

EXECUTIVE BOARD – 19 SEPTEMBER 2017

Subject:	Expansion of Middleton Primary School, Wollaton
Corporate Director(s)/Director(s):	Alison Michalska, Corporate Director for Children & Adults
Portfolio Holder(s):	Councillor Sam Webster, Portfolio Holder for Business, Education and Skills
Report author and contact details:	Lucy Juby, Project Manager, School Organisation lucy.juby@nottinghamcity.gov.uk Tel. 0115 8765041
Subject to call-in:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Key Decision:	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Criteria for Key Decision:	
(a)	<input checked="" type="checkbox"/> Expenditure <input type="checkbox"/> Income <input type="checkbox"/> Savings of £1,000,000 or more taking account of the overall impact of the decision
and/or	
(b)	Significant impact on communities living or working in two or more wards in the City <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Type of expenditure:	<input type="checkbox"/> Revenue <input checked="" type="checkbox"/> Capital
Total value of the decision:	Funding allocation and procurement of the works to be approved in a separate Board report at a value of approximately £4.1 million
Wards affected:	Wollaton West, Wollaton East and Lenton Abbey
Date of consultation with Portfolio Holder(s):	6 September 2017 (most recent)
Relevant Council Plan Key Theme:	
Strategic Regeneration and Development	<input type="checkbox"/>
Schools	<input checked="" type="checkbox"/>
Planning and Housing	<input type="checkbox"/>
Community Services	<input type="checkbox"/>
Energy, Sustainability and Customer	<input type="checkbox"/>
Jobs, Growth and Transport	<input type="checkbox"/>
Adults, Health and Community Sector	<input type="checkbox"/>
Children, Early Intervention and Early Years	<input type="checkbox"/>
Leisure and Culture	<input type="checkbox"/>
Resources and Neighbourhood Regeneration	<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):	
<p>Pupil growth forecasts, analysis and admissions data identify that there is a need to provide additional primary school place capacity in the Wollaton area of the city.</p> <p>Between 24 April and 19 May 2017, a four week consultation with parents/carers, staff, governors, councillors, local residents and citizens, was undertaken on the proposal to expand the capacity of Middleton Primary and Nursery School from 420 to 630 places. Following this period of consultation, a Portfolio Holder decision (Ref: 2860) approved the next stage of the consultation which was the publishing of Statutory Notices.</p> <p>Statutory Notices were issued on 28 June 2017 and the representation period (formal consultation) ended on 26 July 2017. One representation was made during this period, from a local resident. The letter is contained in Appendix B, including a full response to the points raised in Appendix C.</p> <p>Middleton Primary School is an Ofsted rated “Good” school and achieves good outcomes for its pupils; expanding the school will support the Council’s key priority to provide good school, close to home for every young person in Nottingham and to increase parental preference of places for every child.</p>	

This report updates Executive Board on the outcomes of the full consultation (both pre-publication and Statutory Notice stages) and seeks approval to implement the expansion of Middleton Primary from 420 to 630 places from 1 September 2018.

It is anticipated that the necessary building work would be complete for Key Stage 1 by September 2018 and for Key Stage 2 by December 2019.

Exempt information:

None.

Recommendation(s):

- 1 To consider the outcomes of the consultation detailed in this report (Appendix A), the formal representation and response made during the Statutory Notice period (Appendix B and C) and to approve the expansion of Middleton Primary and Nursery School from a 420 place school to a 630 place school, from 1 September 2018.

1 REASONS FOR RECOMMENDATIONS

- 1.2 Although the city-wide picture for primary place provision is greatly improved, place pressures are still apparent in some areas, Wollaton being one of them. There has been an upward trend of pupil growth in this area and increasingly, there are more applications from within Middleton Primary's immediate catchment area, than there are places available.
- 1.3 In the 2015/16 Reception year, Middleton Primary admitted additional pupils over the Published Admission Number (PAN) of 60. In the 2017/18 Reception year, they will again be admitting additional pupils over the current PAN. A longer term solution is needed to address the sustained growth in pupil numbers. From September 2018, additional teaching, learning and hall space will be required. If Middleton Primary does not expand, there will be insufficient capacity to accommodate the growth in the number of applications from families in the catchment area.
- 1.4 In order to meet the need and demand for school places in this area of Wollaton, it is proposed to expand Middleton Primary School from 420 to 630 places. There would be 90 pupils in each year group instead of 60 and the school would grow by one class per year (30 pupils) over a seven year period, until the school is full.
- 1.5 One of the 5 key objectives of the Council Plan 2015-19, is to ensure that every child in Nottingham is taught in a school that is judged good or outstanding by Ofsted. The proposal to expand Middleton Primary School also supports the Council priorities of access to a good school close to home for every young person in Nottingham, and to meet parental preferences of places for every child at a local primary school.
- 1.6 Parents/carers quite rightly expect their children to be offered a local school place and the case for expanding a school which delivers a quality provision in an area where there are insufficient school places is a strong one. It is the duty and the desire of both the Council and the School to maximise opportunities to deliver a quality education to the communities we serve.

- 1.7 Initial feasibility investigations (approved by Portfolio Holder Decision Ref: 2453) have confirmed that there is space on the site to expand, without compromising the quality of education and facilities. Any new buildings will be designed in collaboration with the school, to complement the existing build and be fit for the future of the growing school community.
- 1.8 The school leadership team and the governing body are fully committed in their support for the proposal to expand the school. Extensive considerations have been undertaken by the School Governing Body and staff. Middleton achieves very good results and outcomes for the children who attend and has been rated as a “Good” school by Ofsted.
- 1.9 Successful initial feasibility and early design investigations and a full and thorough consultation process with all stakeholders have been undertaken. The number of respondents in support of the proposal to expand the school exceeded the number against. One representation was made during the Statutory Notice stage, which is included at Appendix B, with a full response to the points raised. The full consultation results and summary of responses are included at Appendix A.
- 1.10 The initial estimated date of completion for Key Stage One is September 2018 and for Key Stage Two, is December 2019, but this is subject to the completion of full feasibility and design works. The build would be funded by Basic Need funding allocated to the Council by Central Government, for expanding primary place provision. At this stage, it is currently estimated that the expansion of Middleton Primary School would cost £4.1m.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

- 2.1 The level of pupil growth in Nottingham and nationally in recent years has been substantial. There has been an 18% increase in children entering the school system since 2010. The Council has invested £41m in its primary school expansion programme, which will create a total of over 4000 additional school places once expanded schools are full in all year groups.
- 2.2 Expansion of Middleton Primary would mean that more children in this community will have the opportunity to attend a good school, close to home, in an area where there is high demand for places. This will also contribute to improved attendance, family wellbeing and cohesion, reducing the possibility of siblings being split across different schools.
- 2.3 A four week consultation on the proposed expansion ran from 24 April to 19 May 2017, with parents/carers, staff, governors, councillors, trade unions and community members and residents. Of the 102 people who formally responded to the consultation, 57% were in support of the proposal, 40% were against it and 3% registered no opinion. The full report and breakdown detailing the outcomes of the consultation can be found in Appendix A.
- 2.4 Following this period of consultation, a Portfolio Holder decision (Ref: 2860) approved the next stage of the consultation process which was the issuing of Statutory Notices. Statutory Notices were issued on 28 June 2017 and the representation period ended on 26 July 2017. Statutory Notices were displayed on the school gates, published on the Council’s website and in the Nottingham Light newspaper.

- 2.5 One representation was made during this period, from a local resident, which is contained in Appendix B, including a response to the points raised in Appendix C. The objection submitted is based upon concerns relating to parking, highway safety and the potential increase in traffic. Traffic related concerns are very often raised in relation to school expansion proposals. We work positively and in partnership with the Council's Road Safety team, local Councillors and other relevant colleagues to identify potential problems and possible solutions. The impact on traffic is also assessed as part of the design feasibility and planning permission process.
- 2.6 The School and local councillors had already negotiated the Harrow Road Community Centre car park to be available for use during school drop and pick up times, to reduce the traffic on the local roads and to provide a safer drop off and pick up zone for parents/carers. Although many parents currently take advantage of this ideal alternative, further publicity is recommended to increase the usage and further reduce the number of parked cars on the surrounding roads. During consultation, suggestions were also made to improve the visibility and accessibility of the Community Centre car park, e.g. through improvements to the entrance and reviewing the parking restrictions either side of the entrance.
- 2.7 Additional restrictions were implemented on Harrow Road around two years ago consisting of extended School Entrance Clearways (zigzags), a limited waiting option during peak school hours (single yellow line) and extended junction protection. The Council is working hard to focus on the needs of our citizens through a cleaner more sustainable transport vision.
- 2.8 The pupil numbers will grow gradually by 30 pupils each academic year, over a 7 year period. This gradual growth is more manageable in many respects, including for any impact on traffic. The School will update and review their Travel Plan on an on-going basis, with support from Council Road Safety Officers, to promote walking to school and any other sustainable travel options which may minimise vehicle usage.
- 2.9 At the outset of the consultation process, 500 letters were distributed to parents, via the school, to include the Nursery and to account for families having more than one child. The letters contained details of the proposal, the rationale and the various methods and opportunities to engage in the consultation process.
- 2.10 An 'information and consultation meeting' for staff/governors was held on 26 April 2017 and attendees were invited to ask questions and comment on the proposal. A further two meetings for parents/carers were held on 2 and 3 May 2017. Two 'school gate consultations' were also undertaken at the beginning and end of the school day on the 16 and 17 May 2017.
- 2.11 Letters were also sent directly to 87 local residents who live close to the School to consult on the proposal. Of the 22 residents (26%) who responded, 18% were in support of the proposal, 77% were against it and 5% registered no opinion.
- 2.12 The Council has carefully considered any concerns raised during consultation. Responses have been provided to all questions raised and any mitigating actions will continue to be explored if required and viable.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

3.1 The following other options were considered, but are not recommended:

- Add further temporary bulge years at Middleton Primary, in excess of the Pupil Admission Number. This is not a favourable or feasible option as it would not address the sustained pupil growth in the area and the school have no further capacity to accommodate additional children within the existing space.
- Other potential school build / expansion options were also considered (Bluecoat and Southwold), but Middleton is the preferred option due to the reasons stated in this report.
- Do nothing – this is not recommended as additional school places are required in the area. Sustained growth in pupil numbers required a permanent solution to meet the needs of the local community by providing a good school, close to home (as per the Council's priorities).
- During the consultation, no new alternative options were proposed to meet the need for school places in the area.

4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 If the proposal to expand Middleton Primary from a 420 place school to a 630 place school were approved then the Local Authority would fund the additional class admitted in the financial year 2018/19 from the Pupil Growth Contingency from the Local Authorities pupil growth fund. This funding would cover the period September 2018 to March 2019. Once these additional pupils were accounted for on the October 2018 Autumn Census they would then be funded in the following financial year through the funding formula.
- 4.2 In the financial year 2018/19 the School Organisation Team will allocate funding to the school based on the eligibility criteria approved by Schools Forum. Noted in **Table 1** are the values assigned to each type of funding that may be allocated to the school based on the pupil growth funding criteria, based on the admission of an additional 30 pupils.

Funding Streams	£
Teacher M3 (7/12ths)	17,824
Teaching Assistant Pt 22 (7/12ths)	14,242
Midday Supervisor Pt 8 (7/12ths)	2,150
Classroom set up costs	Up to £8,000
Utilities (7/12ths) based on £150 per pupil per year	£2,625

- 4.3 Due to the results of the second stage consultation on the national funding formula not being published, there is currently no clear guidance on how the growth funding will work from the financial year 2019/20. However, based on

the proposals set out by the Government in the Schools National Funding Formula – Consultation Stage 2, from the financial year 2019/20 the Government are proposing to fund pupil growth based on lagged pupil growth. The lagged growth method would count all pupil number increases in every school at a year-group level between the 2 previous years and use this to calculate the total amount of pupil growth in each local authority area. The total amount of funding available nationally for growth would be allocated to local authorities on a per-pupil basis, based on the distribution of the lagged pupil growth across the country.

- 4.4 As the Local Authority do not know how much funding they will be receiving for pupil growth from the financial year 2019/20 the amount that will be allocated to an expanding school cannot be quantified. Moving forward the Local Authority will need to manage the growth funding they receive from year-to-year and review pupil growth contingency criteria when clear guidance is released.

Julia Holmes
Senior Commercial Business Partner
Strategic Finance - Children and Adults
Tel: 0115 8763733
Email: julia.holmes@nottinghamcity.gov.uk

- 4.5 This Executive Board report creates an addition to the Capital Programme but does not commit any capital resources. For the proposal to expand Middleton Primary School to progress, a further Board report will be required to make the necessary amendments to the Capital Programme and to commit the funding.

Tom Straw
Senior Accountant (Capital Programmes)
Technical Finance
Tel: 0115 8763659
Email: thomas.straw@nottinghamcity.gov.uk

5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

5.1 Legal Implications

- 5.1.1 The school organisation regime is set out in the Education and Inspections Act 2006 (“EIA”), regulations made under the EIA and guidance made by the Secretary of State, both statutory (using powers in the EIA) and non-statutory.
- 5.1.2 Under section 19 of the EIA, a local authority is required to publish a proposal to make a prescribed alteration to a maintained school. In essence, a prescribed alteration is one designated as such by regulations. Currently, the relevant regulations are the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (“the Prescribed Alterations Regulations 2013”).
- 5.1.3 The proposal referred to in this report to expand Middleton Primary & Nursery School (“Middleton”) from 420 to 630 places (which was the subject of initial

consultation from 24 April 2017 to 19 May 2017), commencing in stages from 1 September 2018 up to December 2019, would be a prescribed alteration because it entails an enlargement of the premises of Middleton, which would increase the capacity of Middleton by more than 30 pupils and by well over the threshold of 25 per cent or 200 pupils (whichever is the lesser) (regulation 5 of and paragraph 1 of Schedule 2 to the Prescribed Alterations Regulations 2013).

5.1.4 Whilst the school organisation regime no longer has a 'pre-publication' consultation period, in public law terms such consultation is advisable. Indeed, this is reflected in the current statutory guidance entitled *Making 'prescribed alterations' to maintained schools* (April 2016) which states at page 25: "*Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and LAs will 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...*" Therefore, it was advisable that the proposal referred to in this report was consulted upon before being published. This consultation took place from 24 April 2017 to 19 May 2017 with more parent/carers and Middleton staff/governor respondents in support of the proposal than objecting.

5.1.5 Therefore, on 15 June 2017 Nottingham City Council's Portfolio Holder for Business, Education & Skills took the decision that this proposal would move to the next stage of the school organisation regime: publication. Pursuant to this, on 28 June 2017 Nottingham City Council ("NCC") published a statutory notice regarding the proposal with a four week representation period for objections or comments ending on 26 July 2017. During the representation period NCC only received one response, which was from two residents local to Middleton. This response raised objections to the proposal, essentially relating to the potential impact of the proposal on local residents arising from increased traffic and parking (see Appendix B). NCC's School Organisation Project Manager has comprehensively answered this objection in a letter that sets out the work that is already underway by NCC to ease any such deleterious impact and further work that could be done by NCC in this regard (see Appendix C). These points are amplified in paragraphs 2.5 to 2.7 of this report.

5.1.6 With the representation period for the proposal having ended on 26 July 2017, under regulation 6 of and Schedule 3 to the Prescribed Alterations Regulations 2013 NCC's Executive Board is now required to consider and determine the proposal. In so doing, it is advisable that the Executive Board carefully weighs up the objections raised by the local residents set out in Appendix B against the NCC officer response set out in Appendix C. Under Schedule 3, paragraph 5(1) of the Prescribed Alterations Regulations 2013, in determining the proposal the Executive Board may:-

- (a) reject the proposal;
- (b) approve the proposal without modifications; or
- (c) approve the proposal with such modifications as the local authority think desirable, having consulted the governing body (unless the modifications are proposed by the governing body).

5.1.7 Under Schedule 3, paragraph 5(2) of the Prescribed Alterations Regulations 2013, where proposals are approved by the local authority (whether with or without modifications), the approval may be conditional on the occurrence of an event

prescribed in paragraph 8 of Schedule 3 to the Prescribed Alterations Regulations 2013 (which includes the entering into an agreement for any necessary building project supported by the Department for Education). If the approval is expressed to take effect only if the event occurs, the event must occur by the date specified in the approval.

5.1.8 Under Schedule 3, paragraph 5(3) of the Prescribed Alterations Regulations 2013 any determination under paragraph 5(1) must be made within the period of two months of the end of the representation period (that is, by 26 September 2017 for the proposal under consideration here). Where the local authority does not make a determination within the period prescribed by Schedule 3, paragraph 5(3) of the Prescribed Alterations Regulations 2013, the proposal must be referred to the Schools Adjudicator.

5.1.9 Lastly, it is advisable that Human Resources (“HR”) and legal advice is taken in relation to the HR, employment law and commercial law ramifications of the proposals here.

Jon Ludford-Thomas
Senior Solicitor
Housing/Employment/Education Team
Legal Services
Nottingham City Council
Tel: 0115 87 64398
e-mail: jon.ludford-thomas@nottinghamcity.gov.uk

6 STRATEGIC ASSETS & PROPERTY COLLEAGUE COMMENTS (FOR DECISIONS RELATING TO ALL PROPERTY ASSETS AND ASSOCIATED INFRASTRUCTURE)

6.1 As the proposal involves investment in a Nottingham City maintained school, the expansion of Middleton Primary is supported.

Peter Taylor
Strategic Property - Development
Tel: (0115) 876 3017

7 SOCIAL VALUE CONSIDERATIONS

7.1 Not applicable.

8 REGARD TO THE NHS CONSTITUTION

8.1 Not applicable.

9 EQUALITY IMPACT ASSESSMENT (EIA)

9.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required because:

An EIA has already been provided with Portfolio Holder decision 2860: ‘Approval to publish formal Statutory Notice – proposal to expand Middleton Primary School from 420 to 630 places.’

Yes



Attached as Appendix x, and due regard will be given to any implications identified in it.

10 HR IMPLICATIONS

10.1 There are no HR implications associated with the consultation.

HR comments and workforce implications relating to the expansion were provided in Portfolio Holder decision 2860: 'Approval to publish formal Statutory Notice – proposal to expand Middleton Primary School from 420 to 630 places.'

Joanne Zylinski, Service Redesign Consultant. 8th August 2017.

11 LIST OF BACKGROUND PAPERS RELIED UPON IN WRITING THIS REPORT (NOT INCLUDING PUBLISHED DOCUMENTS OR CONFIDENTIAL OR EXEMPT INFORMATION)

11.1 None.

12 PUBLISHED DOCUMENTS REFERRED TO IN THIS REPORT

12.1 Portfolio Holder Decision 2860: Approval to publish formal Statutory Notice – proposal to expand Middleton Primary School from 420 to 630 places.

<http://committee.nottinghamcity.gov.uk/ieDecisionDetails.aspx?ID=4154>

12.2 Portfolio Holder Decision 2453: Early works including design development for the potential expansion of Middleton Primary School.

<http://committee.nottinghamcity.gov.uk/ieDecisionDetails.aspx?ID=3721>