

### Appendix a

Section 19 Notice on the possible expansion of Pupil Places at St. Peter's Church of England Primary School in Mansfield.

### Reasons for Objection to the proposal

#### 1 **Consultation.**

- 1 The proposed 50% expansion of pupil places at St. Peter's Church of England Primary School in Mansfield will necessitate the physical capacity the school to be increased by 105 pupils to accommodate these additional places the County Council are legally required to publicise a full statutory public consultation as the increase is 25% more than the existing school capacity and hence a statutory notice under section 19 (1) of (EIA) 2006 is required ensuring the whole community who might be affected by the proposed increase are afforded the opportunity to comment and object in structured and auditable manner this has not been done.

#### **NCC response**

- *Full details about the outcome of the formal consultation process were provided in a report to the Children and Young People's (CYP) Committee on 3 December 2012*
  - *The recommendations within the above report were approved and as such, a Section 19 Notice was subsequently published on Wednesday 5 December 2012*
  - *Copies of the Section 19 Notice were displayed on the school gate, inside the school, the community centre, and copies were sent to the Brunts, Queen Elizabeth and the Samworth Academy families of schools. A copy was also displayed within Mansfield Library and published in the Mansfield Chad on Wednesday 5 December 2012*
  - *Everyone had opportunity to object/comment by letter, e-mail or if unable to write in, were able to attend a drop-in session which was held at the school on Wednesday 10 October 2012. The communication of the proposed basic need expansion at St Peter's has been the same as all other Basic Need proposals across the County that have required consultation*
  - *The outcome of the Notice's 4 week representation period is fully detailed in the report submitted to CYP Committee on 11 February 2013*
  - *This consultation process adheres to the Education and Inspections Act 2006 and that of The School Organisation (Prescribed Alterations to maintained Schools) (England) Regulations 2007 (as amended).*
- 2 The County Council being cognisant of the fact that this School is the only Christian faith based school in the area with no defined catchment area have not used all available and appropriate means to effectively and inclusively consult with the local people of the Mansfield area and other interested parties so that

they could give their views. The county council are apparently unable to advise on who they were consulting with and neither were they able to advise on the proposed number of interested parties from whom they were seeking views for a school that has no particular catchment area and one which is faith based, the "Community" is a large church to reach a wholly inadequate attempt has been made to seek there views in there haste to foster an inappropriate solution to a perceived problem which is not proven at this particular school.

### **NCC response**

- *The 'statutory' consultees and other appropriate interested parties are detailed in the report to CYP Committee on 3 December 2012. Consultees were interested parties such as local county councillors, the Southwell Diocese, The Catholic Diocese, Mansfield District Council, Derbyshire County Council (as a strategic neighbour), the Queen Elizabeth/ Brunts/Samworth Families of Schools (primary and secondary), the local community. In addition, trade unions were also consulted*
- *The Southwell Diocese has confirmed that the consultation process adopted as part of the proposed expansion at St Peter's mirrors that of expansions in other Church of England schools.*

- 3 There is no guarantee that all existing parents and the community at large have been consulted with as the documentation and consultation has not been managed in a controlled manner with a complete audit trail that the County Council officers can verify and there warrants a formal notice to be issued under section 19 (1) of the (EIA) 2006.

### **NCC response**

- *It is not possible to guarantee that every individual member of the community has been consulted. However, the 'community' was given an opportunity to engage with the consultation process*
- *Sufficient copies (approx 500) of NCC's consultation leaflet were hand-delivered to the school on or around 21 Sept 2012 and a request was made for them to circulate a copy to each child on roll at the school, member of staff and school governor*
- *Additional copies were also provided to the school for circulating via local amenities i.e. Church, Community Centre, shops.*

- 4 The methodology for the formal consultation is fundamentally flawed as there is considerable confusion in the leaflet regarding who has a right to express a view, it is unclear as to anonymity, there is no formal definition of the "wider community" or "interested parties" (A faith based school has a wide and varied number of individuals who may seek to express a view) and the proposed method of collection of views by the County council has the potential to be flawed in that it seeks views by several different uncontrolled methods both verbally and in writing and Cabinet and committee members should be formally made aware of this as part of this consultation process.

### **NCC response**

- *The processes used in the consultation are based on Department for Education guidelines and common practice amongst other local authorities. The consultation leaflet was approved for circulation and based on similarly produced documents.*
- 5 The alleged “meeting” held on the 10th October 2012 at which there were Two Number yet to be determined draft design proposals put forward by the design team which the architect manually amended during the session, had no formal structure to it nor did it in anyway have any formal way of garnering views from interested parties who by virtue of late notification or no notification by the County Council may have been absent and completely unaware about the principle of providing extra places at St. Peter’s Church of England Primary School in Mansfield.

### **NCC response**

- *There was a meeting held as a drop in session which allowed interested parties to give their views and ask questions. There is no legal requirement to offer an opportunity to look at draft plans at this event, but as is the practice within Nottinghamshire, early working drafts were displayed at this session. This was an educational consultation and questions related to the expansion of the school were responded to by the Area Officer, headteacher and governors. Questions relating to planning and design could not be answered as this was not a planning consultation and the plans had, in any case, not been finalised.*
- 6 At the Drop in session held on the 10th October 2012 the representatives of the school governors, the teaching staff and the county council were either unable or unwilling to answer all questions raised by interested parties and in fact gave many contradicting statements about the proposal.

### **NCC response**

- *All educational questions were responded to by either NCC officers, the school or governors. Following this event, NCC officers, as well as the Southwell Diocese and school, received a request for written responses to 42 questions from one consultee and a further 11 questions from a second consultee. Written responses were sent to both*
  - *NCC officers responded appropriately to any other questions except planning issues that were raised because this fell within the remit of the planners and therefore needed raising within the planning consultation process.*
- 7 From the onset of this proposal the views of the parents and interested parties at large were not properly sought by the governors or the diocese prior to ratifying the decision to move forward.

### **NCC response**

- *There is no statutory obligation for governors or the Southwell Diocese to seek the views of parents or interested parties until the governing body has formally considered and subsequently agreed in principle to explore the proposal further.*

- 8 The governors have procrastinated in their response to reasonable and legally bound requests for information to allow an informed view to be made about this proposal by interested parties and the community at large.

#### **NCC response**

- *Unable to comment.*

## **2 Rationale Behind the Recommendation**

- 1 It is wholly inappropriate to include this school into any geographical / regional or area data on the basis that it has no defined catchment area furthermore the County Councils own projected demand figures prove that in its current form with a net capacity of 210 pupils the following **SURPLUSES** exist.

2012/2013 there is a surplus of places of 17

2013/2014 there is a surplus of places of 12

2014/2015 there is a surplus of places of 11

2015/2016 there is a surplus of places of 9

2016/2017 there is a surplus of places of 7

Therefore the projection methodology to assess the demand by the county councils own research proves there is no proven demand at this school.

#### **NCC response**

- *As a voluntary aided school, St Peter's serves the Southwell Diocese and therefore provides places for children who are drawn from an area far wider than a maintained school. Its contribution to the area's provision of places is as important as any other school in the area*
- *Church of England schools do not offer just faith places and do endeavour to serve local communities*
- *The projected demand for places suggests a small, but decreasing, surplus of places at Key Stage 2 in the school over the coming few years; the demand for places at first admissions (Key Stage 1) is actually growing*
- *Projection methodology must also be placed in the context of rapidly increasing numbers of primary age children nationally and locally. Parents have the right to express preferences for whichever schools they choose and St Peter's cannot be regarded in isolation from the rest of the area's provision, particularly as the Southwell Diocese is keen to extend the provision of Church of England places*
- *The latest (draft) projections data currently being produced reflect the increasing popularity of St Peter's and show that demand for places at the school exceeds supply from September 2014 onwards*
- *The Expansion Regulations 4.32 states and recommends that proposals to expand good schools should be approved.*

- 2 The County Council and the Diocese are at odds as to the certainty of the location of the proposal which for correctness is N 053°07.454' W 001°09.855 the school is conveniently referred to as either East or South Mansfield to support an unproven case.

**NCC response**

- *There is no disagreement between the County Council or Southwell Diocese. The school sits in the Mansfield East ward in the south of Mansfield.*
- 3 This solution does not solve the predicted problem of a shortfall of 100 plus place in the area from 2014 onwards and proves the need for a new school to be created by 2017 which better future proofs this part of the community.

**NCC response**

- *It is correct to state that an expanded St Peter's will not, on its own, solve the shortfall of places in the area. As such three other Mansfield schools are expanding for September 2013 (Sutton Road Primary, Berry Hill Primary, King Edward Primary). Four other schools are planned to be rebuilt at higher capacity as part of the Priority Schools Building Programme, for September 2015, in order to provide increased availability and diversity of place provision across Mansfield (Abbey Primary, Mansfield Primary Academy, Wainwright Academy, Rosebrook Primary).*
- 4 This proposal is potentially unlawful under the provisions of the School Premises Regulations 2012.

**NCC response**

- *The objectors offer no reason within this document as to why they see the proposal to be unlawful under the School Premises Regulations 2012.*

**3 Implications for parents and future parents of the school.**

- 1 This proposal will result in a loss of inclusion by the creation of a separate annex building.

**NCC response**

- *Many schools currently operate within separate buildings on a school site and still create and maintain a unified inclusive and cohesive school culture.*
- 2 This proposal will result in the loss of a whole school community for example it will no longer be possible to gather all together in the existing hall for worship assembly performances etc which under this proposal sees no expansion.

**NCC response**

- *The school has two halls that sit side by side separated by a moveable partition. When the partition is opened, the school hall is sufficient for a 315 place primary school.*

- 3 The integration of year groups in Key stage 2 will lead to the creation of elitism.

**NCC response**

- *Many schools within Nottinghamshire and beyond effectively manage mixed age classes which at best can provide a rich learning environment.*

4 **Financial implications.**

- 1 The proposals do not represent value for money for the whole lifecycle cost of the new asset.

**NCC response**

- *The objectors offer no evidence to support their claim on lifecycle costs. The new building will be designed to NCC lifecycle standards and the Education Funding Agency PSBP (Priority Schools Building Programme) output specification.*
- 2 The EMPA frameworks are not the most economically advantage procurement route in this current economic climate tender price indexes have dramatically lowered since the creation of the frameworks.

**NCC response**

- *The EMPA (East Midlands Property Alliance) framework is an OJEU (Official Journal of the European Community) compliant Construction Procurement framework. The framework allows advice and support up-front at zero cost to the Council from the contractor. Costs are agreed to a target cost, based on specified and designed work packages tendered by the contractor within their approved supply chain and not to tender price indexes, as the objectors indicate. The price indexes are only used internally by NCC when compiling their initial feasibility budget. The framework is designed to encourage collaborative working with shared 'pain and gain'. Final costs are based on the actual built cost.*
- 3 The professional services contracts have not been competitively market tested.

**NCC response**

- *If this refers to Property professional services, then these contracts are OJEU compliant through Scape (Scape System Build Ltd) managed frameworks. In some instances NCC may well use other OJEU compliant frameworks managed by other local or central government agencies.*
- 4 Modular buildings have a significantly higher cost in use profile over the lifetime of the building and are not future proof spaces and the principle weathering elements namely the roof and windows only have a 20 year life cycle.

**NCC response**

- *Modular buildings will be compliant with Building Regulations, which amongst other factors, covers the energy efficiency of the build; therefore these modern modular buildings are scoped and designed to be efficient in use*

- *The lifecycle of the building has been briefed to comply with the Education Funding Agency's PSBP output specification of October 2012. The roof will be on a 20 to 30 year life cycle and the windows on a 25 year cycle.*

## 5 **Equalities Implications**

- 1 The culture and ethos of the school will be fundamentally changed by the introduction of more pupils who do not necessarily come from a faith based background giving rise to the potential risk of unlawful discrimination within the pupil and parent population.

### **NCC response**

- *The Southwell Diocese has confirmed that St Peter's School was not created to provide a school exclusively for children from a Christian or other faith background. The school, Diocese and governing body comply with the Schools Admissions Code and the law when determining their admission arrangements and oversubscription criteria which in itself ensures equality and fairness.*

## 6 **Human Resource Implications.**

- 1 The governors are not willing to make lasting and binding commitments that the appropriate levels of teaching staff will be utilised in order to preserve a ratio of at least one fully qualified member of teaching staff to every 30 pupils for all years groups and therefore the county can not guarantee that funding from the increase to the school budget triggered by an increase number of pupils will be utilised appropriately for the education of the children.

### **NCC response**

- *The school has always complied with the law and DfE guidance when managing/organising class sizes and staff: pupil ratios. The school will experience a period of transition which could result in smaller classes rather than larger during the early years of the expansion. A school with a PAN of 45 invariably organises with classes of 30 throughout and there is no reason to believe that St Peter's will do anything different. The recommended size of a KS2 class is 30 and Infant Class Size is 30.*
- 2 The Governors when asked the question what is the proposed increase in staff numbers and at what grade the response is: "any newly created positions would be advertised at the correct grades pertinent to the post at the time of advertising"

### **NCC response**

- *This is a school issue which the governing body will address at the appropriate time.*
- 3 On the question What is the proposed ratio of full time teaching staff to pupils per class year the Governors response is:

"Current government guidelines are 1 teacher per 30 pupils in Key Stage 1. The structure of staffing in school is very adult rich with at least 1 teacher being supported by a Teaching Assistant every morning. A full time Care Assistant is employed in Reception, Year 1 and Year 2. **What the staffing structure will specifically be in the future cannot be guaranteed.**

however it is **hoped** that the ‘adult rich’ culture currently enjoyed by pupils at the school can be continued.”

**NCC response**

- *Again, this is a school issue which the governing body will address at the appropriate time.*

**7 Crime & disorder issues.**

- 1 Increased class sizes will increase the likelihood and probability of the risk of increasing disorder in the school environment.

**NCC response**

- *There would be no reason to expect an increase of crime or disorder within the school environment from 5 to 7 year olds and therefore the LA would consider there would be no crime and disorder implications.*
- 2 The increased number of pupils will give rise to a significant increase in the likelihood for crime particularly vehicular related in the surrounding neighbourhood.

**NCC response**

- *Any increase in vehicular activity as a result of the increase in numbers is a planning matter. All schools have a travel plan which encourages parents to walk children to school where possible.*

**8 Human Rights Implications.**

- 1 The admissions policy seeks to ensure that those pupils from a faith based family receive priority over geographical location of pupils with no prescribed catchment area and there being significant evidence that there is no increased demand for faith based pupils the cultural balance will fundamentally change within the school and will fundamentally impede upon the human rights of the Christian faith based pupils.

**NCC response**

- *As stated in the response to Section 5, the Southwell Diocese has confirmed that St Peter’s School was not created to provide a school exclusively for children from a Christian or other faith background. The school, Diocese and governing body comply with the Schools Admissions Code and the law when determining their admission arrangements and oversubscription criteria which in itself ensures equality and fairness.*

**9 Safeguarding of children Implications.**

- 1 The two number designs displayed at the drop in session pose a number of safeguarding issues and owing to the absence of one firm proposal prevents further comment.



### **NCC response**

- *The safeguarding issues have not been detailed in this question. However the design is compliant with NCC policy on the requirements of safeguarding which is a priority in all buildings on school sites.*

## **10 Impacts for Sustainability and the Environment.**

- 1 This proposal results in loss of valuable playing field and outside play facilities, the latest Ofsted report has highlighted areas for improvement include the need to provide "outdoor activities that match those taking place indoors so that children's learning is promoted equally well in both areas" and furthermore Section 10 of the School Premises Regulations 2012 states:

"Suitable outdoor space must be provided in order to enable:

A) Physical education to be provided to pupils in accordance with the school curriculum; and

B) Pupils to play outside."

When the proposals are set against the minimum design standards they are significantly deficient in provision of "suitable" open space.

### **NCC response**

- *The minimum standards referred to are advisory only. The provision and use of outdoor space will be enhanced by the construction of the MUGA (Multi Use Games Area). The Section 77 (Consent under the Schools Standard and Framework Act 1998 to dispose, or change the use of school playing fields) application will determine this but is not available at this time.*
  - *The proposed MUGA will also enable the outdoor and indoor activities to match. Currently, some of the indoor activities cannot be carried out outside if the weather is inclement (grass doesn't allow this as well as a MUGA).*
- 2 The proposed development will lead to the loss of all or part of a playing field, and would prejudice its use, and should not be permitted because it would permanently reduce the opportunities for participation in sporting activities. Government planning policy and the policies of Sport England have recognised the importance of such activities to the social and economic well-being of the country and Sport England have already expressed their concerns to the county council about the proposal with The main area of concern being the desire to provide new hard play area as a replacement for the loss created by the proposal to construct the additional classrooms on part of the existing hard court/play area.

### **NCC response**

- *Though there will be a loss of some grassed area the realignment of the playing fields and the addition of the MUGA will ultimately allow better usage of the playing field area in differing weather conditions*

- *Sport England has been consulted on this and their comments taken into account within the design, they will also be consulted as a part of the Planning process.*

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