

Committee/Meeting: Cabinet	Date: 8 May 2013	Classification: Unrestricted	Report No: CAB 106/123
Report of: Corporate Director Education, Social Care & Wellbeing Originating officer(s) Pat Watson, Head of Building Development		Title: Woolmore School – Proposed Expansion Wards Affected: Blackwall & Cubitt Town	

Lead Member	Cllr Oliur Rahman
Community Plan Theme	A Prosperous Community
Strategic Priority	Priority 3.1: Improve educational aspiration and attainment

1. **SUMMARY**

- 1.1 On 13 March Cabinet agreed to the publication of statutory proposals for the expansion of Woolmore School. An objection has been received in the four week period so Cabinet is required to consider the objection before deciding whether the proposals should be implemented.

2. **DECISIONS REQUIRED**

The Mayor in Cabinet is recommended to:-

- 2.1 Agree that statutory proposals for the enlargement of Woolmore Primary School to admit 90 pupils in each year from September 2014 should be implemented as published.

3. **REASONS FOR THE DECISIONS**

- 3.1 Proposals have been developed to expand Woolmore Primary School to assist in the LA's programme to provide primary school places to meet growing local need. Cabinet has previously considered the response to the initial consultation and agreed that statutory proposals should be published. An objection has been received to the proposals therefore Cabinet has to consider the response to the consultation before deciding if the proposals should be implemented.

- 3.2 The LA must take a decision on statutory proposals within 2 months of the end of the consultation period or the matter must be referred to the Schools Adjudicator.

4. ALTERNATIVE OPTIONS

- 4.1 The due process has been followed in the consultation on the proposals. The final stage is the determination following consultation, in relation to which the options are set out in paragraphs 6.23 and 8.7 of the report..

5. BACKGROUND

- 5.1 On 13 March 2013 Cabinet received a report on the background to the development of the proposals to enlarge Woolmore School. The report included details of the consultation that had taken place. The proposals are to build a new school to allow expansion from one form of entry to three forms of entry had been strongly supported by the school community.
- 5.2 The statutory process for changes to a school, including enlargement, require that after the initial consultation statutory proposals are published for a four week period. At the end of the four week period, any comments or objections received have to be considered before determination of the proposals.
- 5.3 Under the Council's scheme of delegation, where no objections are received, the Corporate Director has delegated authority to determine that published proposals should be implemented. Where any objection is received, the matter has to be determined by Cabinet.
- 5.4 The statutory proposals for Woolmore School were published on 18 March. These met the requirements of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007. One objection was received during the four week period.

6. BODY OF REPORT

- 6.1 There is a statutory framework for implementing certain alterations to schools, including enlargements. The requirements are included in the Education & Inspections Act 2006 with associated regulations. For community schools, the Local Authority (LA) can propose and determine certain alterations, including enlargements.
- 6.2 The prescribed process requires a two stage consultation process. The initial, pre-statutory consultation should provide information on the proposals and include a wide range of consultees. The outcome of this stage is then considered and, if the LA agrees, statutory proposals are published for a specified period (usually four weeks). After this period, the LA must consider any responses to the second consultation and decide whether or not to implement the proposals, or modify them in the light of the consultation. This decision has to be taken within 2 months of the end of the four week period or the matter is referred to the Schools Adjudicator.

- 6.3 There is a right of appeal to the Schools Adjudicator for certain parties against the LA's decision.
- 6.4 The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 specify the process to be followed and matters to which the local authority and the Schools Adjudicator are required to have regard to in making decisions on statutory proposals. The following paragraphs set out the relevant matters to be considered for the present case.

Effect on Standards & School Improvement

- 6.5 The 2006 Act places duties on local authorities to secure delivery of provision and to respond to representations from parents about the provision of schools. On making a decision on expansion proposals, the LA should be satisfied that they will contribute to raising standards, to the diversity of provision, the delivery of the Every Child Matters principles and equal opportunities.

Woolmore School Proposals

- 6.6 The Woolmore School proposals have been put forward specifically to respond to the need for additional places, rather than in response to any parental representations. However, Woolmore School has been selected not only because of the site's physical capacity to accommodate the expansion, but also because of the management strength of the school and its capacity to accommodate the increased roll. The school is providing some extended school services. No specific equal opportunity issues arise from these proposals. The admissions criteria for the school remain unchanged and providing the additional places will ensure the need for places is met.

Conclusion

- 6.7 The proposals will contribute to raising standards, help every local child to achieve their potential, and ensure that there is equality of opportunity by providing sufficient school places.

The Need for Places

Travel & Accessibility For All

- 6.8 In considering the proposals, the LA should be satisfied of the need for additional school places. Consideration should also be given to the need to ensure that children do not have to make unreasonable journeys to school.

Woolmore School Proposals

- 6.9 There continues to be an increasing need for school places in Tower Hamlets to meet the needs of the rising school age population, as has previously been reported to Cabinet. By providing additional school places in the Poplar area, the potential for children living in this area to have to make longer journeys to school is reduced.

Conclusion

- 6.10 The proposals meet the needs of the rising local population. The school is accessible for local children and the additional places will reduce travel distances for children in this area who cannot now obtain a place locally.

Capital Funding

- 6.11 In considering the proposals, the LA should be satisfied that capital funding for implementation is available.

Woolmore School Proposals

- 6.12 A capital estimate for this scheme of £10m was adopted by Cabinet on 5 September 2012.

Conclusion

- 6.13 Capital funding has been identified to implement the proposals.

SEN Provision

- 6.14 The guidance in the regulations has particular reference to considerations relating to SEN provision, especially the impact of any reorganisation proposals on provision.

Woolmore School Proposals

- 6.15 There are no specific implications for SEN provision in the expansion proposals. There are no proposals to change any SEN provision. The school is an inclusive school and will continue to be so as a larger school. The proposed works will improve the physical accessibility of the school.

Conclusion

- 6.16 There are no implications for specific SEN provision

Views of Interested Parties

- 6.17 The guidance requires consideration of the views of interested parties, including any comments submitted during the four week period.

Woolmore School Proposals

- 6.18 The report to Cabinet in March 2013 set out the responses that had been received to the initial consultation on the expansion proposals. There was very positive support for the proposals from parents and the school community.
- 6.19 During the four week period one objection was received from a member of the public. The objection states:

Thank you for sending me information on the proposed expansion of Woolmore Primary School. As you know, I am all in favour of the school expanding from one to three forms of entry but I object to this being implemented by building a new four-storey primary school.

- 6.20 This matter relates to the planning application for the proposals to enlarge the school. The matters relating to the alternatives of retention of the old school building and the construction of a new building have been considered in detail by Strategic Development Committee on 6 March and 18 April. On 18 April the Committee agreed to grant planning permission.

Conclusion

- 6.21 Views of interested parties received in the initial consultation showed that members of the school community supported the expansion. The matter referred to in the objection made during the four week statutory consultation period has been considered by planning officers and appropriate recommendations made to Strategic Development Committee. The Committee has agreed to grant planning permission for the building of the new school.
- 6.22 The objection to the statutory proposals is noted but is not material to the consideration of their implementation as planning permission has been granted through the due process.

CONCLUSION & RECOMMENDATION

- 6.23 After consideration of the relevant matters, the Local Authority can:
- i. reject the proposals;
 - ii. approve the proposals;
 - iii. approve the proposals with modification (eg. an amendment to the effective date); or,
 - iv. approve the proposals subject to a specific condition (eg. securing funding, obtaining planning permission).
- 6.24 Paragraphs 6.5 to 6.22 set out all the relevant matters to be taken into consideration in reaching a decision on the proposals for the expansion of Woolmore School. The consultation process and publication of statutory proposals have been carried out in accordance with the requirements. After consideration of these matters, it is recommended that proposals should be approved as published and implemented at Woolmore School.

7. COMMENTS OF THE CHIEF FINANCIAL OFFICER

- 7.1 This report concerns the formal process for consulting about and deciding on the expansion of the school. The capital works for Woolmore School are due to cost £10m in total, with most of the work taking place during 2013/14 financial year. The £10m is reflected in the CSF capital programme, as approved at Cabinet on 5 September 2012. The difference in timing between the expected receipt of S106 monies and the payments associated with this capital project partly supported by S106 monies is noted
- 7.2 Future revenue costs of the expanded school will be funded through the school enrolling more pupils and attracting more formula funding through the Dedicated Schools Grant. Schools are generally funded on the number of pupils on roll in the October prior to the start of the financial year. So, the growth of Woolmore School each new academic year will need to be taken into account when Schools Forum considers how much to set aside for Pupil Number Growth within the overall Schools Budget for future years (ie to meet the part-year (7/12ths) costs of additional pupils from September – March of the financial year).

8. CONCURRENT REPORT OF THE ASSISTANT CHIEF EXECUTIVE (LEGAL SERVICES)

- 8.1. One of the Council's duties in respect of education is to secure that sufficient schools are available for primary and secondary education in Tower Hamlets. This obligation arises under section 14 of the Education Act 1996. The schools must be sufficient in number, character and equipment to provide all pupils with the opportunity of appropriate education.
- 8.2. In deciding what provision to make in respect of primary and secondary schools, the Council is required to consider the need to secure diversity in the provision of schools and increasing opportunities for parental choice. This sits alongside the Council's general equality duty, which requires it to have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't. Equalities analysis will need to be carried out alongside the development of proposals.
- 8.3. Section 19 of the Education and Inspections Act 2006 provides that where a local authority proposes to make prescribed alterations to a maintained school, it must publish its proposals. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 ("the Prescribed Alterations Regulations") specify what alterations made by local authorities are prescribed alterations and specify the procedure to be followed when publishing and determining such proposals. The enlargement of a school's premises so as to increase the school's capacity by: (a) more than 30 pupils; and (b) 25% or 200 pupils (whichever is the lesser) is a prescribed alteration. The proposals described in this report fall within that definition so the procedure in the Prescribed Alterations Regulations must be followed.
- 8.4. The Prescribed Alterations Regulations require the Council to follow a two stage process involving consultation prior to publication of a proposal, followed (assuming the Council wishes to proceed) by publication of the proposal. As part of the initial consultation, prescribed information must be provided to prescribed persons. The Council is required to have regard to the Secretary of State's guidance as to consultation on proposals. The guidance recommends that the consultation allows adequate time, provides sufficient information for those being consulted to form a considered view and makes clear how the views can be made known. Proposers must be able to demonstrate how they have taken into account the views expressed during the consultation in reaching any subsequent decision as to the publication of proposals. The report states that consultation complies with the requirements of the Regulations and guidance and so the Council is in a position to determine whether to publish a proposal.
- 8.5. The Prescribed Alterations Regulations prescribe what information must be specified in a proposal and how it should be publicised. The proposal should be published within a reasonable timeframe following consultation so that it is informed by up to date feedback. A statutory notice containing

specified information and stating how complete copies of the proposals can be obtained must be published in a local newspaper, and also posted at the main entrance to the school (and all the entrances if there are more than one) and at some other conspicuous place in the area served by the school (eg. local library, community centre). It is essential that the published notice complies with the statutory requirements as set out in the Regulations. The report indicates that this is the case.

- 8.6. It is for the Council to determine whether to proceed with the proposals for Woolmore school and the Council is required to do so within 2 months from the end of the consultation period. If the Council does not determine the proposals in time, then they must be referred to the adjudicator for determination.
- 8.7. Pursuant to the prescribed alterations regulations, the options available to the Council are as follows: reject the proposals; approve the proposals without modifications; or approve the proposals with such modifications it thinks desirable. If the Council wishes to approve the proposals with modifications, it must first consult the governing body of the school (unless the modifications are proposed by the governing body). The Council may conditionally approve the proposals, subject to the occurrence of one of a specified list of events, which includes the granting of planning permission.
- 8.8. When determining the proposals, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't. Information is set out in the report relevant to these considerations.

9. ONE TOWER HAMLETS CONSIDERATIONS

- 9.1. The expansion of schools is necessary to ensure the Council meets its legal obligation to secure sufficient schools for Tower Hamlets, but will also promote equality of opportunity for children and young people (including within the meaning of the Equality Act 2010).
- 9.2. The provision of school places and the LA's admission arrangements aim to promote fair access to schools particularly in terms of the distance from home and to allow siblings to attend the same school.
- 9.3. The new building will be fully accessible which will enhance the range of provision available in mainstream schools for children with physical disabilities. The school will be inclusive for children with special education needs.

10. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 10.1 The design of the building and materials proposed to be used for Woolmore School have taken account of sustainability and energy

efficiency. Products to be chosen will offer significant energy saving values; insulation products that have an approved environmental profile; and timber from certified sustainable sources.

10.2 The design must comply with Building Regulations, Part L which has strict guidelines in respect of carbon emission levels and energy efficiency.

11. **RISK MANAGEMENT IMPLICATIONS**

11.1 The project at Woolmore School has a high capital value and close monitoring of the project through the preparatory stages is in place and will continue through implementation stages with appropriate, experienced project management resources. If the proposals do not proceed, there will be a risk to be managed that some children will be without a school place local to their home.

12. **CRIME AND DISORDER REDUCTION IMPLICATIONS**

12.1 There are no specific implications arising.

13. **EFFICIENCY STATEMENT**

13.1 The Council is using its assets efficiently by seeking to extend and expand existing school sites to meet the needs of the rising school age population before acquiring land to build a new school

14. **APPENDICES**

None

**Local Authorities (Executive Arrangements) (Access to Information)
(England) Regulations 2012**

List of "Background Papers" used in the preparation of this report

Brief description of "background papers"

Name and telephone number of holder and address where open to inspection.

none

N/A