

CABINET – 27 NOVEMBER 2012

PROPOSAL TO EXPAND WINDMILL PRIMARY SCHOOL, OXFORD

Report by Director for Children's Services

Introduction

1. Windmill Primary School is located in Headington in Oxford. Its published Admission Number until recently was 60. In 2010, the school agreed with the county council's request to admit 90 pupils for two years only (September 2011 and September 2012), to meet sharp growth in demand for pupil places in Headington.
2. The proposal is to expand Windmill Primary School to become a 3 form entry school with an Admission Number of 90 permanently. This would bring the number of children on roll at the school up to a maximum of 630 children in F1 to Year 6 by Sept 2016.

The need for additional school places in Oxford

3. The Education Act 1996 (Section 14) places a statutory duty on local authorities to secure sufficient school places in their area. To allow for fluctuation in demand, in-year movement and effective operation of parental preference, it is judged that 8% spare places are required across an urban area.
4. To assess the need for future school places, forecasts of pupil numbers are revised each year, based on ward-level population forecasts, which are calculated from census population data, fertility/mortality data, Census migration data and housing net completions data. Oxford City Council's Core Strategy for Growth to 2026 was approved by the Secretary of State in autumn 2010, and sets out the intention to provide at least 8,000 additional dwellings in Oxford city between 2006 and 2026. Of these, 2472 had already been built by the end of 2010/11.
5. The current forecasts predict average growth in reception numbers in city schools of 2.7% pa over the next 4 years, which follows average growth of 3.6% pa over the previous 4 years.
6. On this basis, the number of Reception places needed over the next 4 years is shown below. The current number of places confirmed for 2013 and beyond is 1380. The number of additional places (compared to 2013) the county council seeks to commission for each of the next 5 years is also shown below.

Year of Reception intake	Target number of Reception places	Target additional Reception places (cumulative)
2013	1586	206
2014	1654	270
2015	1696	316
2016	1718	338

7. There are a number of proposals at different stages of development which will contribute towards the additional places required. None is yet confirmed.

School	Additional Reception places	Target date	Status
St Ebbes Primary School	15	2013	Subject to statutory approval to expand to 2 form entry, decision expected November/December
Tyndale Free School	60	2013	Subject to DfE funding agreement, decision date unknown
Windmill Primary School	30	2013	Subject to statutory process due to conclude March 2013
St Gregory the Great Catholic School	60	2013	Subject to statutory process, consultation expected autumn 2012
Other schools in Oxford city	25	2013 / 2014	Initial discussions with 3 schools ongoing
Wolvercote Primary School	15	2014	Subject to statutory process, consultation expected to commence January 2013
New Barton School	60	2016	Subject to timescale of housing development

8. In addition to the named proposals above, the county council continues to seek up to 2 forms of additional spaces to meet the target level of capacity, through "Free Schools" and/or additional expansions of existing schools. If any of the proposals above are not approved, or prove unfeasible, the level of growth sought at other schools will need to be greater.

Provision of school places through new schools

9. Education and Inspections Act 2006 (Section 2) places a statutory duty on local authorities to secure diversity of provision of schools and increasing opportunities for parental choice.
10. The county council has engaged proactively with promoters of new schools for Oxford, and one Free School has been provisionally approved by the DfE for Oxford, due to open in 2013 subject to funding agreement. There is also a new school planned as part of the Barton West housing development. The timing of

this is subject to the progress of the housing development, but it is currently not expected before 2016.

11. New schools cannot, however, be the sole route to increasing school capacity in Oxford for the following reasons:
- Shortage of suitable sites;
 - The land acquisition and construction costs of providing all additional places in new schools would exceed the council's resources;
 - Timescales – the design and construction of a new school is longer than for extensions of existing schools;
 - Extensions of existing schools provide opportunities to provide added value through addressing existing accommodation issues;
 - New schools (which would usually be expected to be 2 form entry) provide a concentration of additional capacity in one area – suitable for new housing developments such as Barton, but less suitable where demand has increased across the city.

For these reasons the county council's main growth strategy has been through extension of existing schools.

Location of additional places

Parental preference

12. The School Standards and Framework Act 1998 (Section 86) as amended by section 42 of the Education and Inspections Act 2006 places a statutory duty on local authorities to allow parents to express a preference for a school. The county council seeks to ensure a high percentage of parents secure a place at their first preference school.
13. In each of the last 4 years the number of first preference applications (at the late allocation stage) for Windmill Primary School has been:
- | | |
|------|------|
| 2009 | 85 |
| 2010 | 84 |
| 2011 | 92 |
| 2012 | 116. |
14. In the last two years, while the school has been accepting intakes of 90, there have been 18 (2011) and 19 (2012) appeals from parents against being refused a place at the school. In 2010, when the school admitted 60, there were 41 appeals. If an appeal goes to a full hearing the cost to the county council is approximately £150, including the background costs of recruiting and training panel members and clerks, plus time and costs spent on administering the process and clerking appeals. In addition to this there are staffing costs related to the production and the presentation of appeals papers.

Quality of provision

15. At the Cabinet meeting of February 2012, Cabinet confirmed that the Council sees its future role as being a champion for the children and families of the county, and also its absolute commitment to improve educational outcomes for those children. Educational standards within Oxford city have been of particular concern. At its last inspection (2010) Windmill Primary School was judged by Ofsted to be “Good”, and it is one of the higher performing schools in the city in Key Stage assessments.

2012 Key Stage 2 results	Level 4+ in English & Maths	2 Levels Progress in English	2 Levels Progress in Maths	3 Levels Progress in English	3 Levels Progress in Maths
Oxfordshire	81.9%	91.1%	88.2%	28.8%	28.3%
Windmill	83.9%	100%	90.2%	27.5%	27.5%

Travel to school

16. Annex 5 is Transportation & Highways’ formal commentary on the proposal, setting out the measures that must be taken during the Planning process of any expansion, to mitigate traffic impact at Windmill. The Education Act 1996 (Section 508A) places a statutory duty on Local Authorities to promote sustainable modes of travel to school. To allow the option of children walking or cycling to school, it is preferable for children to be able to attend a school no more than 2 miles from home (for infant children). In the last 2 years, when Windmill Primary School has been accepting 90 pupils into Reception, the additional children who have been admitted (compared to a PAN of 60) have lived within a mile of the school, and in many cases less than 0.5 miles. If the school had retained an admission number of 60 during this time, siblings of children already at the school would not have secured a place, increasing the likelihood of parents needing to drive their children to school, as they would have attended two different schools.
17. The expansion of Windmill Primary School is therefore considered an appropriate response to growth in demand for places, on grounds of parental preference, quality of provision and sustainable travel to school.

Consultation with Windmill Primary School over the provision of more places

18. The possibility of Windmill Primary School being suitable to expand was first raised through the 2008 Primary Capital Programme locality review, when the county council notified the school of our intention to conduct a feasibility study into options.
19. In January 2009, discussion was held with Windmill Primary School about the potential for the school to expand either permanently or temporarily to 3 form entry from September 2009. The school was very reluctant to do so, and instead sufficient places for 2009 were created through continuing to allocate

over the Published Admission Number at Sandhills Primary School, Bayards Hill Primary School, Larkrise Primary School, Orchard Meadow Primary School, St Nicholas Primary School and West Oxford Primary School; and over-allocating for the first time at New Marston Primary School, St Christopher's Primary School and St Aloysius Catholic Primary School. At this time demographic forecasts indicated that the number of Reception pupils was expected to peak in 2011 and then subside.

20. Additional classes or permanent expansions for 2010 were agreed with the schools above (excluding St Aloysius, which could not accommodate another over-allocation), as well as at St Andrew's Primary School (one year only), Cutteslowe Primary School, Botley Primary School and Wolvercote Primary School (one year only). As a result, it was proved unnecessary for Windmill to take an additional intake in 2010.
21. In late 2010 the school was again asked to accept a higher intake and, following negotiation on accommodation, it agreed to do so for 2 years, i.e. September 2011 and September 2012. At this time national demographic forecasts indicated that the number of Reception pupils was expected to peak in 2012 and then dip sharply, before growing gradually as a result of planned housing growth. It was hoped that by 2013 additional places at Windmill would no longer be needed.
22. Revised demographic forecasts in summer 2012 showed that demand for Reception places in the area was now predicted to continue growing. Greater certainty about Oxford City's housing plans also indicated the need for continued growth in school places across Oxford. Following a meeting with the school in May 2012 it was decided to start consultation procedures towards a permanent expansion of the school.
23. There are five statutory stages for a proposal to expand a school:
 - i. Consultation;
 - ii. publication of a statutory notice;
 - iii. representation;
 - iv. decision;
 - v. implementation.

This proposal has completed the first consultation stage, and a decision is now sought as to whether to proceed to publication of a statutory notice and representation.

The Proposal

24. The proposal is to increase the formal published admission number from 60 to 90, on a permanent basis from September 2014 (the admission number for 2013 is already published at 60 but if this proposal is approved the school will admit 90). The class size will remain unchanged, as classes will be limited to 30 children, as now, in F1 and Key Stage 1.

25. To accommodate this growth in pupil numbers, there would need to be adaptation and extension of the school's buildings, and a feasibility study is underway to investigate the options for how to achieve this. All options would seek to comply with statutory regulations on school premises and playing field space and would be subject to Planning regulations and approval, including those in consideration of traffic and Highways.

What if the proposal is not approved?

26. If the proposal is not approved to proceed the 30 pupil places that will not be available in September 2013 at Windmill Primary School must be found elsewhere.
27. Wood Farm Primary (rated Good by Ofsted) has now expanded permanently to 2fe and construction is on-going. At the time of writing, most classes are in temporary accommodation. Given the ongoing construction works, as well as the additional uses of the school site by the Children's Centre and Day Nursery, it is not considered appropriate to further increase pupil numbers at Wood Farm School at this stage.
28. St Andrew's CE Primary School in Headington (rated Good by Ofsted) is on a small constrained site which makes it very difficult for permanent expansion due to space limitations. The school already has a "bulge" class working its way through the school.
29. Bayard's Hill Primary School in nearby Barton (rated Satisfactory by Ofsted) is currently undergoing extensive building work to replace some of its older unsuitable accommodation. In addition, part of the site is to be developed into a residential special school for children with autism and learning disabilities: the existing building will be refurbished and a new residential home built on the site. A new primary school will be constructed in Barton in the next few years due to a major housing development in the vicinity, and will offer sufficient pupil places for the area. It is not considered appropriate therefore to create additional places in Barton, forcing people to travel to it, as Barton is not where the pressure of population currently lies.
30. As population increases, the Headington partnership of schools will all admit up to their admission numbers increasingly with children living in their catchment area. This will leave fewer places available for those living out of catchment. It is possible, therefore, that if Windmill Primary catchment children cannot be offered a place at Windmill, they may not be allocated a place at a nearby school either, as they would be lower down in the admissions criteria than that school's catchment children. In this case, they would need to be transported outside of the area to a school by taxi, at the county council's cost. This would also increase traffic and is a situation the county council seeks to avoid wherever possible.
31. For September 2012 allocation of places, the Headington partnership of schools were allocated as follows (AN = Admission Number):

- Wood Farm Primary School (AN 60) – 53 catchment, 4 siblings, 3 distance
- St Andrew's CE Primary School (AN 30) – 30 catchment
- Bayard's Hill Primary School (AN 90 bulge year) – 37 catchment, 6 siblings, 47 distance
- Windmill Primary School (AN 90 bulge year) – 70 catchment, 7 siblings, 13 distance

TOTAL PLACES ALLOCATED: 270

32. For September 2013, Bayard's Hill Primary School has a published admission number of 60, and admitted 90 children in September 2012 as a bulge year only. The school has now expanded to a permanent 2fe size and is undergoing construction work. For reasons previously set out above it is not considered appropriate to expand Bayards Hill further in lieu of Windmill Primary. If Windmill's AN reduces to 60 also, then Headington partnership will offer 60 fewer places (a total of 210) at the same time as an increase in need for them from the year before.
33. No budget is identified to acquire a site and construct a school by September 2013. Children applying to Windmill Primary live extremely close to it, and this is where demand for pupil places is strongest from local residents.
34. In summary, if the proposal is not approved, in September 2013 increased numbers of primary age children in Headington may be allocated a place at a school not listed as a preference by their parents, and further away from their home which will inevitably increase traffic on the roads. In some cases they may need to be transported by taxi at the county council's expense.

Representations

35. During the Stage 1 consultation phase (10th September 2012 – 22nd October 2012) a meeting was held at the school on 20 September to give parents of children at the school the opportunity to raise queries about the proposal with a county council officer. Notes of the meeting, verified as accurate by the Headteacher and governors of the school are attached as Annex 1. A further meeting was held with the Cabinet Member for Education on 16th October. Notes from this meeting are attached at Annex 4.
36. A consultation leaflet (Annex 2) was sent to parents of children at Windmill Primary School, as well as to local councillors, partnership schools and early years providers including childminders in the area, libraries, local Early Intervention Hub, community groups, community website and centres and other stakeholders. It was also available on the OCC public website, together with full details of the various ways of responding. Additionally, the school highlighted the consultation in its newsletters to parents.
37. 122 responses to the consultation were received:
- 20% (24) of respondents supported the proposal in principle,
 - 2% (3) of respondents were neutral or did not express an opinion in principle, but raised queries, and
 - 78% (95) of respondents were opposed to the proposal in principle.

38. The reasons given for supporting the proposal were:

- Clear need for additional pupil places in Headington area, to prevent local children having to travel outside of the area to gain a school place.
- Concern from parents with children at the school and younger siblings not yet at school, that they may not be able to have their children in the same school, if it does not expand.
- The same concern as above from parents of children not yet at school, who intend to express a preference in future for a place at Windmill Primary.
- It is a good and popular school, and that therefore more children should have the opportunity to attend it, if parents prefer it.
- Opinion that the school should serve the local community, which is growing, therefore the school should also grow to keep pace with it.

39. Opposition to the proposal in principle was strongly expressed by some respondents. The concerns, and suggestions for alternative ways forward, raised were:

- Suggestion that a new school should be built somewhere else instead.
- Suggestion that another school in the Headington area be expanded instead of Windmill Primary.
- Concern about the effect of being a larger school on educational standards.
- Concern about the increase in traffic resulting from parents who choose to drive their children to school, instead of walking or cycling.
- Concern about sufficient facilities being provided for the increased numbers of pupils.
- Queries about the design of new buildings and alterations.
- Concern that the ethos of the school would be adversely affected if it were larger and that the “community feel” of the school would not be as strong. Opinion that it is important that all staff know all the children and the children all know each other.
- Queries about the effect on existing outdoor spaces / playing field size for the increased numbers of pupils if more buildings are constructed.
- Concern that building works would cause undue disruption to the children’s learning.
- Concern that due to the Hall size, whole school assemblies would not be possible and that lunch times would be crowded and school plays affected.
- Concern that increased pupil numbers might mean the school could not take everyone on trips.
- Concern not all pupils would be able to join clubs run by the school.
- Concern that the youngest children would be intimidated by a larger school setting.
- Concern about the After School Club (managed separately to the school) and sufficient places being available if pupil numbers increased,

although recognition that this was already the case. Also concern that the After School Club room would be taken into use as a classroom and that provision would not be made for this service.

- Concern about increased noise from the playground.
- Concern that insufficient data was made available for people to come to an informed view on the proposal in terms of new accommodation that would be built and what money would be available for the project.
- Perception that the proposal was “last minute” and “rushed” without consideration being given to any other options of providing the needed additional pupil places in Headington.

40. At the meetings held at the school for parents, most of the concerns detailed above were raised. The notes of the meetings are attached as Annexes.

41. With respect to accommodation, a feasibility study is now in progress and the Headteacher and Governors are working with the council's property consultants to identify how the accommodation needs arising from this proposal might be met. The timeline for delivering the required adaptation and extensions would take into account a range of factors including the need to ensure that sufficient space is available to meet the needs of the school as it grows and how best to undertake construction works whilst minimising the impact on the day to day operation of the school. As this study is not complete, there were no proposed building plans to share with parents at the school during this consultation. Funding is not identified within the county council governance processes until a recommended capital scheme has been proposed and so no specific information on funding is available at this current time.

42. As detailed earlier in this document, additional pupil places have been created at many schools in Oxford, including in and near Headington, over the past years. The county council has been in dialogue with the governors and Headteacher at Windmill Primary School around the idea of expansion since 2008 but until the new nationally provided forecasts for pupil numbers were received in 2012, the hope was that Windmill offering two “bulge” years of 90 would be sufficient growth. It became clear on receipt of the forecasts however that this is not the case. As some respondents to the consultation have stated themselves, in September 2012 there was a very sharp increase in catchment children applying for places at the school even against the previous year. It is in this context that permanent expansion of the school is now being formally proposed.

43. As objections in relation to the proposal have been raised, the decision on whether to proceed to publish a formal statutory proposal is referred to OCC Cabinet, rather than the Cabinet Member for Education.

Making a Decision

44. Sections 18 to 24 of the Education & Inspections Act 2006 and The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended) ["the Prescribed Alterations Regulations"] establish the procedures that must be followed when enlarging school premises. Local authorities also have a duty to have regard to statutory guidance, in this particular case 'Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form: A Guide for Local Authorities and Governing Bodies ("the Guidance")'.
45. The Prescribed Alterations Regulations require proposers to consult interested parties and the Guidance lists these at paragraph 1.3. The Cabinet must be satisfied that the statutory consultation has been properly carried out prior to the publication of the notice. Annex 3 provides details of the county council's consultation with interested parties that are required to be consulted with under the Prescribed Alterations Regulations. The period of consultation is not prescribed by legislation, although the Guidance recommends a minimum of 4 weeks. The consultation period was in line with the Guidance having run from 10th September 2012 – 22nd October 2012, thereby exceeding the four week minimum requirement. The consultation was therefore carried out in accordance with the Prescribed Alterations Regulations.
46. A decision is now required as to whether to publish formal proposals for this proposed expansion. If approved, a statutory notice would be published, followed by a formal representation period of four weeks. The decision-making power in terms of determining the notice will lie with the Cabinet or the Cabinet Member for Education, and a report will be put to Cabinet if objections in principle are received, for a final decision in due course.

Equality and Inclusion Implications

47. Equality Impact Assessment of Oxfordshire's Pupil Place Plan (June 2011) identified that increasing school places at the heart of their communities has a positive impact on equalities through promoting social inclusion and minimising barriers to accessing education.

Financial and Staff Implications

48. The direct financial implication of this report is the cost of the statutory process recommended, which is planned for and met within the normal Children Education & Families budget provision. There are no significant financial implications or risks at this stage. If the proposal proceeds, following statutory consultation there would be another report to Cabinet in due course seeking a final decision on whether to expand the school.

49. The financial implications of this report are linked to the capital works that will be carried out should the proposal be approved. Publication of a statutory proposal to expand the school requires confirmation from the county council that funds will be made available for the necessary capital costs. The Capital Investment Board (CIB) has approved funding for the initial feasibility work to establish the preferred option for meeting the additional accommodation needs.
50. There will also be on-costs to the school for additional staff and for increased maintenance requirements. The day to day revenue costs for repair and maintenance and staffing costs must be met through the school's delegated budget as part of the Council's Fair Funding arrangements, which will be updated to meet revised government requirements from April 2013.
51. Resources for School Budget Shares are provided by government through the Dedicated Schools Grant, which will increase proportionately to increases in overall pupil numbers in Oxfordshire. Additional pupils will be reflected in an adjustment in the school's funding formula which applies numbers of pupils on roll and their characteristics.

RECOMMENDATION

The Cabinet is **RECOMMENDED** to approve the publication of a statutory notice for the expansion of Windmill Primary School, Oxford.

JIM LEIVERS
Director for Children's Services

Contact Officer: Diane Cameron, School Organisation Officer, 01865 816445

November 2012

- | | |
|---------|-------------------------------------------------------------------------------------|
| Annex 1 | Notes of meeting held at Windmill Primary School on 20 th September 2012 |
| Annex 2 | Consultation leaflet |
| Annex 3 | List of interested parties consulted |
| Annex 4 | Notes of meeting held at Windmill Primary School on 16 th October 2012 |
| Annex 5 | OCC Transportation & Highways Commentary |