



Open Report on behalf of Heather Sandy, Executive Director of Children's Services

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| Report to: | Councillor Mrs P A Bradwell OBE, Executive Councillor: Children's Services, Community Safety and Procurement |
| Date: | 29 April 2022 |
| Subject: | Proposal to Expand Capacity at The Fourfields Church of England School, Sutterton (Final Decision) |
| Decision Reference: | I025292 |
| Key decision? | Yes |

Summary:

Lincolnshire County Council has a statutory duty to ensure that there are sufficient school places within its area to accommodate all pupils of statutory school age who live in Lincolnshire.

The proposal under consideration is to expand the capacity at The Fourfields Church of England School in Sutterton. This is to ensure that there is the required number of primary school places within the Sutterton area of Lincolnshire to accommodate existing and increasing pupil numbers. The proposal would expand the school from a current PAN (Published Admission Number) of 20 (places per year group) to a PAN of 30, by increasing the net capacity from 153 to 210, with a proposed implementation date of 1 September 2023. The Local Authority believes that this proposal is the best available option to address the increasing pressure on primary school places in this area of Lincolnshire.

The Local Authority has ensured this proposal has followed the processes set out in the statutory guidance published by the Department for Education (DfE) "Making Significant Changes ('prescribed alterations') to maintained schools. Statutory guidance for proposers and decision-makers" (October 2018) in accordance with the terms of the Education and Inspections Act 2006, as updated by the Education Act 2011.

On 11 November 2021 a four week period of pre-publication consultation on the proposal commenced which closed on 9 December 2021 and is further referred to later in this report. A summary of written responses received is also attached in Appendix A.

Following the pre- publication consultation period, a decision was taken on 17 January 2022 to publish the proposal in a Statutory Notice on 2 February 2022. This initiated a four week Representation Period up to 2 March 2022 when further written objections and comments may be submitted. The next stage of this process is for the LA, as

decision maker, to take the final decision regarding the proposal within 2 months from the end of the Representation Period which is by 2 May 2022.

The purpose of this report is to advise the Executive Councillor on making the final decision regarding the proposed expansion to the capacity at The Fourfields Church of England School in Sutterton.

Recommendation(s):

That the Executive Councillor approves the proposed expansion to the capacity at The Fourfields Church of England School in Sutterton with effect from 1 September 2023.

Alternatives Considered:

For the LA not to expand The Fourfields Church of England School, Sutterton. This would mean that The Fourfields Church of England School remains as it currently is with no further expansion.

The above alternative would have the following disadvantages:

It is likely that there would be insufficient primary school places in the Sutterton area. Therefore, the LA may be unable to comply with its statutory duty to ensure that there are sufficient school places for children of a statutory school age in the locality in future years.

It would place increasing pressure on The Fourfields Church of England School and other primary schools in the area. It is already an over-subscribed school and in recent years has had to over-offer to ensure that local children could access a place at a local school. To not progress with the process would likely result in over-crowding and extra pressure on the existing facilities of the school that are being used to their maximum capacity.

It would likely lead, in the future, to children being offered places at schools outside of Sutterton. This would result in an increase of transport costs and traffic from potential increased vehicle usage. There are also concerns over the impact of this additional travelling time on the children concerned.

Other options in the area close to Sutterton have been explored. All primary schools have been considered for potential expansion, but none have been found to be as suitable due to various reasons. These reasons include geographical location in relation to demographic pressures, undersized sites, distance that pupils would have to travel, parental preference, impact on standards, potential planning challenges and the fact that other schools are of suitable sizes for the areas they serve. This 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 Sutterton 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 offer the opportunity to enhance the quality of provision and sustain local provision. It is also an opportunity to address suitability issues (such as a lack of group/intervention space) to benefit not just the additional pupils but the ones that are already on roll.

The proposal will assist in meeting parental preference. The Government has 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 school has been over-subscribed for the past several years.

The LA considers the proposal to be the most appropriate available solution to the expected shortage of primary school places in this area in and surrounding Sutterton. This proposal has the support of the Headteacher, the Governing Body and the Diocese. The LA is confident that the school has the leadership, management and governance required to drive forward a successful expansion. The proposed expansion will enable the school to move away from mixed year group classes to a more stable single year group classes model and provide the opportunity to improve the learning experience and outcomes for the children to enable them to reach their full potential. There will also be additional resource space to support intervention and group work.

1. Background

Whilst overall the county and country are experiencing falling birth rates, in some areas there are continued pressures on primary school places, often linked with people moving into the area, new housing developments and birth rates that buck the trend, resulting in increased demand for primary school places. Fourfields School serves a wide rural area and it is vital that families in those local communities are supported to have access to a school within a reasonable distance of where they live. For the foreseeable future there is expected to be a requirement for more school places than are currently available in the Sutterton area if capacity is not increased.

Available population data (birth data, supported by LA pupil projections) indicates an expected long term requirement for more than 20 places for children of a statutory school age in this area. Therefore, a permanent sustainable solution is needed to accommodate these extra children to avoid overcrowding and/or transporting young children to alternative schools outside of their local community.

The Fourfields Number on Roll Data and Projected Reception Data

| Projected Reception Offers | | | Number on Roll - March 2022 | | | | | | |
|----------------------------|------|------|-----------------------------|----|----|----|----|----|----|
| 2024 | 2023 | 2022 | R | Y1 | Y2 | Y3 | Y4 | Y5 | Y6 |
| 26 | 22 | 23 | 27 | 19 | 19 | 25 | 27 | 21 | 20 |

The proposal being consulted on is to expand the capacity and increase the PAN to 30 in all year groups from September 2023. The school has a current PAN of 20 and a total Net Capacity of 153 across 5 full size classrooms and 1 small classroom. There are currently 158 on roll. The proposal would increase the school to 210 places across 7 full size classrooms and single year group classes and allow for up to 30 in each year group. Additional teaching and non-teaching accommodation will be provided to accompany the additional resources required. There would not be a phased expansion as there is a current need for increase in space across multiple year groups, with several of the year groups already above the PAN of 20 as shown above. The Local Authority believes that this proposal is the best available option to address the increasing pressure on primary school places in this area of Lincolnshire.

Having additional classes and more children on roll at the school will also have financial benefits. 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.

If approved, it is proposed that building/refurbishment work will begin during 2022 (subject to planning permission being granted) and is planned to be completed in advance of the start of term in September 2023. This would be managed to cause minimal disruption to the school during term time making the best use of school holidays where possible. Suitable additional teaching and resource spaces both inside and outside will be considered to ensure sufficient facilities are in place to accommodate up to 210 primary aged children in total. This is proposed to include additional teaching and intervention space.

Some of the new accommodation will benefit the children already on roll at the school. It will also be an opportunity to ensure that no temporary classrooms are necessary on site. The planning application process will include the consideration of issues arising out of the physical expansion of the school such as parking and the impact on traffic, access and on local residents.

The planning application process is dealt with and consulted on separately. There will be an opportunity for those that are interested to respond directly to the planning application at a later date.

The Executive Councillor must reach her decision having regard to the Council's education duties and statutory guidance referred to later on in this report.

Factors to be considered by Decision Makers

The Consultation and Representation Period

The Executive Councillor must be satisfied that the appropriate consultation and representation periods have been carried out and that all of the responses received have been given due consideration.

Although there is no longer a prescribed consultation period prior to the publication of the Statutory Notice and Complete Proposal the DfE's guidance states "*a strong expectation on schools and LAs to consult interested parties in developing their proposal prior to publication*". The LA conducted a four week period of pre-publication consultation to fulfil this expectation and also to operate a fair and open process and ensure all views were considered. A Statutory Notice (Appendix B) and Complete Proposal (Appendix C), initiating a four week Representation Period, were published in accordance with current statutory requirements.

Responses submitted during both the Pre-publication Consultation and Representation Period have been made available to the Executive Councillor for consideration when taking the final decision. Summary details of these responses are provided below under the section titled *Pre- publication Consultation and Representation Period Responses.

Education standards and diversity of provision

The Executive Councillor should consider the quality and diversity of schools in the area and whether the proposal will meet or affect the needs of parents, contribute to raising local standards of provision and lead to a closing of attainment gaps. 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 LA believes that this proposal provides the best option to maintain and improve standards of attainment with an enhanced quality of education for current and future children in the area whilst maintaining diversity and meeting the needs of parents through meeting the demand for school places and providing an improved offer with the opportunities a single year group class structure will provide for raising standards.

The Fourfields is part of a federation of two schools which, in 2019, both delivered significant increase in outcomes across both schools. The school has worked hard to improve and should have been inspected by now, but Ofsted has been delayed due to the pandemic. The sister school was inspected before Christmas 2021 and was deemed to be a 'Good' school and the LA anticipate the same to happen when this school is inspected next time. For the last 3 years the school has worked closely with the LA's school standards team and will continue to do so moving forwards. Whilst it could be deemed by some that an expansion of the school could be a distraction for the leadership of the school, in real terms it would make the school easier to manage, deliver the curriculum and provide pupils and staff with the support they need. A single form intake school is much easier to manage and support all pupils' needs than one that is split across multiple year groups.

Having additional classes and more children on roll at the school will also have financial benefits. 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.

Demand

The Executive Councillor must consider the evidence presented for any projected increase in pupil population (e.g. planned housing developments and increasing birth rates) and any anticipated new provision (e.g. a new free school). A decision must also take into account parental preference and evidence of parents' aspirations for places in the school proposed for expansion together with the quality and popularity of schools in the area that have surplus capacity. Surplus capacity in less popular schools should not in itself prevent the addition of new places. The DfE recognises that for parental preference to work effectively there may be some surplus capacity in the system overall but that competition for places to be taken up will lead to existing schools improving standards.

The Fourfields is popular with parents and has been over-subscribed in recent years, and in addition continues to be very popular with 2nd preferences. It is also situated geographically in an ideal location in relation to the demand for places.

Population data (birth data, supported by LA pupil projections) confirms the expected long term requirement for more than 20 places in this area.

The expansion is required to meet the projected demand for places in Sutterton and to ensure that the LA meets its duty of providing sufficient places for children of statutory school age in the immediate area. The expansion is proposed to meet the need for additional capacity in the local area and not to replace existing capacity in the primary sector, therefore not having a significant negative impact on neighbouring primary schools.

School size

Assumptions that schools should be of a certain size to be a good school should not be made although the viability and cost-effectiveness of a proposal is an important factor in the decision-making process e.g. the impact on a LA's budget to provide additional funding to a small school to compensate for its size.

If the expansion proposal is not approved with the school remaining at its current size the demand for places would put increasing pressure on the school leading to concerns over the consequent impact of overcrowding on the quality of educational provision if additional accommodation is not provided. This expansion will provide additional appropriate infrastructure and facilities for a school of this size.

Proposed admission arrangements

Before approving the proposals the LA must ensure that the admission arrangements of the school are compliant with the School Admissions Code. It is confirmed that the proposed increase to the PAN from 20 to 30 at Sutterton Fourfields will be processed in accordance with the School Admissions Code to determine admission arrangements for the academic year commencing September 2023.

National Curriculum

All maintained schools must follow the National Curriculum unless they have secured an exemption. The Fourfields School in Sutterton currently follows the National Curriculum and will continue to do so if the proposed expansion is approved.

Equal Opportunity Issues

The LA must have 'due regard' to the need to eliminate discrimination, harassment and victimisation, advance equality of opportunity and foster good relations and should consider whether there are any sex, race or disability discrimination issues that arise out of the proposed expansion. There should 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. All new facilities will be compliant with current equality legislation (Equalities Act 2010, previously DDA) and result in improved access to more school facilities. 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. A positive impact in relation to age is that there will be more school places available for children aged 4 to 11 in the Sutterton locality. A full EIA is appended to this report.

Community Cohesion

The impact on the community must be considered and schools have a key part to play in providing opportunities for young people from different backgrounds to learn from and respect each other and gain an understanding of other cultures, faiths and communities. The decision-maker must take account of the community served by the school and the views of different sections of the community.

This expansion will enable the school to admit more local children and therefore continue to meet the needs of children from all backgrounds represented in the local community. To support community cohesion it is important that local children attend school within the local community and the school continues to be the hub of the community. The community has had the opportunity to express their views through the representation period and those are captured and taken into account within this report.

Travel and Accessibility

The Executive Councillor should be satisfied that accessibility planning has been properly taken into account and that proposed changes do not adversely impact on disadvantaged groups. Proposals should not unreasonably extend journey times or increase transport costs or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling 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.

If this proposal goes ahead it should reduce the likelihood of local children having to travel further to schools outside of their local area and therefore assist the Council to meet this duty.

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, some of the additional primary aged pupils are likely to come from within a suitable walking or cycling distance from the school.

The LA is committed to promoting the use of sustainable travel and transport to school and this would be reflected in the implementation of an up to date school travel plan. Should the proposal go ahead, all traffic issues will be considered in the planning application process. As part of this process any planning queries will be dealt with through a separate planning consultation and the LA would have to meet stringent requirements at the planning application stage to secure planning approval. A pre-planning application process and early engagement with the planning authority will ensure that all factors are taken into consideration and the views of local residents and other interested parties are also considered.

The LA will continue to work with Highways, planners and the school to ensure that any potential issues are taken into consideration as part of the planning application process. The LA will continue to look for suitable solutions to help mitigate against all concerns.

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

The Executive Councillor should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties have given their agreement. A proposal cannot be approved conditionally upon funding being made available. Where the expansion is reliant on the DfE for funding it cannot be assumed that approval of the proposal will trigger the release of capital funds unless previously confirmed in writing. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

This proposed expansion will incur capital costs that the LA will manage through the Children's Services Capital Programme, funded from Basic Need, with on-going revenue costs being funded from the Dedicated Schools Grant based on the current school funding agreements. The required level of capital from Basic Need has been secured and allocated through the necessary process and has been included and agreed in the Council's budget through the relevant parties. All necessary building work can be met from this budget and within the required timescales.

School premises and playing fields

All schools are required to provide suitable outdoor space to both enable physical education for pupils in accordance with the curriculum and also for pupils to play outside safely. DfE guidelines suggest areas for pitches and games courts but these are non-statutory.

Appendix D shows the overall site plan for information with the areas for remodelling and new building highlighted. At this stage there are no detailed designs of how the school might be expanded, but initial feasibility studies have indicated that expansion will be achievable without negatively impacting on the existing school premises and playing fields. Sufficient suitable accommodation, playing field and hard team games area will be secured for the maximum number of children that the school will be expected to accommodate (210).

Special Educational Needs (SEN) Provision and SEN Improvement Test

If the proposal is approved there is likely to be no impact with regard to SEN provision other than an opportunity to improve the provision at a mainstream school with better access to resources and consistently good quality teaching and learning at the enhanced facilities at the school. The LA will continue to ensure suitable provision for all children with special educational needs and consideration of their needs will take place with physical access being 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.

**Pre- publication Consultation and Representation Period Responses*

In order for the school to expand the Local Authority must follow the necessary statutory processes in accordance with the Education and Inspections Act 2006, the Education Act 2011 and have regard to the guidance "Making ('prescribed alterations') to maintained schools. Statutory guidance for proposers and decision-makers" (October 2018) issued by the DfE.

Under these guidelines the LA must ensure that sufficient time and information are provided for people to understand, form a view on the proposal and make a response. Under the DfE guidelines there is no longer a prescribed pre-publication consultation period for significant changes to schools (including physical expansions). However, there is a "*strong expectation that schools and LAs will consult interested parties in developing their proposal prior to publication*". To comply with this the Local Authority has conducted a four week period of pre-publication consultation. Any documentation issued must set out the problem that is being addressed and invite comment on one or more solutions. The Local Authority must explain the decision making process and take all reasonable steps to draw the proposal to the attention of all those who might be interested and take into account their views.

The Education and Inspections Act 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 guidance issued by the DfE in April does not prescribe a

definitive list of consultees. The list of interested parties was therefore compiled comprising as wide a range of consultees as practicable to ensure that all interested parties were included and incorporated parents of current pupils, the District Council, as well as individual County, District and Parish Councillors as appropriate, along with the Diocese. Children at The Fourfields Church of England School were given the opportunity to discuss the expansion proposal via the school council and the majority felt that it would be good for the school.

A letter incorporating relevant information and reasons for the proposal was sent out to interested parties on 11 November 2021 to commence a four week period of pre-publication consultation. There was the opportunity to provide a response to the pre-publication consultation by completing a short survey online, by letter, email or by returning the response form by 9 December 2021. Information about the pre-publication consultation was also published on the County Council website at www.letstalk.lincolnshire.gov.uk/sutterton-fourfields

All written responses received during pre-publication consultation have been made available to the Executive Councillor for consideration and further details are confirmed in this report in Appendix A. To briefly summarise, in the stage one pre-publication consultation there were 18 valid responses in total with 0 against the proposal, 16 for the proposal and 2 neither for nor against.

Additionally, during the stage two consultation (representation period) there were an additional 5 responses, 2 of which were against, 3 were for the proposal and 0 were neither for nor against. The two responses against the proposal related to concerns about parking and the increased volume of vehicles. Those two are most relevant to the planning application and will be addressed through that process as appropriate at a later date prior to being able to progress with the project.

All comments made should be taken into consideration by the Executive Councillor in the decision making process.

During the stage one pre – publication consultation there were a few concerns raised, which are addressed below.

The concerns raised are in *italics* with the responses below in each case:

“Having a class of 30 will not allow flexibility of more advanced pupils. There should be provisions for an advanced child to join an older year group, e.g. in Maths, a year 1 joining year 2 for their lesson. If the year 2 class is already at 30 then I assume this is not possible?”

The emphasis these days for educating pupils, and one supported through the Ofsted inspection process, is that the curriculum is where the challenge comes from not the class within which they are taught. Leaders within schools will have developed a progressive and challenging curriculum for each year group so it would be easier to challenge in a single year group class than a mixed one. Within a mixed age group class a teacher would be required to teach two curricula. Furthermore, schools are adopting a ‘mastery’ approach whereby children will be challenged to deepen their knowledge by utilising what

they have learned in a range of tasks and applying it to challenge their thinking. Therefore, pupils will be challenged within a single age group class.

"The section 106 agreement for the approx. 256 houses has been agreed at £1million (planning ref B/19/0383), this money should be paid in three stages outlined in the 106. Are we going to be back to square 1 once this development has been completed? Do you need to build/expand the school a second time and is the £1m going into Sutterton or redistributed around the county?"

Of the £890,000 s.106 funding that has been agreed from planning permission B/19/0383, £329,300 is to support 44 additional spaces at The Fourfields Church of England School (this project will utilise that funding), with the remainder split between local secondary and sixth form facilities.

The proposed expansion is based on current numbers on roll and the projected future Reception intakes being consistently greater than the current limit of 20 pupils. Capacity within schools is continuously monitored and if the school is expanded to 30 pupils per year group, based on the projected Reception numbers for the next three years there is expected to be some surplus capacity. Projections will continue to be updated, once birth rate figures are released and this data will be reviewed to see if more capacity is required in the future, but based on what is currently known it is not expected that any more than 30 places will be needed per year group in this area even when all planned housing has been built and occupied.

In addition,... expanding a school by too many places or before the development is complete could result in children outside of the local area being admitted. Although at present this may not cause an issue, once the development is complete, younger siblings of these children could displace local children.

"Is an expansion of 10 enough? The school is called "fourfields" but so far unless there are other priorities at play, people in Wigtoft have no chance of getting in."

Based on current projections and as stated previously, the proposed expansion of 10 places is deemed adequate at present.

All local children, including those in Wigtoft were admitted at the school for the 2019, 2020 and 2021 Reception intakes (made possible by over-offers on the PAN of 20), and this proposal will enable that to continue for the foreseeable future on a more permanent basis.

"Please consider defining a proper catchment area to allow fair access for all of the fourfields, not just by straight-line distance, if not, then I suggest renaming the school to "Sutterton Primary School".

In Lincolnshire, community and voluntary controlled schools do not have catchment areas. After the allocation of places to children with Fourfields named on their Education, Health and Care Plan, places are offered by the following (summarised) criteria; looked after or previously looked after children, sibling, children for whom Fourfields is the nearest school, home to school (straight-line) distance.

The 'nearest school' criteria ensures that those living nearer to Fourfields than any other school are given priority. This helps protect those in rural communities who may live further from Fourfields, than other communities who have a more local alternative, and effectively ensures that those pupils living within the 'natural catchment' of the school are prioritised for a place.

Many schools in Lincolnshire have names associated with their history even though they have evolved over the years.

Following the completion of the pre-publication 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 17 January 2022 to proceed to Statutory Notice. A statutory 4 week Representation Period was entered into on 2 February 2022 commencing with the publication of the Statutory Notice (Appendix B) in the local press, on the Lincolnshire County Council's website and at the school gates. The Complete Proposal, available in paper and electronic format (Appendix C) to which the Statutory Notice refers, was sent to interested parties as detailed in the statutory guidance and was also published on the website at www.letstalk.lincolnshire.gov.uk/sutterton-fourfields. The Representation Period provided 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. Two responses were received during the Representation Period relating to the planning application process and were advised to engage with that process at the appropriate time.

Under current legislation the Local Authority is the decision maker for this proposal and is co-ordinating the statutory process. This paper is seeking the final decision.

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 from a current PAN (Published Admission Number) of 20 (places per year group) to a PAN of 30 on 1 September 2023.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- 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.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision-making process.

An Impact Equality Assessment (Appendix B to this report) has been carried out. Equality Act considerations have also been addressed earlier in this report on page 5 at the section headed 'Factors to be considered by Decision Makers'. The Executive Councillor is referred to both.

Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS) in coming to a decision.

Having regard to the Joint Strategic Needs Analysis two areas have been identified that are pertinent to this consultation, which are educational attainment and childhood

obesity. In relation to educational attainment, by providing extra places local pupils will not have to travel unnecessary distances which could impact their attainment due to an increased school day. It will also be more feasible for children to walk or cycle to school rather than using motorised transport which could exacerbate childhood obesity.

In relation to the Joint Health and Wellbeing Strategy with regards to the theme 'improve health and social outcomes for children and reduce inequalities', we believe that expanding this school will have a positive impact on the local children. This particularly relates to promoting healthier lifestyles as more children within the locality will be able to access a school within walking or cycling distance. Children who attend a local school are more likely to partake in afterschool activities due to the convenience of the locality and the shorter school day.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

Offering more local education provision, with access to after school activities, could reduce inequalities which could prevent children engaging in anti-social behaviour.

3. Conclusion

A final decision is required from the Executive Councillor to determine whether to approve the proposal to expand the capacity at The Fourfields Church of England School, Sutterton as detailed in this report. The factors to consider in making this decision are within this report and all valid written responses received during pre-publication consultation and the Representation Period must be considered.

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 Sutterton and the wider area. The advantages of implementing this proposal are detailed earlier in this report in the "**Reasons for Recommendations**" section.

4. Legal Comments:

The Council has the power to expand the capacity at The Fourfields Church of England School in Sutterton having followed and completed the statutory consultation process. The Executive Councillor must take the consultation responses conscientiously into account in reaching a decision. It would be lawful for the Executive Councillor to make a decision in accordance with the recommendation.

The decision is consistent with the Policy Framework and within the remit of the Executive Councillor.

5. Resource Comments:

The recommendation in the report to approve the expansion of the capacity at The Fourfield Church of England School, Sutterton from 1 September 2023 will incur capital costs that the Local Authority will manage through Children's Services Capital Programme, funded from Basic Need. The required level of capital from Basic Need has been secured and allocated. On-going revenue costs will be funded from the Schools block of the Dedicated Schools Grant based on the current school funding agreements. The proposal to expand the capacity will support the Local Authority in meeting its statutory duty to ensure sufficient places are available for all children in the local area.

The expansion to a PAN of 30 will provide both operational and financial efficiencies.

6. Consultation

a) Has Local Member Been Consulted?

Yes

b) Has Executive Councillor Been Consulted?

Yes

c) Scrutiny Comments

The report will be considered by the Children and Young People Scrutiny Committee on 22 April 2022, and the comments of the Committee will be reported to the Executive Councillor prior to the decision being taken.

d) Risks and Impact Analysis

An Impact Assessment has been completed and in summary the analysis indicates that there will be no significant impact, positive or negative, arising out of the Executive Councillor's decision.

7. Appendices

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| These are listed below and attached at the back of the report | |
| Appendix A | Summary of written responses from interested parties during consultation. |
| Appendix B | Equality Impact Analysis. |
| Appendix C | Complete Proposal |
| Appendix D | Current and proposed site plan layout |

8. Background Papers

| Document title | Where the document can be viewed |
|---|--|
| The DfE guide "Making ('prescribed alterations') to maintained schools. Statutory guidance for proposers and decision-makers" (October 2018). | Making significant changes ('prescribed alterations') to maintained schools (publishing.service.gov.uk) |

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