

17 September 2018**Agenda Item: 10****REPORT OF THE SERVICE DIRECTOR, EDUCATION, LEARNING AND
SKILLS****SCHOOLS REQUIRING EXPANSION BY 25% OR MORE PUPIL PLACES****Purpose of the Report**

1. This report seeks ratification of the need to undertake the necessary statutory consultations in relation to the proposed expansions of two primary schools identified in the Council's primary Basic Need programme. It is proposed that East Markham Primary School in Bassetlaw and Lambley Primary School in Gedling should be expanded to meet existing demographic demand for more primary school places in their respective districts.

Information

2. The County Council strategy to managing the on-going demand and supply of pupil places in Nottinghamshire schools is outlined in the Pupil Place Planning and School Capital Policy which was approved by Policy Committee on 15 November 2017. This policy outlines the Council's statutory commitment to securing a sufficiency of statutory school places with a commitment to expand good or better schools wherever possible. It should be noted that both East Markham and Lambley Primary schools are both currently judged by Ofsted to be 'good'.

Basic Need

3. The Education Act 1996 imposed on Nottinghamshire County Council a duty to secure school places for all children of statutory school age whose parents want them to be educated in a state-funded school. Whilst subsequent Education Acts have built upon this particularly in relation to academisation, the obligation placed on local authorities has not changed.
4. Each school has an associated Net Capacity, which determines the number of children it can properly accommodate. If projected pupil numbers suggest that a school or area will be subject to a demand over and above their capacity, then this constitutes a 'basic need' for additional school places to be provided. Projections may identify a planning area or a specific school as a pressure point. Further analysis of local conditions is then undertaken to form an initial view on the suitability of school capacities to be increased.
5. Where additional places are required and if, as expected, the long term trend for pupil numbers in that area is for them to increase, it is more effective to provide permanent

extensions to schools than to provide temporary accommodation, which is more appropriate to managing what is known as a ‘bulge’ year.

6. The areas and schools needing additional places for the 2019 – 2020 school year have been appraised and feasibility studies have been conducted. These expansion programmes are necessarily compressed into tight timeframes, as a balance has to be struck between allowing enough time to complete the building programme and ensuring the very latest demographic trends are properly analysed.
7. Two primary schools will require an expansion of 25% or more permanent places. The two schools under consideration are:
 - 1) East Markham Primary School – increasing the admission number from 20 to 30; the net capacity would rise from 144 to 210. This would be achieved through the building of an additional classroom, a new hall and a new kitchen.
 - 2) Lambley Primary School – increasing the admission number from 22 to 30; the net capacity would rise from 157 to 210. This would be achieved through the building of an additional classroom.
8. The statutory requirement to formally publish proposals on these matters is covered by the *School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013* and *(Establishment and Discontinuance of Schools) Regulations 2013* that came into force on 28 January 2014. The associated statutory guidance for proposers and decision-makers (April 2016) *Making ‘prescribed alterations’ to maintained schools* lists the following sequence of consultation events:

Stage 1	Publication	Statutory proposal/notice published
Stage 2	Representation (formal consultation)	Must be at least 4 weeks
Stage 3	Decision	The LA should decide a proposal within 2 months of the end of the representation period or decision defaults to Schools Adjudicator (OSA). Any appeal to the adjudicator must be made within 4 weeks of the decision
Stage 4	Implementation	No prescribed timescale, but must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker

9. The revised guidance also states that although “there is no longer a prescribed ‘pre-publication’ consultation period for prescribed alteration changes, there is a strong expectation on schools and LAs to consult interested parties in developing their proposal prior to publication as part of their duty under public law to act rationally and take into account all relevant considerations”. As part of the process of expanding a school, the relevant parties have been included in discussions concerning the options available at the earliest opportunity, before the sequence as detailed in **paragraph 8** above.

Other Options Considered

10. Officers in the Support to Schools Service have established where and when the pupil demand is located and have made recommendations to expand the two schools listed above in keeping with the well-established basic need criteria as used by all other local authorities to deliver this statutory responsibility. When proposing to expand a school, the Local Authority seeks to find the next size of school which lends itself to good classroom organisation. In the case of each of the schools listed above, this has the effect of increasing physical capacity by 25% or more physical places. It might be possible to expand the above schools by fewer places but this would impact upon the cost-effectiveness of the projects as well as creating problems for classroom organisation.

Reason/s for Recommendation/s

11. Expanding schools by 25% or more places requires compliance with the *School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013* that came into force on 28 January 2014.

Statutory and Policy Implications

12. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Human Resources Implications

13. Where schools are expanding, appropriate levels of teaching staff will be appointed and funded from increases in the school budget triggered by the increased number in pupils.

Human Rights Implications

14. Parental preference will continue to be facilitated.

Financial Implications

15. Financial provision has been approved by the Finance and Major Contracts Management Committee at its meeting on 16 July 2018 as part of the 2018 School Places Programme.

Safeguarding of Children and Vulnerable Adults Implications

16. All school expansion projects have due regard to the health and safety and safeguarding of pupils and other service users who access the school facilities.

Implications for Service Users

17. There will be sufficient school places for children living within the Local Authority area.

Implications for Sustainability and the Environment

18. Environmental and sustainability requirements will be incorporated into the detailed design process for each of the individual buildings.

RECOMMENDATION/S

That the Committee:

- 1) ratifies that a formal consultation is undertaken, commencing on 6th September 2018 and concluding on 4th October 2018, to expand East Markham and Lambley Primary schools by 25% or more places.
- 2) agrees to receive a further report outlining the outcomes of the above consultations with the appropriate recommendations arising from the consultations.

Marion Clay
Service Director, Education Learning and Skills

For any enquiries about this report please contact:

Mike Sharpe
Team Manager, Place Planning Strategy
T: 0115 977 2803
E: mike.sharpe@nottsc.gov.uk

Constitutional Comments (SLB 07/09/18)

19. Children and Young People's Committee is the appropriate body to consider the content of this report.

Financial Comments (SAS 23/08/18)

20. The financial implications of the report are contained within paragraph 15 above.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

Policy for Pupil Place Planning and New School Funding Route - report to Policy Committee on 15 November 2017

Latest Estimated Cost – School Places Programme 2018, School Expansions - report to Finance and Major Contracts Management Committee on 16 July 2018

Electoral Division(s) and Member(s) Affected

Calverton	Councillor Boyd Elliott
Tuxford	Councillor John Ogle

C1142