

REPORT TO CABINET

19 September 2018

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| Subject: | Proposed expansion of St Matthews CE Primary School, Windmill Lane, Smethwick |
| Presenting Cabinet Member: | Councillor Simon Hackett - Cabinet Member for Children's Services |
| Director: | Executive Director of Children's Services – Lesley Hagger Director – Education, Skills and Employment – Chris Ward Executive Director – Resources – Darren Carter |
| Contribution towards Vision 2030: |  |
| Key Decision: | Yes |
| Forward Plan (28 day notice) Reference: | SMBC02/09/2018 |
| Cabinet Member Approval and Date: | Councillor Simon Hackett - Cabinet Member for Children's Services |
| Director Approval: | Director – Education, Skills and Employment – Chris Ward – 14 August 2018 Executive Director of Children's Services, Lesley Hagger - 13 August 2018 |
| Reason for Urgency: | Urgency provisions do not apply |
| Exempt Information Ref: | This is a public report and does not contain exempt information. |
| Ward Councillor (s) Consulted (if applicable): | Ward councillors were included in the consultation exercise: Councillors Roger Horton, Mohammad Rouf, Farut Shaeen |
| Scrutiny Consultation Considered? | This has not been referred for Scrutiny consideration |
| Contact Officer(s): | Paul Hayward, Team Manager – School Organisation and Development Tel No: 0121 569 8298 |

DECISION RECOMMENDATIONS

That Cabinet:

1. Having taken the results of consultation into account and not withstanding any appeal from the local Church of England diocese, the Roman Catholic diocese or the school governing body, give approval to the prescribed alterations at St Matthews CE Primary School, Windmill Lane, Smethwick, B66 3LX.

1 PURPOSE OF THE REPORT

- 1.1 To consider the outcome of consultation following the publication of a proposal to expand St Matthews CE Primary School in Smethwick. The proposal, if agreed, will provide Sandwell with a further 210 primary school places in an area of the borough that continues to see a higher demand for school places as a result of a high birth rate and significant levels of inward migration.
- 1.2 The decision maker for this proposal is the Cabinet. Decision maker's guidance issued by the Department for Education (DfE) is attached as appendix 2 to this report.

2 IMPLICATIONS FOR THE COUNCIL'S AMBITION

- 2.1 The recommendation in this report supports the desire of the council to focus resources on the specific needs and aspirations of the community. This contributes to the Council's Vision 2030 Ambition 1 – Raising aspirations and resilience, Ambition 3 – Young people to have skills for the future, Ambition 4 – Raising the quality of schools.

3 BACKGROUND AND MAIN CONSIDERATIONS

- 3.1 As the population of Sandwell grows so does the demand for school places. The birth rate in Sandwell has increased considerably over the last few years and the number of children either staying in the borough or moving in has also increased. There is a high demand for primary places across Smethwick and the council expects that this demand will continue into the future as the birth rate remains high and new families move into the area. St Matthew's CE Primary School is well placed to meet the expected demand from Smethwick families. As a result of the school's popularity and "good" OFSTED rating we expect more parents will want their children to attend St Matthew's in the future. This proposal will

support parental choice and add quality provision to the number of primary places in the area.

- 3.2 The school's governing body has already admitted 30 additional Reception pupils in September 2017 and up to 30 more in September 2018 to satisfy demand, but if this growth is to continue (as forecast) it is necessary to undertake a prescribed alteration which will include the building of extra accommodation for an extra form of entry. This would mean that if the proposal is agreed the school's published admission number would increase permanently from 30 to 60 in Reception from September 2019. The growth of the school will be gradual as larger numbers of children are admitted into Reception each year and work their way through the school. By September 2023 the school will be operating at a capacity of 420 places across all year groups (at September 2018 it will be 270).
- 3.3 The proposed increase in places means that a scheme will be developed to ensure continuity of provision across the school. In 2017 a new 2 classroom modular block was completed at the school to enable the 30 additional pupils to be admitted into Reception in September 2017, and to accommodate a further class of 30 Reception pupils in September 2018.
- 3.4 As agreed at Land and Asset Management Committee on 14 June 2018, Appropriation of Land at Windmill Lane, Smethwick (minute no 5/18 refers) (Key Decision Ref. No. SMBC08/06/2018), further building work will commence soon to build a new Key Stage 2 classroom block for the school on land in Windmill Lane, opposite the school's existing site. The proposed works are scheduled for completion by autumn 2019.

4 THE CURRENT POSITION

- 4.1 In May 2018, the council consulted with a range of stakeholders on a proposal to increase pupil capacity permanently to take effect from September 2019.

5 CONSULTATION (CUSTOMERS AND OTHER STAKEHOLDERS)

- 5.1 The five-week initial consultation process undertaken by the council commenced on 11 May 2018 and ended on 15 June 2018 with the following stakeholders consulted:

- The school's governing body
- Parents
- School staff
- All schools in Sandwell
- Local Church of England diocese

- Roman Catholic diocese
- Ward councillors
- All neighbouring local authorities
- Trades unions

5.2 The consultation elicited a positive response with a clear majority of those responding supporting the proposal.

| Category | Number Responding | Yes (to the proposal) | No (to the proposal) | Don't know |
|------------------------|-------------------|-----------------------|----------------------|------------|
| Parents | 3 | 2 | 0 | 1 |
| Staff | 10 | 8 | 0 | 2 |
| Governors | 3 | 3 | 0 | 0 |
| More than one category | 2 | 2 | 0 | 0 |
| Community member | 0 | 0 | 0 | 0 |
| TOTAL | 18 | 15 | 0 | 3 |

Of the 18 consultees responding to the proposal, 15 were supportive with 3 stating “don’t know”. Comments included:

- Great opportunity for the school and the local area making more places available;
- Better prospects for staff development;
- Concern that Smethwick would lose a smaller school for parents who preferred to apply for a school of around 200 pupils. There is a danger that the community feel will be lost due to a split site arrangement and concern also expressed about more traffic around the school, increased car emissions, lack of car parking and associated safety concerns;
- The importance of maintaining play space for outdoor exercise;
- Have all options for expansion been considered for other schools in Smethwick?
- Governors are behind the expansion but require full support from the council to meet building work deadlines;
- A great idea and exciting opportunity, providing more places and opportunities at a school offering a high standard of learning;
- This will give the local community more school places – removing need to travel further to school.

5.3 In accordance with prescribed regulations the council then proceeded with the proposal to the statutory stage of consultation. This involved the publication of a formal proposal (see appendix 1) and a statutory notice on 25 June 2018. The representation period lasted 4 weeks during which time any objections or observations could be made to the council. At the

expiry of the representation period on 23 July 2018, no objections had been received. The Church of England diocese indicated its support for the proposal during this period.

6 ALTERNATIVE OPTIONS

- 6.1 To not proceed, which would reduce the number of primary places in Smethwick, severely impacting on the council's statutory responsibility to provide a sufficient level of school places at a time of continuing pupil growth;
- 6.2 Smethwick is subject to the highest demand for primary school places in Sandwell – since 2010 the town has seen either the permanent or temporary expansion of 6 primary schools. There are no other maintained primary schools in Smethwick that could easily be expanded.

7 STRATEGIC RESOURCE IMPLICATIONS

- 7.1 On 11 January 2017 Cabinet approved the allocation of £4.05m of Basic Need funding from the annual capital grant the Authority receives from the DfE to provide new school places (Decision No.2/17 refers).
- 7.2 The proposed capital project will provide a new purpose built Key Stage 2 building for the school on a site opposite the existing school site on Windmill Lane, Smethwick.
- 7.3 The additional costs of running the school on a day to day basis would be provided by delegated budget from the Dedicated Schools Grant.
- 7.4 Following protracted delays experienced with the demolition and clearance of the former no. 4 storey maisonette blocks on the site the capital allocation has been used to provide a modular classroom block on the existing school site in response to the unprecedented demand for additional school places in the immediate area.

8 LEGAL AND GOVERNANCE CONSIDERATIONS

- 8.1 Statutory consultation was carried out in accordance with guidance issued by the DfE entitled "School Organisation Maintained Schools – Guidance for Proposers and Decision Makers" written in accordance with 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.
- 8.2 The decision-maker for this proposal is the LA's Cabinet who must decide on the proposal within two months of the end of the representation period

or the decision defaults to the Schools Adjudicator. The representation period ended on 23 July 2018.

8.3 The following bodies may appeal against the LA decision within four weeks of the decision:

- the local Church of England diocese;
- the local Roman Catholic diocese;
- the school governing body.

On receipt of an appeal from any of the above, the local authority would need to send the proposal, comments and objections to the schools' adjudicator for final determination.

9 EQUALITY IMPACT ASSESSMENT

9.1 An Equality Impact Assessment initial screening has been undertaken and a full Equality Impact Assessment is not required for this report.

10 DATA PROTECTION IMPACT ASSESSMENT

Any new students taken on roll as a result of this proposal will be subject to the usual data protection measures employed by the school.

11 CRIME AND DISORDER AND RISK ASSESSMENT

There are no crime and disorder issues relevant to this proposal.

The Corporate Risk Management Strategy (CRMS) has been complied with. The Cabinet has a statutory duty under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 to make a decision on a prescribed alteration proposal. Based on the information provided, it is the officers' opinion that there are no current "red" risks that need to be reported with regards to this proposal. The recommendations if approved, will contribute to the mitigation of strategic risk 040 - School Place Planning, which is currently assessed as red.

Any project risks will be identified in the project risk register which will be reviewed and monitored by the Group Head - Education Support Services.

12 SUSTAINABILITY OF PROPOSALS

12.1 The proposed expansion will accommodate projected levels of pupil demand which is expected to be sustained into the foreseeable future.

13 HEALTH AND WELLBEING IMPLICATIONS (INCLUDING SOCIAL VALUE)

- 13.1 This proposal allows us to provide new primary places in an area of Sandwell that continues to see a high demand for school places – this will aid health and wellbeing for the local community.
- 13.2 Cabinet's approval to the area of land at Windmill Lane, opposite the school's existing site for use to expand the school, also provides an ideal opportunity to develop external spaces for all pupils attending the school. Current proposals will see dedicated secure hard and soft play spaces located immediately adjacent to the new building. The arrangement will provide direct access for Key Stage 2 pupils but equally will be an area accessible for Early Years and Key Stage 1 pupils. A car park to serve the new building will provide safe and separate access for staff and visitor parking.

14 IMPACT ON ANY COUNCIL MANAGED PROPERTY OR LAND

- 14.1 Key Decision Ref. No. SMBC08/06/2018 minute no 113/18 of Cabinet at its meeting on 25 July 2018 approved that the land at Windmill Lane to be used for development of the Key Stage 2 building, be declared surplus to requirements and used to support the extension of St Matthew's CE Primary School. Cabinet further approved appropriation of the land from Housing Revenue Account to Education, Skills and Employment.
- 14.2 Upon completion of the proposed appropriation, the freehold interest would be transferred to Sandwell Land and Property Limited. Subsequently, a long lease would be granted to the Council. St Matthew's CE Primary School is a voluntary aided school therefore Schedule 3 of the School Standards Framework Act 1998 applies. Therefore, upon completion of the build an under-lease would be granted to the Diocesan Trustees.

15 CONCLUSIONS AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

- 15.1 The proposal allows St Matthew's CE Primary School the opportunity to provide an additional 210 primary places in Smethwick, a town for which projections indicate a continuing growth in pupil numbers. The proposal is supported in the community and the school has already successfully accommodated 30 additional Reception pupils in September 2017 with 30 more places expected to be taken up in September 2018 to satisfy demand. If this growth is to continue it is necessary to agree this as a prescribed alteration which will include the building of extra accommodation for an extra form of entry.

16 **BACKGROUND PAPERS**

16.1 None

17 **APPENDICES:**

Appendix 1 – Full statutory proposal information for prescribed alterations to St Matthews CE Primary School

Appendix 2 – Statutory guidance for decision-makers