



Appendix B

Report to:	Children, Family and Education Committee	Date:	17 December 2015
Report title:	School Places Update		
Report from:	Tolis Vouyioukas, Strategic Director, People Directorate		
Ward/Areas affected:	Borough Wide		
Chair of Committee/Lead Member:	Councillor Wendy Mathys		
Author(s)/Contact Number(s):	Kieran Holliday, Head of Pupil Based Commissioning 020 8770 6553		
Corporate Plan Priorities:	<ul style="list-style-type: none"> • An Open Council • A Fair Council • A Smart Council 		
Open/Exempt:	Open		
Signed:	Tolis Vouyioukas	Date:	4 December 2015

1. Summary

1.1 This report provides an update on the delivery of school places in Sutton required due to demographic increase in the Borough. It is made up of the following items:

- Update on primary and secondary projections for the Borough
- Determination of statutory notices on the expansion of Manor Park Primary School
- The latest position with respect to proposed expansion of Hackbridge Primary School
- Update on Bandon Hill Primary expansion project and the requirement to authorise remaining funding for deferred works.
- Update on the delivery of a new secondary school in Sutton
- Update on the process by which sites for future school provision will be identified for future educational provision.
- Latest capital position with respect to basic need funding

2. Recommendations

2.1 Note the primary and secondary projections and the commentary associated with their use.

2.2 Approve the proposed expansion of Manor Park Primary school to a 3 form entry school from 2017

2.3 Approve to tender the Hackbridge primary school expansion after the resolution of the reserved matters application for the Felnex development.



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- 2.4 Endorse the Sutton Hospital site as the first site for new secondary school provision from 2018.
- 2.5 Approve an initial sum of £950k to develop a planning application for a new secondary school on the Sutton Hospital site (inclusive of all surveys, professional fees etc...).
- 2.6 Authorise expenditure of £480K already set aside within capital estimates for deferred works to complete the expansion of Bandon Hill Primary
- 2.7 To note that the issue of future school sites in the Borough will be addressed through the 'Issues and Options' consultation of the Local Plan in the new year.

3. Update on Primary and Secondary Projections for the Borough

3.1 The latest primary and secondary school projections are provided in the tables below. Projections are updated on an annual basis and have been reported to CFE on a regular basis (see Committee reports in October 2015, March 2015, September 2014). The projections have changed since September 2014 to reflect more up to date information on numbers on roll and transition rates however the changes are not particularly significant.

Primary Projections

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Births	2593	2726	2712	2729	2724	2655	2711	2697	2688
Rate	91.2%	91.5%	93.0%	94.0%	94.2%	94.5%	94.7%	95.0%	95.2%
PAN	2415	2535	2565	2610	2550	2550	2550	2550	2550
Yr R	2365	2493	2521	2565	2567	2508	2568	2561	2558

- 3.2 Primary projections are principally concerned with planning for the reception year (fifth row). The projections are based on births in the Borough provided by the Office of National Statistics (ONS - second row) and relate to births 5 years prior (e.g. the births under 2015/16 relate to births in 2010). There is some allowance for inward migration and housing built into the transfer rates (row 3). The birth figures for 2019/20 to 2020/21 represent birth trajectories based on three year averages rather than actual data. The shaded figures in Yr R represent 'actual' data based on school census data – the remainder are projections (2015 census data is due shortly).
- 3.3 The Published Admission Number ('PAN' - fourth row) gives the total number of places available at reception (including bulge class provision). Should the proposals at Manor Park and Cheam Park Farm Infants/Junior proceed then the Borough would have 2550 permanent places from 2016 in place against a projection of 2567 for that year. Given that some spare capacity is needed, officers are in discussions with schools about further bulge class provision for September 2016 with a minimum of two additional classes expected to be required. The additional capacity that will be provided at Hackbridge is not included in the PAN capacity in the table above and it should be noted that these figures are Borough wide. They do not provide an assessment of localised demand.



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Secondary Projections

	2012/13	2013/14	2014/15	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
Yr 7	2796	2746	2861	2946	2994	3064	3247	3418	3538
PAN	2770	2770	2814	2919	3084	3084	3084	3084	3084
+/-	-26	24	-47	-27	90	20	-163	-334	-454

- 3.4 Secondary place planning is principally concerned with planning for Year 7 (second row). The methodology for secondary projections is slightly different from primary but is based on assessing historical transfer rates from Year 6 to Year 7 allowing for inward and outward migration.
- 3.5 The Published Admission Number (PAN - 3rd row) gives you the total number of year 7 places available in the Borough on the basis that all Phase 1 and Phase 2 secondary expansions are delivered. Thereafter there are no new schools assumed. The current projections suggest there will be some spare capacity in 2016 and although the position could be very tight there should be sufficient places in 2017/18 as well. New school provision is required from 2018. Should demand remain high, and depending on the size of the first required secondary school (see section 7 below), the current projection suggests that further secondary school places could be required as early as 2019 and that this need will be sustained such that a second site should be identified (see section 8).
- 3.6 There are some reasons to be cautious on this profile. The model is predicated on a certain amount of pupils coming from out Borough and growth in the primary sector based on inward migration and pupil yield from housing. Those ratios could change over time - particularly as new schools are built on our borders or as existing schools become more popular. This demand profile is considered reasonable at this stage and it is prudent for the Borough to be planning on this basis.

4. Manor Park Primary School

- 4.1 The London Borough of Sutton has proposed, in partnership with the Governing Body of Manor Park Primary School, to expand the school from a 2 form entry primary school with a published admission number of 60 to a 3 form entry primary school with a published admission number of 90. This would increase the total capacity of the school from 420 to 630 pupils. Additional accommodation would be provided on the existing site to enable this change. It is envisaged that the school will admit 90 pupils next year but that the published admission number for the school would not change until 2017.
- 4.2 Public consultation on this proposal took place from 21 September to 19 October 2015. Copies of the consultation document were made available to all parents and pupils at the school, all primary and secondary schools in Sutton, all councillors / MPs, Diocese representatives and over 900 letters were sent to local residents in the surrounding area. A public consultation meeting was held at the primary school on 5 October 2015.



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4.3 As a community school, the decision on whether to expand the school rests with the Children Families and Education Committee. In taking this decision it is important that the views which were sought as part of the consultation process are considered alongside the rationale for the proposal.

Summary of consultation responses

4.4 There were 25 responses to the consultation. The responses were made up of the following respondent types. They do not add up to 25 because some people occupy multiple responder types (e.g. parent and resident):

- 1 pupil
- 16 parents
- 2 members of school staff
- 1 Governor
- 13 residents

4.5 Of the 25 responses:

- 5 respondents supported the proposal to expand the school
- 11 respondents did not support the proposal to expand the school
- 8 respondents stated that they did not know
- 1 respondent did not answer the question

4.6 Respondents were asked to provide written comments on the proposals. These comments have been grouped into themes to provide an overview of the views stated and the most frequent issues raised (number of times mentioned in responder comments in brackets):

- Need for places in local community understood and recognised (7)
- Quality and popularity of school provision (1)
- The school is already big / concerns about overcrowding (5)
- Concerns about physical impact and amenity issues relating to local residents (6)
- Concerns around impact on traffic and parking issues / congestion / poor parking practices (12)
- Disruption to existing children / safety issues when works are taking place (4)
- Concerns regarding impact on class sizes (1)
- Impact on quality of school provision / standards / impact on learning (e.g. stretching resources) – (5)
- Concerns about the size of the site, buildings and play spaces (12)
- Change to nurturing / pastoral / ethos of school – (3)
- Why it isn't possible to expand other schools / build new schools (3)

4.7 Given that there are over 500 pupils at the school, and multiple other stakeholders, the response rate was low but this is not untypical for consultation exercises of this nature. With this in mind, it is hard to say that the conclusions of the consultation provide a truly representative view of what people in the local community think, but all stakeholders have been given the opportunity to make their views known. A statutory notice was also published on 15 October which was displayed at the school and in the local press should there be other organisations / local businesses that did



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not have an opportunity to comment as part of the initial consultation. No formal representations to the notice have been received and the period for representations has closed.

- 4.8 Based on the responses received, as well as the discussion in the public meeting held at Manor Park Primary school, the concerns raised by parents and residents should be considered. Many of the concerns relating to traffic, parking, impact on local residents, amenity issues are planning related issues that will be considered at planning committee should a planning application progress that far. As such, these should not be reasons in themselves for Children, Families and Education Committee to not proceed with the proposal.
- 4.9 The most common issue raised by respondents relates to the educational impact of the proposal in relation to the physical size of the school's site, the capacity of play spaces and existing buildings. Officers have been mindful of these issues. The proposed scheme provides the school with sufficient accommodation against the latest guidelines for primary schools and has been approved by the school's Head Teacher and Governing Body. To help address the lack of play space, a Multi Use Games Area (MUGA) is proposed on the existing playing field with the intention of delivering this earlier than the extension to reduce any impact on play space lost through the construction period. This would be advantageous because the existing playing field space drains poorly and is only usable by the school for 4-5 weeks a year. The MUGA would provide year round play space suitable for team games significantly enhancing the provision at the school and more than mitigating the play space that would be lost by the expansion to the school buildings.
- 4.10 The concerns about the possible impact on standards, learning and ethos of the school are primarily an issue for the school and were addressed by the school in the public meeting. The school's position has always been that they are happy at their current size but are mindful of their responsibilities to support the Borough in providing sufficient school places and are confident that they can continue to provide an outstanding education as a larger school in the future.
- 4.11 On the basis of the above it is recommended that CFE committee determine to expand Manor Park Primary school to a 3 form entry school from 2017 as per the statutory notice (see appendix A). Pre-planning consultation will be taking place with local residents, parents and other interested parties on this proposal shortly in advance of a planning application being prepared.

5. Hackbridge Update

- 5.1 Given that Hackbridge has been identified by the Borough as a Sustainable Neighbourhood and a focus for future housing growth in the future, the Local Authority has been working with Hackbridge Primary School on expansion proposals to serve the Hackbridge and surrounding area in the future. The most notable development is at Felnex (directly opposite the existing school) where 725 additional residential units are planned.
- 5.2 Proposals have been developed to expand the existing school on a split site with the equivalent of 2FE capacity created on the new site near BedZed. The anticipation is that 1FE capacity will be built initially with further provision added when needed and as the Felnex development and other proposed housing developments progress in the area. Public consultation took place in October last year, outline designs have been developed and an initial pre-planning consultation took place with the local community in March this year – including the local steering group made

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up of BedZed residents. The planning application for the scheme was submitted at the end of July with a decision expected in December 2015 subject to GLA approval. Tender packages for the project have all been prepared. Officers are expecting to bring back a report on the funding required to deliver the project to a future committee meeting in the New Year.

- 5.3 Given the original outline permission for the Felnax development was granted in 2012, the Local Authority were expecting the development to progress faster than it has to date. The joint venture between the landowner and house builder has now been signed but a 'reserved matters' application is still to be determined before the development can start construction. Planning officers have confirmed that this is unlikely to be determined until March or April next year.
- 5.4 In order to complete the project for September 2017 the Local Authority would need to start the procurement of the project in January 2016 and prior to the resolution of the reserved matters application. This is not recommended by officers for the following reasons: (i) until the reserved matters application is resolved there remain risks relating to the development and the speed with which it will progress, (ii) generally speaking, the proposal to expand Hackbridge primary school is linked to the housing development – such that if the delivery of the houses is delayed so will the need for the school.

6. Bandon Hill

- 6.1 Project funding of £5.7m to convert the existing old Stanley Park High school main building to provide additional primary and SEN provision was authorised through S&R Committee in 2012. The school started to admit additional pupils from September 2013.
- 6.2 It was decided that since the school would take some years to fill, works to finish the first floors of the main building and SEN base would be deferred for approx 3 years until needed. This included purchase of loose furniture, equipment and IT.
- 6.3 The school has started to undertake this additional work to complete the expansion and accordingly authorisation of the balance of the funding set aside within capital estimates for this project is required.
- 6.4 Estimated costs of this project at the time of the S&R Committee report in 2012 amounted to £6.8m including £1.1m of deferred works. As the project progressed some deferred works were brought forward and some savings achieved on the estimated project cost. The total project cost is now estimated at £6.4m, including £0.8m deferred works and the amount remaining to be authorised to fund deferred works is £480,000.



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7. New Secondary Provision Update

Sutton Hospital Site

- 7.1 In November 2014, the Council announced two preferred sites for new secondary school provision in the future. The first was the Sutton hospital site which it was in the process of purchasing from Epsom and St Helier's Trust and a second site at Rosehill on the disused all weather pitch was identified given the uncertainties over whether the hospital site purchase would conclude successfully and given that the projections at the time were indicating the need for two new secondary schools in the medium term. Feasibility studies were commissioned to assess the potential of both sites which were published on the Council's website.
- 7.2 The two sites were identified following a site search of over 280 sites across the Borough. Further searches have been undertaken since this time including searches that have been undertaken by the Education Funding Agency (EFA). On each occasion, the searches have identified the Sutton Hospital site as the only brownfield site in the Council's ownership that is suitable and deliverable for a secondary school in the timescales required.
- 7.3 As previous committee reports have outlined, in March this year the Department for Education approved the bid from Greenshaw Learning Trust (GLT) to set up an 8FE secondary free school in Sutton from 2017. Since that announcement, GLT and the EFA announced that their preferred site was at the Rosehill site rather than at the Sutton hospital site. Given that the Rosehill site had been identified as a potential option for future school provision, the political administration considered its position carefully on this matter and concluded that the use of a Greenfield site in metropolitan open land (MOL) was not supportable ahead of a suitable brownfield site that was available. Since that decision, GLT confirmed on 23 October that they would not consider the Hospital site for their approved free school and will be looking for an alternative site in the future.
- 7.4 Given that there is a planning policy presumption for brownfield sites to be exhausted before the consideration of Greenfield sites, and given that site searches conducted by the Local Authority and the EFA have not identified any other brownfield sites that would be suitable / deliverable, the Committee is asked to endorse the Sutton Hospital site as the initial site for new secondary school provision. Any release of this site for school provision would remain subject to Strategy and Resources Committee approval.

Secondary School Provider

- 7.5 Now that it has been established that GLT do not wish to proceed with the hospital site, a new provider must therefore be found for the first secondary school. Below are the principal options available to the Council in terms of identifying a provider to run the secondary school on the hospital site.

A. An alternative Free School provider is agreed for Sutton Hospital Site

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1. Pre-approved provider in place (wave 10 or before)
2. New free school application (wave 11 or beyond)

B. Local Authority runs a competition to open a new school – (Academy/Free School presumption).

C. Expand an existing school on a split site

- 7.6 There are no pre-approved free school providers in place seeking to open a school in Sutton therefore option A1 is not possible. However, officers are aware of potential providers that have confirmed their intention to submit an application to open a Free school in Sutton (on the hospital site) as part of 'wave 11' (not yet announced but expected deadline likely to be in March next year). This leaves options A2, B and C.
- 7.7 Given the known interest from potential free school providers, it is recommended that LBS continues to look to a Free School solution in partnership with the EFA for a 2018 opening on the Sutton hospital site. Should a free school be approved by the Department for Education in Sutton, the capital costs of the build will be met by the EFA (albeit Sutton's future Basic Need allocation will be reduced in future to recognise the fact that a Free School will be delivered in Sutton). Should a Free School not be approved in the Borough in wave 11 the Local Authority would need to initiate proposals to run a competition. Given the feedback from GLT and from the EFA it is recommended that LBS encourage any future free school applications to be based on a 6FE plus 6th form (circa 1150 pupils) model rather than an 8FE plus 6th form model (circa 1550 pupils) to reduce the building massing required on the site and to respond to concerns of overdevelopment. This approach is likely to be supported by the EFA. It should be understood that the decision on Free School providers rests with the Department for Education not the Borough Council. However, given that the Free School assessment process is quite robust (assessing leadership capacity, track record, experience) the Council could be confident that any approved provider would be a credible and successful provider of the new school.
- 7.8 One of the complications to any of the routes identified in paragraph 7.5 is that any programme for a secondary school opening in 2018 will require a planning approval to be in place by about August next year. Whilst the EFA would normally fulfil this function with free schools they only do this if an approved Free School provider has been identified. Should a free school provider be approved in Sutton, this is unlikely to be concluded much before the summer next year. Officers are therefore recommending that plans and designs for a new school are prepared in advance of the provider being known. Whilst there may be some opportunity for a provider to be involved in detailed design discussions post planning, it is likely that any potential Free school provider would have to accept the broad designs and layout within the confines of any planning permission should it be granted. In the event of a Free School being approved, officers will work with the EFA to determine whether the project should be transferred to the EFA post planning or if the Council would continue to deliver the project on the EFA's behalf. Whilst this process represents a challenge and carries some risk, this is considered to be preferable to waiting for a provider to be identified next year and then starting to develop plans as this would mean that the Local Authority would not be able to deliver the school in line with the expected demand for places in 2018.



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7.9 Whilst this may be unusual, there are reasons to believe that this approach can work. Firstly, there are standard accommodation schedules for secondary schools which any project regardless of provider would need to work to. Secondly, the site constraints at the hospital site don't provide for a wealth of options as to how the school could be delivered anyway, and thirdly this type of approach is not without precedent in that end user client groups have no or limited influence over school design issues in much of the Government's priority schools building programme (e.g. a programme to rebuild schools in poor condition).

7.10 The Committee are asked to agree for officers to work up proposals for a secondary school on the hospital site in advance of wave 11 free school applications being determined in order to keep a 2018 opening for the first school a possibility. The anticipation is that we would work closely with the EFA in this endeavour including on the procurement strategy for the project. In order to achieve this, the Committee is asked to approve an initial sum of £950k to get the project to planning (inclusive of all surveys, professional fees etc...). The Council would expect planning costs to be met by the Education Funding Agency should a Free School be approved however no formal agreements on this can be reached at this stage.

8. 'Issues and Options – Suttons Local Plan' – identification of further sites for school provision in the Borough

8.1 Given that GLT/EFA are looking for an alternative site for their approved Free School and given that the Borough's current projections suggest a further site for secondary school provision is likely to be required in the near future (2019 or 2020), the Local Authority will need to determine where that second secondary site should be.

8.2 The best route for determining what sites should be identified for future educational provision (including future primary provision as well), is through the issues and options consultation of the Local Plan which is expected to be published following consideration by the Housing, Economy and Business Committee in January 2016. This is a recognised planning process, will involve open and transparent public consultation and is designed for these purposes.

8.3 Committee should therefore be aware of this process and that the Council will shortly be embarking upon a public consultation whereby potential future sites for education provision will be consulted upon with residents and other local stakeholders. This is important as it will inform how we work with the EFA and with GLT on the need for further secondary school provision in the future. A further update on this will be provided to Committee in February.

9. Impacts and Implications

Financial - Capital

9.1 Budgeted costs for Primary expansions amount to £74.7m. This includes provision for the 1st phase of the 2FE expansion at Hackbridge Primary School of £9m. Costs for the first phase of secondary expansions are estimated at £11.5m with Phase 2 expansions at £15.0m. There is also provision in the current capital programme for one new secondary school (£25m plus

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£8.2m land purchase costs). Finally, the current programme includes Special Education Needs expansions at The Avenue Primary and Sherwood Park School at a cost of £8.3m. This will be partly funded by Targeted Basic Needs Grant (separate from the general basic needs grant) of £3.7m. Total funding confirmed to end March 2018 is £127.590m. A further grant announcement for 2018/19 is expected early in 2016. A summary of these costs against known income is shown below.

Primary, Secondary and SEN Expansions – expected cash flow

	actual to end 2014-15	2015/16	2016/17	2017/18	2018/19	Total
Spend	54,790	35,067	29,183	17,381	6,325	142,746
Funding	68,522	18,776	18,518	21,774	Tbc	127,590
Funding (surplus)/gap	(13,732)	16,291	10,665	(4,393)	6,325	15,156
Cumulative (surplus)/gap	(13,732)	2,559	13,224	8,831	15,156	

- 9.2 The budgeted costs above currently indicate a shortfall of £15.2m by 2018, as shown in the table above. There are two separate factors which may eliminate the funding gap. Firstly, the Council is due to receive further grant funding for 2018/19 which should be known early in 2016. Secondly, if a secondary Free School is approved by the Department of Education then the capital costs of the new secondary school will be met by the Education Funding Agency. This is not necessarily a net gain for the Council because the costs of the school will be taken from Sutton's future Basic Need allocations, but only over a period of 5 years which will further relieve some of the cash flow issues that the capital programme currently faces.
- 9.3 The table above includes expected costs for the additional primary provision planned at Manor Park and Cheam Park Farm Infants and Junior. However, there is no allowance for any further secondary provision that may be required in the Borough in the future or any additional SEN provision beyond that which has already been commissioned.
- 9.4 The outcome of decisions on a secondary Free School will also be crucial to understanding the budgetary challenges the Council will face in the future. This position will be closely monitored by officers and reported to Committee on an ongoing basis.

Financial – Revenue

- 9.5 On expansion, schools will need additional resources as each new class opens. The local authority through the 'growth' element of the Dedicated School Grant (DSG) will provide a primary school with an additional £70k per annum; £40.8k for the period September to March of the financial year. The school can use this funding to provide a teacher, a classroom assistant, if deemed necessary, and any other set up costs to meet the need of those pupils allocated to the school by the LA.



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- 9.6 In addition, should the class not achieve 30 pupils in the summer term, i.e. April to August, the LA will pay a top up from the 'growth' element of the DSG. If a school has a shortfall of 5 pupils or more it will receive a £1k per pupil (from 5 upwards) in order that the class can be resourced. This will be reviewed each year as the class progresses.
- 9.7 The LA will continue to fund a permanent expansion through the whole of Key Stage 1 but the funding is reviewed for Key Stage 2 to ensure that the provision is still required. The revenue costs for the secondary expansion from September 2015 will also receive an additional £70k per annum; £40.8k for the period September to March of the financial year based on a class number of 30 Sutton pupils.
- 9.8 This 'growth' element is top sliced from the DSG prior to the allocation of schools funding and provides a budget pressure. This is due to a time lag between the period when funding is allocated to the individual schools in September and when the DSG attracts additional Government funding due to increases in roll in the following April.

Legal

- 9.9 The council has a duty under section 14 of the Education Act 1996 to secure that sufficient schools are available for its area to provide the opportunity of appropriate education for all pupils. It must exercise this function with a view to securing diversity in the provision of schools, and increasing opportunities for parental choice.
- 9.10 There is a statutory presumption that new publicly-funded schools should be academies. The DfE has confirmed that all new provision academies are now classified as "free schools". Under section 6A of the Education and Inspections Act 2006, if the council thinks that a new school needs to be established in its area, it must seek proposals for the establishment of an academy (free school) and specify a date by which proposals must be submitted. In considering the need for a new school, the council can take account of any other free school projects that the DfE has approved and are due to open. Non-statutory guidance on the DfE's expectation of how the free school presumption process should operate in practice and the characteristics and qualities that new school proposers must demonstrate was issued in July 2015.
- 9.11 Where proposals are invited under section 6A, the council would be responsible for providing the site for the new school and meeting all associated capital costs. Local authorities are also required to meet the revenue costs of the new provision. Local authorities are expected to work with selected proposers to agree a reasonable and mutually acceptable funding allocation for the LA to cover pre- and post-opening costs. The DfE provides a one-off payment of £25,000 to the successful proposer for the legal costs associated with establishing a new free school through this route. Upon opening, the school will be funded by the Education Funding Agency on the same basis as other academies and free schools in the Borough.
- 9.12 The council would be required to determine the specification for the new school, assess the impact of the new school, and advertise for proposers, taking all necessary steps to ensure that the widest possible range of groups or organisations that might be interested in establishing the new school are aware of the opportunity to do so and have sufficient time to

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develop proposals. The successful proposer must be an approved academy sponsor prior to entering into a funding agreement with the Secretary of State. Approval of the proposals follows a two stage process. Stage one: the council may assess proposals against their specification for the new school and can, if they wish, recommend their preferred proposer. Stage two: Department officials will assess the capacity, capability and performance of all proposers, taking into consideration any assessment and/or recommendation made by the council. The Regional Schools Commissioner will then on behalf of the Secretary of State, choose the proposer to take forward the new free school. If none of the proposers is assessed as suitable, the Secretary of State has the right to put in place any proposer of her own choice.

- 9.13 The proposed expansion of the capacity of Manor Park Primary School is a 'prescribed alteration'. Significant changes to maintained schools which are "prescribed alterations" can only be made after following statutory procedures set out in the Education and Inspections Act 2006, and associated regulations, and having regard to statutory guidance published by the Secretary of State.
- 9.14 The council is the decision-maker for this proposal. In making its decision, it must have regard to the Regulations and Guidance on School Organisation which came into force on 28 January 2014.
- 9.15 In deciding whether to approve proposals, the council must consider all relevant factors, including the responses received to consultation and to the statutory notice of proposals. The statutory guidance sets out that decision maker must have regard to a range of factors when making its decision whether or not to approve the proposal. The Guidance advises that decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the aspirations of parents, raise local standards and narrow attainment gaps. In assessing the demand for new school places the decision-maker should consider the evidence presented for any projected increase in pupil population (such as planned housing developments) and any new provision opening in the area (including free schools). The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents' aspirations for a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places. The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, and consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed. The decision-maker must consider the impact of a proposal on community cohesion. Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and should consider how the proposal will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school. The decision-maker should be satisfied that any land, premises or capital required to implement the proposal will be available
- 9.16 Decisions about whether to approve statutory proposals must be made within two months of the end of the representations period, or the proposals must be referred to the Schools Adjudicator. The governors of the school that is subject to the proposal, the local Church of England Diocese, and the bishop of the local Roman Catholic diocese each have the right to appeal against the authority's decision to the Schools Adjudicator. Any such appeal must be made within four weeks of the local authority's decision.



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- 9.17 The council has a statutory duty to implement approved proposals for community schools. As decision-maker the council can approve proposals subject to a specific condition being met by a set date. Conditional approval can only be granted in the limited circumstances set out in the Regulations. The decision maker must set a date by which the condition must be met, but can later modify that date if there is confirmation that the condition will be met later than originally thought. Approval of proposals can be conditional on the grant of planning permission.
- 9.18 A lack of sufficient places within Sutton Schools would most likely lead to legal challenges by Judicial Review, as well as the possibility of increased application to the Independent Appeals Panels for places at all existing schools and complaints to the Local Government Ombudsman. All of which consume large amounts of officer and school time, can be financially punitive and will result in negative publicity.

10. Appendices and Background Documents

Appendix Letter	Title
A	Manor Park Statutory Notice
Background Documents	
None	

Audit Trail		
Version	Final	Date: 4 December 2015
Consultation with other officers		
Officer	Comments Sought	Comments checked by
Finance	Yes	Sue Holmes
Finance	Yes	Tony Cooke
Legal	Yes	Sarah Willis

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