

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

Report to:	<b>Mrs P A Bradwell, Executive Councillor for Children's Services and Lifelong Learning</b>
Date:	<b>15 May 2012</b>
Subject:	<b>The expansion of Boston Park Primary School</b>
Decision Reference:	<b>02013</b>
Key decision?	<b>Yes</b>

**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. This report seeks to advise the Executive Councillor on making the final decision regarding the proposed expansion at Boston Park Primary School.

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 has co-ordinated the consultation 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. The first stage of the consultation process ended on 7 February 2012 after which the decision was taken to publish a Statutory Notice on 21 March 2012. This initiated a four week Representation Period up to 18 April 2012 when written objections and comments may be submitted. The process is now entering the final stage when the LA, as decision maker, must take the final decision regarding the proposal.

**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 approve the expansion of Boston Park Primary School with effect from 1 September 2013 as detailed in this report.

**Alternatives Considered:**

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

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 and projected to increase, 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 proposal to expand Boston Park School is rejected and the council retains the school as it currently is but 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. Further, it is also important that any expansion be undertaken at a school which is popular and therefore account must be taken of parental preference. In addition if expansion were undertaken at a site other than Boston Primary School this would not address the current issues of overcrowding at the school.

LA officers therefore consider that Boston Park Primary School is the most appropriate primary school in the area for expansion.

**Reasons for Recommendation:**

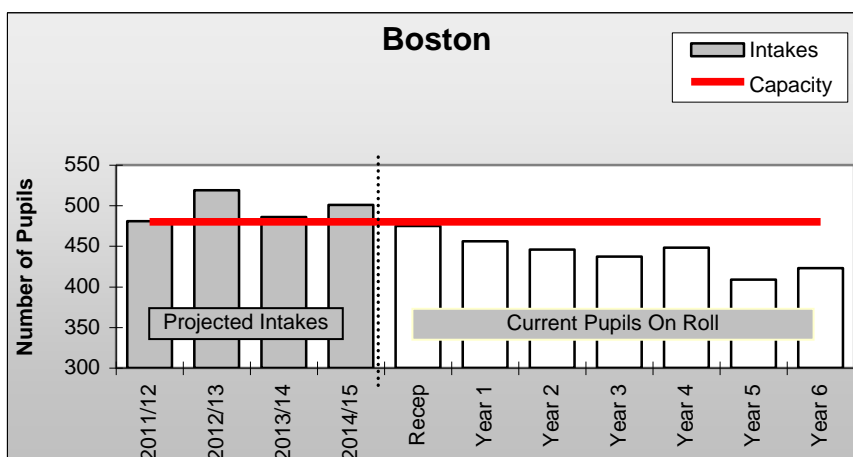
- To enable the LA to meet its statutory obligation to ensure that there are sufficient school places in the area for all children of statutory school age.

- 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. 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. This proposal will both enhance the quality of local provision and sustain local provision.
- 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 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 Boston.
- Officers have already investigated the alternatives. Following consideration of the area, the existing schools and the increasing pressure on primary school places the LA considers the proposal to expand Boston Park Primary School to be the best available solution to meet the needs of the children and parents of Boston with the resources available and to address the expected shortage of primary school places in the area.

## **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. 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 LA has been informed that an application has been submitted for a free school in Boston with a PAN of 30. If this new primary school is approved, it will create further school places in the primary sector. However, this is unlikely to create surplus capacity as 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. If the proposal for the free school does not proceed it is likely that the LA will have to look to create further school places in addition to the current proposal at Boston Park Primary School.

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.

### 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 statutory notice was published in accordance with section 19(1) of the EIA 2006. Consultation must, and has, included all parties specified within the relevant sections of the EIA 2006 including children, staff, parents/carers, the Diocese and other interested parties listed in Appendix D.

### **Factors to be considered by Decision Makers**

In reaching a decision the Executive Councillor must have regard to statutory guidance issued by the Secretary of State as detailed in the attached guide in Appendix A and referred to in the following paragraphs. The Complete Proposal also includes information which must be considered together with feedback from consultees received throughout the entire process.

#### *A System Shaped by Parents*

The Government’s aim is to create a schools system shaped by parents which delivers excellence and equity by implementing a dynamic system in which weak schools that need to be closed are closed quickly and replaced by new ones where necessary and the best schools are able to expand and spread their ethos and success.

The Executive Councillor must take into account the extent to which the proposal is consistent with the LA’s duty to respond to representations from parents about the provision of schools. There were no submissions from parents in the Representation Period. Of the total of 32 written valid responses received in the consultation period 13 were from parents with only 1 against the proposal. All responses have been made available to the Executive Councillor and must be fully considered.

Boston Park is a popular school which has been consistently oversubscribed in recent years.

The LA has therefore put forward the current proposal as the best and preferred option to meet these criteria.

### *Standards*

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 paying particular attention to the effect on groups that under-perform with the aim of narrowing attainment gaps. The LA believes that this proposal is the best option to maintain and improve standards of attainment and promote the fulfilment of each child's potential. It will alleviate pressures on teaching staff caused by increasing numbers on roll and overcrowded classrooms so avoiding any consequent negative impact on the quality of teaching.

### *Diversity*

The Government's aim is to create a more diverse school system offering excellence and choice so that every child receives an excellent education whatever their background and wherever they live. The Executive Councillor should consider how the proposal will affect local diversity taking account of the range of schools in Boston and the impact on the aspirations of parents, and whether the proposal will help raise local standards and narrow attainment gaps. The LA believes that this proposal will maintain and also be 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 Achieving their Potential*

The Executive Councillor should consider how the proposal will help every child and young person achieve their potential. The LA believes that the proposal will meet this criterion by not only maintaining the range of extended services, the opportunities for personal development, access to academic and applied learning training, measures to address barriers to participation and support for children and young people with particular needs (eg looked after children or children with special educational needs and disabilities) but also by providing the platform for these to improve.

### *Equal Opportunity Issues*

The Executive Councillor should consider whether there are any sex, race or disability discrimination issues that arise out of the proposed expansion. There needs to be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area while ensuring that such opportunities are open to all. There are no sex, race or disability discrimination issues arising from this proposal. The LA will continue to be committed to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area while ensuring that such opportunities are open to all.

### *Need for Places – Creating Additional Places and the Expansion of Successful and Popular Schools*

When considering a proposal to expand an existing school the Executive Councillor should consider whether there is a need for expansion and take care not to create unnecessary surplus capacity. As detailed above Boston is one of the urban pressure points in Lincolnshire where there will be a shortage of available places if capacity is not increased. 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. Moreover, the latest NHS data showing the number of pupils in Boston that will be entering primary education in 2015/2016 indicates that the demand for Reception places is projected to increase even further.

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. Boston Park Primary School is over subscribed and popular with parents. The LA believes that not only will there be no damaging effect on standards but that this proposal will provide the platform for standards to improve.

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*

The Executive Councillor should be satisfied that facilities are accessible by being located close to those who will use them and that proposed changes do not adversely impact on disadvantaged groups. Proposals should not have the effect of unreasonably extending journey times or increasing transport costs or result in too many children being prevented from travelling sustainably due to unsuitable routes. The proposal should be considered on the basis of how it will support and contribute to the Council's duty to promote the use of sustainable travel and transport to school.

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. The LA is committed to promoting the use of sustainable travel and transport to school. 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 at the January census was already at 259 (with further applications being received), this proposal would actually only lead to a further 56 additional places.

The County Council home-to-school transport policy will continue to apply – this provides free home-to-school transport for pupils to their nearest designated school (if it is more than 2 miles away for primary aged pupils).

### *Funding and Land*

For any expansion proposals the Executive Councillor should be satisfied that any land, premises or capital required to implement the proposals will be available. The project is in the 2012/2013 Capital Programme therefore, 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 Boston Park Primary School these requirements will be met. The site size is adequate for a 315 place primary school and the outdoor hard play area will be extended to provide sufficient suitable space.

### *Special Educational Needs (SEN) Provision*

The Executive Councillor should consider the impact of the proposal on the Special Educational Needs provision taking into consideration statutory guidance and be assured that the proposal is designed to improve on existing arrangements and enable all children to fulfil 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.

If the expansion proposal is approved there is likely to be no impact with regard to SEN provision other than an opportunity to improve the provision. The LA will continue to ensure suitable provision for all children with special educational needs and consideration of their needs 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 will continue to look to make improvements in the standard, quality and/or range of the education provision for children with SEN and so meet the Special Educational Needs Test.

### *Views of Interested Parties*

The Executive Councillor should consider the views of all those affected by, or who have an interest in, the proposal. This includes statutory objections and comments submitted during both the consultation phase and the Representation Period. The Executive Councillor should not simply take account of the numbers of people expressing a particular view when considering representations made but should give the greatest weight to representations from those stakeholders most likely to be directly affected by the proposal. 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 to the consultation period have been received and made available to the Executive Councillor (in Appendices B and F) and are also referred to later in the Consultation section of this report. There was only 1 response received during the Representation Period which was in favour of the proposal although expressed some concerns regarding the need for additional car parking facilities if the proposal is approved.

### *The Decision*

In considering the proposal the Executive Councillor can

- reject the proposal
- approve the proposal
- approve the proposal with a modification (e.g. the implementation date) or
- approve the proposal subject to 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 approve the expansion of Boston Park Primary School as detailed in this report with an implementation date of 1 September 2013. 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 F).

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. The advantages of implementing this proposal are detailed earlier in this report in the "Reasons for Recommendations" section.

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

The legal issues arising from this decision, which is within the remit of the Executive Councillor, are fully set out in the report.

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

The expansion of Boston Park Primary School will ensure that the LA is able to meet its statutory duty to ensure that there are sufficient school places in the area. The funding required is available within Children's Services capital programme and the associated future revenue costs will be funded via 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 B). 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 C) incorporating relevant information and reasons for the proposal, was sent out to interested parties (listed in Appendix D) 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 E) 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](http://www.lincolnshire.gov.uk/provisionplanning)

The written responses received during consultation were provided to the Executive Councillor for consideration and further details are confirmed in this report in Appendix F. 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.

Following the completion of the consultation period all feedback was considered with a full report (which is referred to in the Background Papers section below and will also be re-considered along with this report) by the Executive Councillor and a decision was taken on 1 March to proceed to Statutory Notice. A statutory 4 week Representation Period was entered into on 21 March 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). The Representation Period provides 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. Only one response was received during the Representation Period which was in favour of the proposal although expressed some concerns regarding the need for additional car parking facilities if the proposal is approved. 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.

Information regarding this proposal has been updated and made available through the County Council website since official consultation began on 10 January 2012. The local and district councillors have been involved in the consultation on this

proposal and the Executive Councillor for Children's Services has been engaged throughout the entire process.

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

Yes

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

n/a

**c) Scrutiny Comments**

This has not been considered by a scrutiny committee.

**d) Policy Proofing Actions Required**

An Impact Analysis has been completed and is attached in full as Appendix I. In summary the analysis undertaken indicates that there is some potential for negative impact but that this is far outweighed by the benefits of the proposal. The potential negative impact has been considered by the LA as follows:-

- Building will be managed to cause minimal disruption to pupils within term time.
- The LA would look to mitigate any negative impact on the local road network and access by considering potential improvement to the infrastructure. The stringent requirements at the planning application stage would include the active involvement of the Highways Department as well as a detailed travel plan.

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 Councillor 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 responses from students on roll at Boston Park Primary School
Appendix C	Letter to commence the consultation process
Appendix D	List of Interested Parties
Appendix E	Consultation response form
Appendix F	Summary of written responses in the consultation period
Appendix G	Statutory Notice
Appendix H	Complete Proposal
Appendix I	Impact Analysis

## 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
The Expansion of Boston Park Primary School	Lincolnshire County Council Committee Records Reference 02012 - 1 March 2012

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