodation co-located with the school, to move from their existing mobile into more appropriate accommodation. This could be done as part of the expansion project offering best value and economies of scale.
- The revenue costs associated with an entirely new school would be considerable more than expanding an existing school/academy. A new school/academy would require more staff than an expansion, in addition to a head teacher (which are notoriously difficult to recruit), a leadership and management team, a governing body, an operator/sponsor, extra support staff and non-teaching staff and greater overhead costs. Spalding Primary School already has an established staffing structure with the capacity and capability to increase and improve, as recommended by our school improvement advisory service (CfBT).
- To establish a new primary school/academy would require more time than is available. Due to the S106 agreement, legal requirements and ongoing negotiations with the developer, until recently the LA was not in a position to proceed with any plans that included S106 funding for education in this area. The process for setting up a new school is complex and time consuming. To start that process now would be high risk in terms of having the provision in place for September 2013 when the extra intake is required. Spalding Primary School have already taken up to 90 for this September on a PAN of 60 through the use of temporary accommodation, and this would probably be required again for September 2013 while new provision was being built. Those additional children for those two intake years would then likely continue their primary education through to completion over 7 years at Spalding Primary School in temporary accommodation without the facilities and accommodation that they would have had were Spalding Primary School expanded.
- A larger school has the potential to offer greater specialist teaching, support and training opportunities than a smaller school. This is a particular consideration taking into account the high levels of EAL in the area.

#### **Reasons for Recommendation:**

- To enable the LA to meet its statutory obligation to ensure that there are sufficient school places in the area.

- 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. The County Council believes that this proposal reinforces the priorities in the Children and Young People's Plan (CYPP) and provides the best solution to meeting the long term educational and social needs of the children in the area to ensure that children have the best possible chance of fulfilling their potential.
- Officers have already investigated the alternatives. Following consideration of the area, the existing schools and the feasibility of a new school/academy, the LA considers the proposal to expand the Spalding Primary School to be the best available solution to meet the needs of the children and parents of Spalding with the resources available and to address the expected shortage of primary school places in Spalding – particularly in relation to the housing developments of Wygate Park and The Hayfields.
- To avoid overcrowding and placing increased pressure on all primary schools in the area as this would likely lead to a negative impact on the quality of education provided.
- To achieve best value for money with the funding available. This option not only adds the required 210 additional places, but it also improves the existing facilities for the 420 places already provided by Spalding Primary School. Please note though, that if expanded via an annex then value for money, efficiency savings and other factors mentioned are still significant advantages over an entirely new school, but there will be no alterations made to the existing school where 420 places are provided.
- To avoid increased transport costs; the negative impact of extra travelling time on children and extra car usage which would be likely to follow if it were necessary for children to take up school places in the villages outside of Spalding town. However, the LA acknowledges local concern over parking and traffic and will look to resolve this through the planning process. The proposal to expand Spalding Primary School offers the opportunity to potentially address some of the existing parking and traffic concerns of the local residents that would otherwise remain as they are now.
- If expanded on the existing site then the proposal to expand Spalding Primary School has the advantage of being able to ensure two existing mobile classrooms and potentially a nursery mobile unit can be removed and all children housed in permanent accommodation.
- Expanding an existing school uses an established management and staffing structure and would not require substantial revenue funding that a new school would until it became financially sustainable as numbers increased. It also allows the school to be expanded physically as one capital project, but capacity to be carefully managed and phased into use as local demand requires, avoiding creating too much capacity which may impact on other local schools.

- Expanding an existing and larger school provides a more favourable environment for phasing in additional places than a new school which at the beginning may only have one cohort (30) of early years foundation stage pupils in a fully built and maintained seven class school.

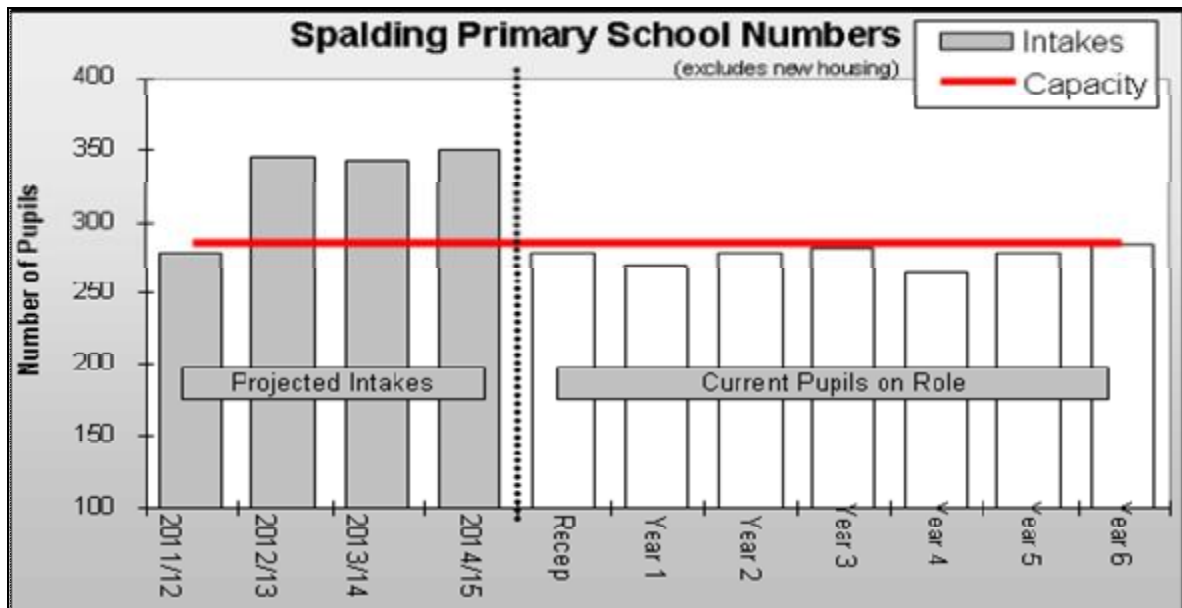
If planning permission is not granted for the expansion of Spalding Primary School on the existing site, then there is the option to expand Spalding Primary School as a split site with a 1FE annex on the Wygate Park housing development. This would include seven classrooms and base infrastructure. This is not enough for an entirely independent stand-alone 1FE primary school, but sufficient to enable the expansion of Spalding Primary School on a split site arrangement. It would maintain many of the benefits already mentioned and associated with expansion rather than a new stand alone school/academy, but would not be the preferred option, as logistically it makes more sense to manage one school on one site. This would also not allow for the replacement of the existing mobile classrooms currently on Spalding Primary School, which would remain entirely as it is now.

Due to time constraints a planning application has been submitted for expansion on the existing site (the application would be withdrawn if the decision is taken not to expand the school). To expand on a separate annex as a split site would require a different set of plans being drawn up and a new planning application to be submitted which may delay the desired completion date of September 2013. Any planning application is subject to concerns regarding traffic congestion (those concerns should not influence the decision regarding the expansion as there is a separate planning application process which has a separate consultation decision making process).

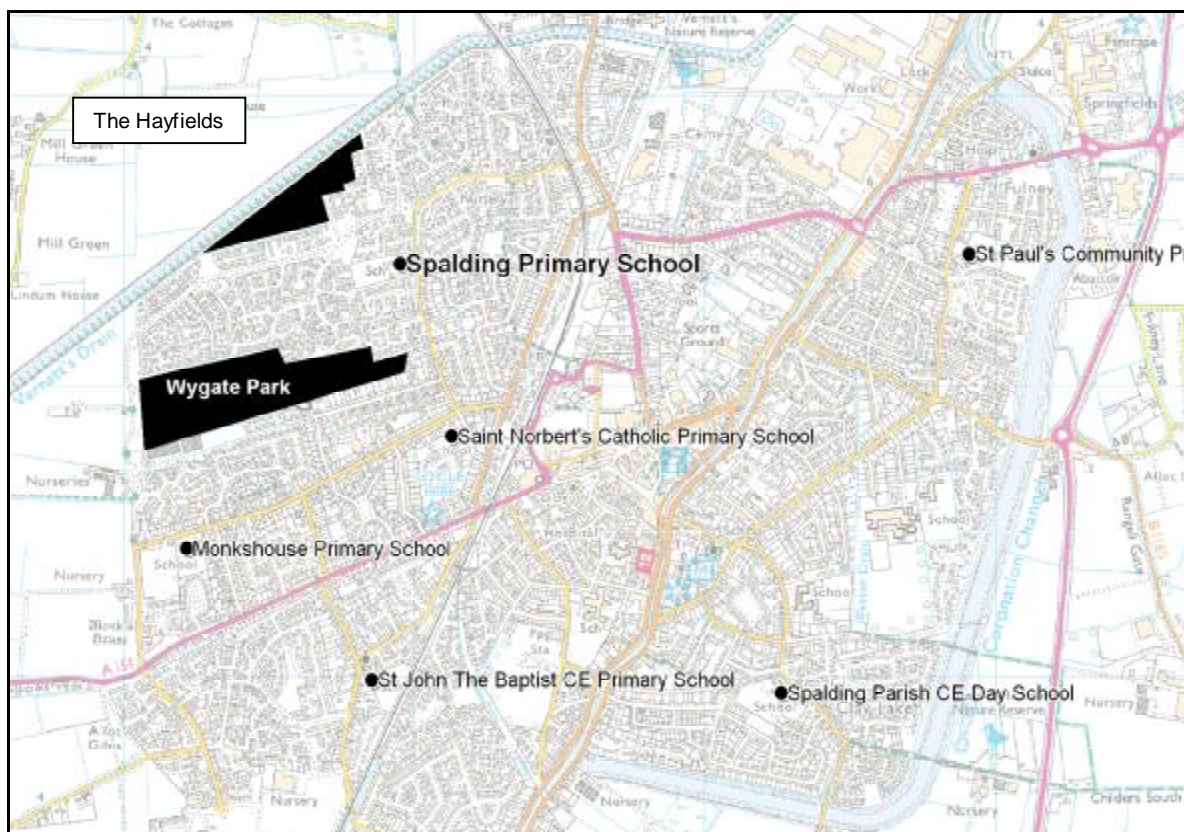
## **1. Background**

National birth rates, mostly concentrated in towns and cities (urban areas), have been steadily rising in recent years. These increased births, combined with inward internal migration into Lincolnshire from other parts of the UK, and a rise in population of families from EU countries into some areas, are now starting to reach primary school age and are putting significant pressure on schools across the country where there is a shortage of Reception places.

Spalding 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. The graph below shows the known pupil numbers across all Spalding primary schools of children aged 0-3 that will be needing primary places in the years ahead (darker columns), compared to existing pupil numbers aged 4+ already in Spalding schools (lighter columns).



In addition to the reasons already mentioned, new housing development is a significant factor contributing to population pressures for Spalding. There are large housing developments with planning permission shown on the map below (shaded black). This includes the large development on Wygate Park. The map shows the two areas of housing development in relation to the location of Spalding Primary School. The S106 funding from these two developments will contribute to the funding of any capital project to increase primary school capacity in Spalding. The S106 is specifically for additional school places to meet the needs of the local population.



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 30 additional places per year group in Spalding. A permanent sustainable solution is needed to accommodate these extra children. The proposed solution is to expand Spalding Primary School from its existing capacity of 420 to 630. This will increase its intake (Published Admission Number – PAN) from 60 to 90 per year group. Up to 90 Reception places at the school will be available for the September 2012 intake if needed through the use of temporary accommodation. The aim is to have the new facilities ready for September 2013 at which point the school will have the permanent classrooms and infrastructure in place to support a PAN of 90. Subject to planning permission, building work to add additional accommodation will begin in 2012 and be managed to cause minimal disruption to the school during term time making the best use of school holidays. Temporary accommodation at the school will provide additional space in the short term if required while building work takes place. The project has the appropriate capital funding allocated to allow the expansion project to take place, combining S106 and LA Basic Need funding

The proposal is to phase in the increased intake of 90 for each Reception intake over a number of years to help maintain pupil numbers at other local schools preventing any imbalance across Spalding schools and allow careful management of surplus capacity. It will also allow the school to effectively manage their staffing and teaching structure in a timely manner.

The proposed increase to the PAN at the school from 60 to 90 is being processed in accordance with the School Admissions Code to determine admission arrangements for the academic year commencing September 2013.

The consultation process on the expansion proposal started on 7 November 2011 with the approval of the Executive Councillor. The statutory guidelines for this process are detailed in the guide “Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form” (Appendix A) published by the DCSF (now the DfE). In accordance with these guidelines the LA have ensured that sufficient time and information were provided for people to understand and form a view on the proposal and make a response. The consultation documentation set out the problem that is being addressed and invited comments on one or more solutions. The LA explained the decision making process and took 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 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.

A letter incorporating relevant information and reasons for the proposal, (copy attached as Appendix B) was sent out to interested parties (Appendix C) on 7 November 2011 to commence a six week period of consultation. The list of interested parties was compiled according to statutory guidelines incorporating as wide a range of consultees as practicable and included the Parish Clerk of relevant Parish Councils and the Chief Executive of the District Council as well as



individual councillors as appropriate. There was the opportunity to provide a response to the consultation by 19 December 2011 either by letter, email or by returning the response form (Appendix D) which was also attached to the letter of 7 November. A copy of the consultation letter and response form were published on the website [www.lincolnshire.gov.uk/provisionplanning](http://www.lincolnshire.gov.uk/provisionplanning)

All written responses received during the consultation have been provided to the Executive Councillor for consideration and are also listed in this report (Appendix E) A brief summary of the responses is as follows.

- There were a total of 49 valid responses to the consultation.

<b>Respondent Type</b>	<b>Total</b>	<b>For</b>	<b>Against</b>	<b>Neither</b>
Local Resident	21	2	17	2
Parent/Carer	17	8	6	3
Local Authority	3	2	0	1
Governor	2	2	0	0
Other School	3	2	0	1
Teacher/School Staff	1	1	0	0
Grandparent	1	1	0	0
Unknown	1	1	0	0
<b>Totals</b>	<b>49</b>	<b>19</b>	<b>23</b>	<b>7</b>

- The majority of responses (21) have been received from local residents. These show a clear majority (17) against the proposal with nearly all (20) expressing concerns regarding traffic and parking. Other reasons common amongst local residents are that a new school should be built on the new development at Wygate Park (10) and that the school site is too small to develop or is already too small for the size of the school (7)
- 8 out of the 17 parents and carers who responded support the proposal to expand the school. 6 were against the proposal. Concerns about traffic (2) and the school site (3) were expressed.
- Two Governors of Spalding Primary School responded, both were in favour of the proposal.
- Three other schools responded, one stating that there is a clear need for spaces in West Spalding. Another that responded in favour expressed concern about traffic congestion. The other was undecided but stated that expanding existing schools is a good idea as long as all the alternatives have been considered. (Summary attached as Appendix E)

The LA has given full consideration to all of these concerns and any planning queries are being dealt with through a separate planning consultation process.

The Headteacher at the school has consulted with the current pupils by explaining how the proposed expansion may affect them. In order that the children have been given every opportunity to understand the implications of this proposal it has been



discussed both in school assemblies and in smaller informal groups through the school council (Appendix F)

Following the completion of the consultation period on 19 December 2011 all feedback was considered with a full report (which will also be re-considered along with this report) by the Executive Councillor and a decision was taken on 16 January 2012 to publish a Statutory Notice on the proposed expansion of the school. A statutory 4 week representation period was entered into on 2 February 2012 commencing with the publication of the Statutory Notice (Appendix G) in the local press, at the school gates and within the local community. The Complete Proposal, available in paper and electronic format (Appendix H) to which the Statutory Notice refers, was sent to interested parties as detailed in the statutory guidance and was also published on the website [www.lincolnshire.gov.uk/provisionplanning](http://www.lincolnshire.gov.uk/provisionplanning). Six further responses were received during the representative period.

<b>Respondent Type</b>	<b>Total</b>	<b>For</b>	<b>Against</b>	<b>Neither</b>
Local Resident	6	1	2	3

All the responses received were from local residents; there was no clear majority for or against the proposal. Three responses raised concerns with regards to increased traffic volumes associated with any expansion of the existing school site although one only suggested that traffic calming measures would need to be put in place. Two registered concerns about how construction on the existing site would impact on the quality of daily life. One suggested that the development would be better if on the alternative site within the new housing development. Some concern (2) was expressed about how any construction at the Spalding Primary School site would impact on the trees and wildlife at the site. Two responses commented on how smaller schools generally perform better than larger schools. The responses received during the representation period have been summarised in Appendix I.

Based on this report and all responses received during the consultation and representation periods, which have been seen in full by the Executive Councillor and summarised in Appendices E and I, a decision from the Executive Councillor is required to determine whether to expand Spalding Primary School with an implementation date of September 2013. If a decision is not made within 2 months of the end of the representation period then the proposal and representations must be forwarded to the Schools Adjudicator for a decision.

**Reaching the decision – Preliminary Considerations**

The requirements for decision making relating to the expansion of maintained mainstream schools are set out in the guide “Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form” published by the DCSF (now the DfE). A copy is attached as Appendix A.

The Guide sets out certain checks that the decision maker should follow before proceeding to take a decision. These are addressed below:

- (i) Is any information missing? It is considered that there is no information missing and that the Executive Councillor has before her the information that is required to enable a decision to be reached.
- (ii) Is the proposal related to other published proposals? The answer to this is no.
- (iii) Do the published notices comply with statutory requirements and has the statutory consultation been carried out prior to the publication of the notices? The published statutory notice was in accordance with section 19(1) of the EIA 2006 and was approved by Legal Services prior to publication. Consultation must, and has, included all parties specified within Schedule 5 Part 2 of the The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 including children, staff, parents/carers, the Diocese and other interested parties listed in Appendix C.

### **Reaching the decision – the merits**

In reaching a decision the Executive Councillor must have regard to Statutory Guidance issued by the Secretary of State. This Guidance is set out at paragraphs 4.15 to 4.73 of the Guide (see Appendix A). This section of the report goes through each of the requirements of the Statutory Guidance highlighting and addressing the matters to which the Executive Councillor must have regard in reaching a decision. In what follows the paragraph numbers in brackets refer to the relevant paragraphs in the Guidance.

The complete proposal (Appendix H) also includes information which must be considered in making a decision alongside the feedback from consultees received throughout the entire process. Reference will be made to this document in what follows where relevant.

#### *A System Shaped by Parents (Paragraphs 4.17 – 4.18)*

The Executive Councillor should take into account the extent to which the proposals are consistent with the County Council's duties to secure diversity in the provision of schools; to increase opportunities for parental choice when planning the provision of schools in their area; and to respond to representations from parents about the provision of schools. The Government wishes to create a schools system shaped by parents that delivers excellence and equity and is a dynamic system which allows the best schools to expand and so spread their ethos and success. Spalding is a popular and well subscribed school and has been so for a number of years so the LA is responding positively to parental preference.

All written representations from parents have been summarised in Appendix E and must be considered in detail by the Executive Councillor. It should be noted that in the consultation period there was a total of 49 valid responses of which 17 responses were from parent/carers with 8 in favour, 6 against and 3 neither for nor against the proposal.

This expansion proposal will support parental preference by offering increased capacity in the area, and parents will continue to have the right to seek admission to any schools in the locality which have places available.

Diversity is covered under its own heading later in this report.

*Standards (paragraphs 4.19 to 4.20)*

The Executive Councillor should be satisfied that the proposal will contribute to raising local standards of provision and will lead to improved attainment for children and young people. Particular attention must be paid to the effect on groups that under-perform including children from certain ethnic groups with the aim of narrowing attainment gaps. The high proportion of children with English as an additional language in Spalding presents a challenge to schools and the proposal to increase capacity will help to alleviate further pressures on teachers. Having year groups in multiples of 30 will provide more flexibility for teaching and learning arrangements and enable single year group classes throughout. The LA believes that this proposal is the best option to maintain and improve standards and promote the fulfilment of each child's potential.

*Diversity (paragraphs 4.21 – 4.23)*

The Executive Councillor should take into account how proposals will impact on local diversity, considering the range of schools in the area and how the proposal will ultimately impact on the aspirations of parents and help raise local standards and narrow attainment gaps.

The LA believes that this proposal will maintain and also likely lead to both improved standards and an enhanced quality of education for current and future children in the area whilst maintaining diversity.

*Every child achieves their potential (paragraph 4.24)*

The Executive Councillor should consider how proposals will help every child and young person achieve their potential. The LA believes this proposal will maintain and likely lead to an improved range of extended services, opportunities for personal development, measures to address barriers to participation and support for children and young people with particular needs.

*Equal opportunity issues (paragraph 4.27)*

There will be no negative impact with regard to equal opportunity issues for all children in the area if this proposal is implemented. The LA is committed to providing access to a range of opportunities which reflect the ethnic and cultural mix of an area whilst ensuring that such opportunities are open to all.

*Creating additional places (paragraphs 4.28 – 4.30)*

For an expansion proposal to be approved there must firstly be evidence of the need for places such as a planned housing development or demand for provision although even where there is surplus capacity a proposal may be approved if there is a strong case on parental preference or standards grounds. As detailed above Spalding 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 (for details see the background section of this report). There is currently a combined existing Published Admission Number (PAN) for Spalding town of 285 and 283 of those places were occupied in October 2011 by children who started in Reception during September 2011. It is projected that there will be a shortfall of places on the current existing PAN of 285 in September 2012 as up to 340 pupils may require Reception places. A long term sustainable solution is required to ensure enough suitable permanent places are provided, along with sufficient core infrastructure and facilities, to accommodate these extra children and meet the demand for school places as the demand for Reception places is projected to increase further in 2013 and beyond. Further options are being considered for more places to be added in the future.

*Expansion of Successful and Popular Schools (paragraphs 4.31 – 4.34)*

The Government is committed to ensuring that every parent can choose an excellent school for their child and therefore the wishes of parents should be taken into account in the planning and management of school estates. There is a presumption that proposals to expand successful and popular schools should be approved and only be turned down if there is compelling objective evidence that such expansion would have a damaging effect on standards overall in the area. Spalding Primary School is well subscribed and popular with parents. The proposal is based on phasing in the increase to 90 Reception intake over a number of years. This will help maintain pupil numbers at other Spalding schools preventing any imbalance and enabling schools to manage their staffing and teaching structures so avoiding any negative impact on standards.

Before approving the proposal the LA must ensure that the admission arrangements of the schools will fully meet the provisions of the School Admissions Code. The proposed increase to the PAN at the school will be processed in accordance with the School Admissions Code to determine admission arrangements for the academic year commencing September 2013.

*Travel and Accessibility for All (paragraphs 4.35 – 4.36)*

In the consideration of an expansion proposal, accessibility and travel implications must be considered. Facilities should be accessible by being close to those who will use them. A proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes. This proposal will provide additional school places in the west side of Spalding and will avoid the need for children to travel across Spalding or the likelihood of children being offered places at villages outside of Spalding with increasing transport costs and car usage and also concerns over the impact of this extra travelling time on children. The LA recognises that implementing this proposal may lead to additional pressure on the

local road infrastructure and access points. However, the LA would look to mitigate this with improving the infrastructure and implementing a travel plan to reduce car usage to these sites along with improving safety and would have to meet stringent requirements at the planning application stage. The LA is committed to promoting the use of sustainable travel and transport to school.

*Funding and Land (paragraphs 4.57 – 4.65)*

Proposals should not be approved conditionally upon funding being made available and there should be confirmation that any land, premises or capital required to implement the proposal will be available. Should this proposal to expand be approved capital investment will be provided and any revenue implications will be financed by the Dedicated Schools Grant.

Following an expansion proposal school premises must continue to meet the requirements of The Education (School Premises) Regulations 1999 including minimum areas of team playing fields to which the school should have access. Under the current proposal for expansion at Spalding Primary School these requirements will be met through the use of additional land provided by the existing s106 agent.

*Special Educational Needs (paragraphs 4.68 – 4.72)*

The Executive Councillor should consider the impact of the proposal on the Special Educational Needs provision taking into consideration the statutory guidance and be assured that the proposal is designed to improve on existing arrangements and help all children to achieve more so that they attain their potential.

The following key factors must be considered in order to meet the requirement to demonstrate likely improvements in provision:

- a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy;
- b) improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
- c) improved access to suitable accommodation; and
- d) improved supply of suitable places.

There is likely to be no impact with regard to Special Educational Needs provision in this area if the expansion proposal is implemented other than an opportunity to improve provision. The LA will continue to ensure suitable provision for all children with special educational needs. Consideration of pupils with SEN will take place should there be any relocation of pupils to an alternative part of the existing site and physical access will be assured should a need be presented. The LA believes that this proposal will maintain and also likely lead to both improved standards and an enhanced quality of special needs education for current and future children in the area.

### *Views of Interested parties (paragraph 4.73)*

The Executive Councillor should consider the views of all those affected by the proposals or who have an interest in them. This includes statutory objections and comments submitted during the representation period. The Executive Councillor should not simply take account of the numbers of people expressing a particular view when considering representations made on proposals, but rather give the greatest weight to representations from those stakeholders most likely to be directly affected by the proposals.

All representations, especially from the direct stakeholders, must be considered by the Executive Councillor in relation to this proposal prior to the decision being taken. All responses received have been made available in full to the Executive Councillor and are summarised in Appendix E and I

### **The decision**

In considering the proposals the Executive Councillor can

- reject the proposals
- approve the proposals
- approve the proposals with a modification (e.g. the implementation date) or
- approve the proposals subject to them meeting a specific condition

It is not recommended that the Executive Councillor lays down any specific conditions and therefore the 'Alternatives Considered' section at the start of this report simply deals with the rejection or approval of the proposal.

All decisions must give reasons for the decision including the main factors and criteria whether the proposal is accepted or rejected.

## **2. Conclusion**

The final decision is required from the Executive Councillor to determine whether to expand Spalding Primary Schools as detailed in this report with an implementation date of September 2013. The factors to consider in making this decision are within this report and all responses received during consultation must be considered. The LA believes this proposal to be in the best interests of local children and educational provision in the area and supports the Council's aim of ensuring that as many children as possible can reach their full potential.

### **3. Legal Comments:**

The legal issues to be taken into account in the making of this decision, which is within the remit of the executive Councillor, are set out in detail within this report.

#### **4. Resource Comments:**

Capital funding for this project is available within Children's Services capital programme. Section 106 funding will be used to help finance it.

The recommendation to expand the existing site is likely to secure the most efficient use of revenue funding, both in the short and longer term.

#### **5. Consultation**

##### **a) Has Local Member Been Consulted?**

Yes

##### **b) Has Executive Councillor Been Consulted?**

Yes

##### **c) Scrutiny Comments**

This report has not been considered by a scrutiny committee.

##### **d) Policy Proofing Actions Required**

An Equality Impact Assessment (EIA) has been completed and a copy is attached to this report as Appendix J.

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 Guidance – Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form
Appendix B	Letter commencing the consultation process
Appendix C	List of interested parties consulted
Appendix D	Response Form
Appendix E	Summary of Written Responses to Consultation
Appendix F	Summary of Pupil Responses
Appendix G	Statutory Notice
Appendix H	Complete Proposal to Expand Spalding Primary School
Appendix I	Summary of Written Responses to the Representation period
Appendix J	Equality Impact Assessment

## 7. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Proposal to expand Spalding Primary School	Lincolnshire County Council Committee Records (Reference 0197) – 16 <sup>th</sup> January 2012

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