

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

Report to:	Councillor Mrs P A Bradwell, Executive Councillor for Children's Services and Lifelong Learning
Date:	15 March 2013
Subject:	Proposal to expand Kirton Primary School (decision to go to Statutory Notice)
Decision Reference:	02139
Key decision?	No

Summary:

The proposal under consideration is to expand Kirton Primary School to ensure that there are enough primary school places in Kirton to accommodate the increasing pupil numbers in the area. The proposed implementation date is 1 September 2014.

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 Kirton.

The LA is co-ordinating the process following statutory guidelines (see the Department for Education (DfE) guide "Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form" in Appendix A) in accordance with the terms of the Education and Inspections Act (EIA) 2006 as updated by the Education Act 2011. Consultation commenced on 10 January 2013 with a four week period of consultation which closed on 7 February 2013 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 seeks to advise the Executive Councillor on making a decision regarding proceeding to the next stage of the process with the publication of a Statutory Notice, as required by law, to propose the expansion of Kirton Primary School. If the Executive Councillor gives approval 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 in June 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 Kirton Primary School with effect from 1 September 2014 and will 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 Kirton Primary School.

However, the above alternative would have the following disadvantages:

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

It would place increasing pressure on the primary school in Kirton and in addition at many of the primary schools in Boston and the surrounding area, where the numbers on roll are already at capacity, leading to concerns over the consequent impact on the quality of education provided.

The school have already admitted above their usual intake in 2012 and the LA may ask the school to over offer again in 2013. This has been made possible by the school making maximum use of all available accommodation but without the provision of additional accommodation this may lead to either overcrowding or a mobile classroom (subject to planning approval) with insufficient infrastructure for the number of pupils being accommodated at the school.

It would likely lead to children being offered places at villages outside of Kirton, 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 Kirton Primary School remains as it currently is with no further expansion but the LA looks to increase capacity at other primary schools in the surrounding area.

Other options in this area have been explored and all primary schools have been considered for potential expansion but none have been found to be as suitable due to reasons such as undersized sites, distance that pupils would have to travel, parental preference, impact on standards and the fact that Kirton is the only primary school in the heart of the community where the children live. Kirton Primary School is the most appropriate primary school in the area for expansion and this proposal has the support

of the Headteacher and Governing Body.

Reasons for Recommendation:

To enable the LA to meet its statutory obligation to ensure that there are sufficient school places in Kirton 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 proposal will assist in meeting parental preference. The Government have made it clear that the wishes of parents should be taken into account in planning and managing school estates. DfE guidance states that places should be allocated where parents want them and that successful and popular schools be allowed to grow.

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

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 June 2013.

1. Background

National birth rates, mostly concentrated in more urban areas, have been steadily rising in recent years. This increased birth rate, combined in some areas with inward migration and housing development, is now starting to have an impact at primary school age putting significant pressure on primary schools across the country where there is a shortage of Reception places. The Kirton community will experience a shortage of available places if capacity at the local school is not increased.

The school have admitted above the usual intake of 60 to provide up to 90 Reception places for September 2012 by making maximum use of all available accommodation and remodelling existing accommodation. If the demand for places is greater than the 60 places available for September 2013 then the LA may ask the school to over offer again up to 90 places for the Reception intake in September 2013. Additional accommodation would be provided to make this possible.

The proposal being consulted on is to permanently expand the school from the existing capacity of 420 places based on a Published Admission Number (PAN) of 60 to 630 places (PAN 90), with a proposed implementation date of September 2014. This would increase the PAN initially for the Key Stage 1 year groups from

60 to 90 with the PAN for years 3 – 6 remaining at 60. The increased intake to 90 would then be phased in with each subsequent Reception intake commencing in September 2015 until the PAN of 90 applies to all year groups. This phased approach will allow the school to effectively manage staffing and teaching structures and help to ensure that pupil numbers at other local schools will be maintained.

NHS birth data for the Kirton area shows that over the next 4 years the number of children that will be requiring a primary school place is up to 30 more than it has been in recent years. There is expected to be a long term requirement for more places. A permanent sustainable solution is needed to accommodate these extra children to avoid overcrowding and/or transporting 4 year old children to alternative schools outside of their local community.

Having additional classes and more children on roll at the school will also have financial benefits for the school. This may potentially provide the opportunity to enhance teaching provision and career opportunities for staff which in turn will benefit the learning experience of the children.

Following statutory consultation, if the expansion proposal is approved, it is proposed that building work to add necessary additional accommodation will begin during the academic year 2013/14 (subject to planning permission being granted) and planned to be completed in readiness for the start of term in September 2014. This would be managed to cause minimal disruption to the school during term time making the best use of school holidays where possible.

Please note that the planning application process is dealt with and consulted on separately and there will be opportunity for those that are interested to be involved throughout the planning process.

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 Kirton. 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 Appendix B).

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 fully set out in this report.

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 to expand the capacity at Kirton Primary School with effect from 1 September 2014. Should a decision be made at the end of this process to expand Kirton Primary school then the capital costs would be met from Children's Services capital programme, with on-going revenue costs being 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 documentation 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 arranged for consultation to take place with the children currently attending the school through the school council. This was followed up by classroom discussions in circle time. The consultation produced a very positive response and the children are generally looking forward to the expansion of the school. A summary of the consultation undertaken by the school council is attached as 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 Kirton and neighbouring 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

2013 to commence a four week period of consultation. Individual meetings were offered to anyone interested to meet with representatives of the LA at the school to ask questions and raise any concerns but no appointments were 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 2013. 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 35 valid responses in total with **all** supporting the proposal. Out of the total of 35 the main group represented consisted of teachers and staff at the school who submitted 24 responses. The remaining 11 responses were from a wide range of consultees including governors at the school, the Headteacher of a neighbouring primary school, Kirton Parish Council, a pre-school group, a local employer and 6 from parents.

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 June 2013. 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. 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.

a) Has Local Member Been Consulted?

Yes, the local member has been made aware of the proposal to expand Kirton Primary school.

b) Has Executive Councillor Been Consulted?

Yes, the Executive Councillor has been involved in the discussions regarding the proposal to expand Kirton Primary school.

c) Scrutiny Comments

The decision of whether to proceed to the publication of a Statutory Notice has not been discussed by a scrutiny committee.

d) Policy Proofing Actions Required

An Impact Assessment has been completed and is attached as Appendix G. In

summary the analysis indicates that there will be no significant impact, positive or negative, arising out of the Executive Councillor's decision. This report deals only with the question of whether to publish a Statutory Notice and no decision is being made at this time with regard to the expansion of the capacity at the school. The publication of the Statutory Notice enables the statutory process to continue and gives 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.

6. Appendices

These are listed below and attached at the back of the report	
Appendix A	DfE guide "Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form"
Appendix B	Summary of written responses in the consultation period
Appendix C	Summary of consultation with current pupils
Appendix D	Letter to commence consultation
Appendix E	List of Interested Parties
Appendix F	Consultation Response Form
Appendix G	Impact Analysis

7. Background Papers

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

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