

Wiltshire Council

Cabinet Member decision

19 December 2014

Subject: Amalgamation of St Mary's CEVC Infant School and St Peter's CEVC Junior Schools to form a new CEVC primary school in Marlborough

Cabinet member: Councillor Laura Mayes – Children's Services

Key Decision: No

Purpose of Report

1. The purpose of this report is to ask the Cabinet Member to approve the statutory proposals published by the governing bodies of St Mary's CEVC Infant School and St Peter's CEVC Junior School and by the Diocese of Salisbury on 6 November 2014.

Background

2. On 6 November 2014 the governing bodies of St Mary's CE VC Infant school and St Peter's CE VC Junior school, together with the Diocese of Salisbury, published a statutory notice setting out linked proposals to close those schools and to open a new Church of England Voluntary Controlled Primary school to replace the closing schools.
3. The closures are proposed by the governing bodies of: St Mary's CE VC Infant School George Lane Marlborough SN8 4 BX and St Peter's CE VC Junior School The Parade Marlborough SN8 1LQ. Both schools are maintained by Wiltshire Council and both are Church of England Voluntary Controlled schools.
4. The linked proposal to open a new Primary School is made by the two governing bodies, supported by the Salisbury Diocesan Board of Education – the new primary school will replace the separate infant and junior schools and will be a Church of England Voluntary Controlled school.
5. The proposed implementation date is 1 September 2016. Successful amalgamation of the existing separate schools is dependent on the provision of a new school building adjacent to the current St Mary's site on George Lane, and the proposed implementation date is the best current assessment of the date of occupation of the new building.
6. The closures would take effect on 31 August 2016.
7. Provision of Key Stage 1 and 2 education within a single primary school (rather than in separate infant and junior schools) is the norm across the Wiltshire Council area, especially where pupil numbers across both Key Stages are less than 420. An all-through primary school reduces the common adverse impact on pupil progress of a transition between separate schools.
8. No other schools are affected by this proposal.

9. The PAN for the Primary school will be the same as for the existing infant and junior schools ie 60 pupils per year group. The total pupil capacity will remain at 420 places plus 20 places in the Resource Base.
10. The Education Funding Agency (an agency within the Department for Education) is proposing to provide a new school building for the Primary school, funded from its Priority Schools Building Programme. The proposed new building is dependent on planning permission being obtained and on a construction contract being let.
11. No pupils will be displaced by these proposals.
12. Provision currently made for children with special education needs in the Resource Base provision within both schools will be continued in the proposed Primary school.
13. Consultation with parents and others with an interest took place from 5 September 2014 until 17 October 2014. The table below shows a summary of the written responses:

RESPONSES	Parents	Members of Staff	Other
St Mary's	4	2	
St Peter's	5		
Marlborough Town Council			1
St John's			1

Support	12
Concern	1

14. Separate meetings for staff and for parents were held on both 10 and 15 September 2014. Feedback from the meetings with staff, parents and prospective parents was overall positive. Some people had questions about the proposed building project which will be answered during the planning application process for the building.
15. The Governing Bodies considered all views expressed at the meetings and in the written responses before deciding to make these proposals.
16. There have been no responses to the statutory notice.

Main Considerations for the Council

17. The local authority, as decision maker, has two months in which to make a decision, starting from the end of the notice period. An early decision will be very helpful in allowing the EFA to launch a competition to find a building contractor with certainty over the proposed amalgamation.
18. The DfE does not prescribe the decision making process, commenting that the factors listed in the guidance "are not exhaustive and the importance of each will vary depending on the type and circumstances of the proposal. All proposals must be considered on their individual merits." Decision makers are further advised that "they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school(s)."

Safeguarding Considerations

19. There are no safeguarding implications of implementing the change proposed – the services offered to children at these schools will continue under one headteacher and governing body.

Public Health Implications

20. There are no public health implications of implementing the proposed change.

Environmental and Climate Change Considerations

21. There are no environmental implications of implementing the proposed change as the St Mary's site will continue in use. The new buildings will meet all of the energy and thermal standards required by current Building Regulations.

Equalities Impact of the Proposal

22. There are no adverse equalities implications of implementing the proposed change as the same locations and the same entitlements remain in place after the change. Equality of opportunity will be improved as the new building will be fully accessible.

Risk Assessment

Risks that may arise if the proposed decision and related work is not taken

23. If a decision on this matter is not taken within two months of the end of the notice period (ie by 30 January 2015) then the matter will be automatically transferred to the Schools Adjudicator for decision.

24. Delay in determining the proposal would put procurement of the new building project at risk, jeopardising the long-term improvement for pupils and staff that this would bring.

Risks that may arise if the proposed decision is taken and actions that will be taken to manage these risks

25. If the proposal is approved then the governing body of the primary school will be responsible for implementing changes (including application of TUPE legislation), with the support of specialist Council staff.

Financial Implications

26. Capital costs are expected to be met by the Education Funding Agency (EFA) through its Priority Schools Building Programme (PSBP), but this is still subject to approval of the EFA's Feasibility Stage and the letting of a building contract. Feasibility Stage approval is anticipated before the end of December 2014, and procurement of a building contractor for the 5 schemes this PSBP batch will start in early 2015. Revenue funding for the proposed primary school will be determined by the funding formula applicable in September 2016, but after a transitional period overall revenue funding will be slightly reduced as there will be one school, not two.

Legal Implications

27. Under the Education and Inspections Act 2006 (as amended by the Education Act 2011), most new schools are now established via the Academy/Free School route. However, in limited circumstances the establishment of a new maintained school can be proposed, in some cases requiring the Secretary of State's consent and in others not. This amalgamation of two faith schools falls within the scope of those limited circumstances and does not require consent from the Secretary of State to proceed.

28. As these changes are proposed by the Governing Bodies of the two schools the decision maker is the Local Authority. The Cabinet member, as decision maker, is required to have regard to the Department for Education (DfE) publication, "School Organisation Maintained Schools Annex B Guidance for Decision

Makers” when considering these proposals. The DfE does not prescribe the decision making process. However, they do highlight paragraphs 10 to 78 of the guidance as factors the decision maker should consider when deciding a proposal, commenting that the factors listed “are not exhaustive and the importance of each will vary depending on the type and circumstances of the proposal. All proposals must be considered on their individual merits.” A copy of the guidance has been placed in the Cabinet Room.

29. Consideration has been given to whether or not there are any ethical or governance issues or any Human Rights implications, and none have been identified.

30. Ownership of the Infant school site is split between the Diocese of Salisbury and Wiltshire Council, as is usual for a voluntary controlled school. The whole site (including additional playing field land set aside in the 1990s) has been earmarked for the primary school project for at least 15 years.

Options Considered

31. The principal option considered during the consultation process, was to leave the schools as separate infant and junior schools on their existing sites and in their current buildings.

Conclusions

32. The consultation in September and October revealed strong support for the proposed changes.

33. The proposals were published by the governing bodies of the two schools, indicating that the proposal has local support and is seen as an excellent way forward for the community of Marlborough. As there have been no objections received in relation to the published proposals, the overall level of support expressed in the consultation period is seen to have remained in place.

Proposal

To give conditional approval to the statutory proposals published by the governing bodies of St Mary’s CEVC Infant School, St Peter’s CEVC Junior School and the Diocese of Salisbury on 6 November 2014. The condition to be met is the letting of a construction contract by the EFA for the provision of a 14 class plus resource base primary school building on the site at George Lane Marlborough.

Reason for Proposal

The linked proposals published by the local governing bodies have secured significant backing from the community of parents, are supported by the DfE and the Diocese of Salisbury and will help to secure the future of primary education in the community of Marlborough. The provision of a new school building for the primary school will provide future Marlborough children with excellent new facilities on a single site.

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Background Papers

The following unpublished documents have been relied on in the preparation of this report:

None

Appendices

Copy of statutory notice published 6 November 2014.
