

Mr Burrett - Cabinet Member for Education and Skills (and Deputy Leader)	Ref No: ES09 (18/19)
August 2018	Key Decision: Yes
Partial revocation of a Statutory Notice and Cabinet Member Decision to relocate and expand Shelley Primary School, Broadbridge Heath, taken in September 2012	Part I
Report by Executive Director of Economy, Infrastructure and Environment and Director of Education and Skills	Electoral Division: Broadbridge

Summary

In order to meet the growth in pupil numbers created by new housing developments in the Broadbridge Heath area of Horsham, in July 2012 a decision (ES14(12/13)) was taken by the then Cabinet Member for Education and Schools to approve the publication of statutory notices to expand and relocate Shelley Primary School. The school was due to be relocated to a new development site to the south of Broadbridge Heath, now known as Wickhurst Green.

Since 2012 there have been significant changes to education policy and legislation concerning new schools. In May 2017 the Secretary of State for Education appointed a sponsor, the Glyn Learning Foundation, to set up a primary Free School on the Wickhurst Green development site. The building is to be funded by the Free Schools Programme of the Department for Education and delivered by the Education and Skills Funding Agency. A date for opening is yet to be confirmed. There is consequently no longer a need to relocate Shelley Primary School to Wickhurst Green.

Until the new Free School opens and beyond there is a need for additional pupil places in the Broadbridge Heath area. The permanent expansion of Shelley Primary School on its existing site, funded in part by the County Council and in part by the housing developer, will be able to cater for this increased demand for places.

A public consultation to seek comments on the proposed change has taken place and the outcome of this is set out in section 4.

Recommendations

The Cabinet Member for Education and Skills is asked to:-

- (1) Approve the partial revocation of a statutory notice to relocate and expand Shelley Primary School, Broadbridge Heath, in order that a new primary Free School can be built on the Wickhurst Green development site.
- (2) Agree that the approval to relocate Shelley Primary School to a new development site to the south of Broadbridge Heath as set out in Cabinet Member Decision ES14 (12/13) is revoked whilst retaining the approval to expand the school to a two form entry (420 place) primary school on its existing site.

1. Background and Context

- 1.1 The County Council has a statutory duty to commission sufficient school places for children and young people across the county. In response to the development of new housing, the County Council seeks sites and financial contributions from housing developers to provide for new schools and extensions to existing schools.
- 1.2 In October 2011, via a Section 106 Agreement, a site for a school and contributions were secured from Countryside Developments Ltd. This was in order to cater for the growth in numbers of children in the Broadbridge Heath area of Horsham arising from the Wickhurst Green development of 1000 homes.
- 1.3 In May 2012, the County Council undertook a public consultation and published statutory notices to expand and relocate Shelley Primary School from its existing site to the new site for opening in September 2017.
- 1.4 The proposal was largely supported by the residents/parents of Broadbridge Heath who could see benefits to Shelley Primary School moving to a larger site with improved premises. The Parish Council in particular could see benefits to community cohesion of providing a shared facility between Broadbridge Heath and the new Wickhurst Green housing bringing people and families closer together.
- 1.5 In July 2012 the then Cabinet Member for Education and Schools took a decision (ES14 (12/13)) which approved the expansion of Shelley Primary School from a 40 place admission (280 place) to a two form entry (420 place) primary school and its relocation to a new development site to the south of Broadbridge Heath from September 2017.
- 1.6 A 2.5 hectare site was secured as part of the development agreement along with a £1.246m financial contribution towards a new primary school. However since 2012 it has become clear that the cost of relocating and expanding Shelley Primary School could be up to five or six times as much as the amount of contributions secured, and the financial settlements, in terms of Basic Need allocations made by Central Government to the County Council, would not be sufficient to fund the gap.
- 1.7 A Free School was therefore considered the only viable alternative to ensure a new school is built to serve the community. Discussions have taken place between the Free School sponsor, the Glyn Learning Foundation (GLF), and the Governors of Shelley Primary School about collaboration and possibly more formal Trust arrangements but to date this approach has not been taken forward. The current proposal is that GLF will open a new school on the development site and Shelley Primary will remain in existence on its current site.
- 1.8 As the original proposal is being changed to allow for a Free School to be built (see 1.7 above), there is a need to partially revoke the statutory notice and the decision taken in 2012 to relocate Shelley Primary School.
- 1.9 Department for Education guidance on making prescribed alterations to schools sets out a consultation process to be followed regarding revocation of

statutory notices and this has been followed. More detail is provided in section 4.

2. Proposal

- 2.1 It is proposed that after considering the responses to the consultation, the Cabinet Member for Education and Skills is asked to confirm the partial revocation of a statutory notice and Cabinet Member Decision to relocate and expand Shelley Primary School, Broadbridge Heath, taken in July 2012 in order that a new primary Free School can be built on the Wickhurst Green development site.

3. Resources

- 3.1 The proposals offer value for money as the capital costs of Free Schools are funded by the Department for Education's Free Schools Programme and revenue funding is also available from Central Government through the Education and Skills Funding Agency. The County Council is therefore not responsible for the funding or construction of the new school. Any works required by the developer in relation to creation of the school will be competitively tendered and will adhere to the Department for Education's procurement processes.
- 3.2 The cost of expanding Shelley Primary School, a school maintained by the County Council, is also more affordable as a result. The capital cost will be part funded by the developer's financial contribution towards primary education of around £1.246m and any additional funds provided from the County Council's Basic Need allocation. There are currently four design options for the expansion being considered by the school and early indications suggest a budget of £2.5m (including developer contributions) will be required for the expansion project. Plans to expand the school will be brought forward in a future decision report.
- 3.3 The new school at Wickhurst Green is to be built to Building Bulletin 103 standards (those set nationally by the Department for Education) and should provide a modern facility with additional Early Years provision which will benefit pupils and families with pre-school children in the area.

Factors taken into account

4. Consultation

- 4.1 An initial briefing explaining the proposals and the rationale behind the revocation notice was given to the Cabinet Member, County Local Committee Members, the Chief Executive of Horsham District Council, the Head and Chair of Governors of Shelley Primary School, the Teaching Associations and Unions and local MP before the consultation began.
- 4.2 Following Department for Education guidelines, a statutory notice was published in the West Sussex County Times on 26 April 2018 and a letter and a copy of the revocation notice were circulated to the following members of the community during the week commencing 23 April 2018: -
- Shelley Primary School (Head, Governors, Staff and Parents)
 - Neighbouring Schools (both Primary and Secondary)

- Broadbridge Heath Parish Council
 - Neighbouring Parish Councils
 - Horsham District Council
 - The Dioceses of Chichester and of Arundel and Brighton
 - Unions and Teaching Associations
 - Local MP Jeremy Quin
 - Local Member Christian Mitchell
- 4.3 An online survey using the County Council's 'Have Your Say' website was opened for a four week period to allow responses to be collated and analysed. The consultation closed on 24 May 2018.
- 4.4 Responses to the consultation were received from the online survey and by email. 46 written responses were received in total. The email submissions were included in the online survey database in order to record all responses in one place. One response was discounted from the overall total because no questions were answered although a postcode was entered. The total number of responses analysed was therefore 45.
- 4.5 A summary report of consultation responses is provided in the Appendix. The full analysis is made available to the Cabinet Member only in order to protect individuals from being identified and to comply with GDPR legislation. A verbatim sample of the type of comments made is contained in the table in the Appendix to illustrate the points made.
- 4.6 Twenty-two of the responses objected to the proposal and sixteen were in support of the proposal. Seven responses fell into the category of 'neither support nor object to the proposal'. The neutral responses and those in support when combined totalled twenty-three responses and therefore produced a small majority. Many of the respondents welcomed new school places in the area but were concerned about the lack of space at Shelley Primary School to expand, the maintenance levels of the current school buildings, and were disappointed about the delay in establishing a new school. There were a number of respondents who expressed the preference for Shelley Primary School to move to the Wickhurst Green site as originally intended to reduce division in the community.
- 4.7 The Capital Projects Team and their Building Design Team will invite parents and local residents to view the proposed development plans for the building works prior to the submission of a planning control application to the local planning authority.

5. Risk Management Implications

- 5.1 Without this decision, there could be further delay to the capital build to expand the school which is in need of investment and is short of accommodation. More local children may have to travel to other parts of Horsham or neighbouring villages to be educated and siblings might be separated. The Pupil Admission Number may have to revert to its previous lower number and this will inconvenience parents if siblings end up attending different schools some distance apart.
- 5.2 Funding has not yet been formally allocated to this project and is dependent in part on the completion of the final endorsement of the proposals. There is however Basic Need funding identified to finance this project and S106

monies are available from the Wickhurst Green development. Business cases that meet the needs of the Capital Programme governance process, planning approval and a Cabinet Member Decision to approve allocation of the necessary funds will be required to move this project forward and will be managed by the Capital and Asset Management Team. The Capital Project Manager is appointed and tasked with leading on this process.

- 5.3 The Department for Education has also requested that the prospect of relocation of Shelley Primary School is removed from the S106 agreement with Countryside Developments by means of a deed of variation and any previous decision by the Cabinet Member is revoked in order that they can build the new Free School on the site. The deed of variation is close to completion and is agreed in principle by the landowners and Horsham District Council.

6. Other Options Considered

- 6.1 Forecasts of demand for school places are produced twice a year and reviewed at 'Basic Need' meetings made up of Education and School Planning professionals from West Sussex County Council. These figures and early indications of potential schemes are then shared with Locality Headteachers on an annual cycle and then shared with the West Sussex County Council Planning Places Board. Most schemes are published on the West Sussex County Council website in the Planning School Places document before informal consultation with the wider public and education stakeholders takes place. Forecasts show that a 'do nothing' option is not appropriate as a shortage of places would lead to children having to travel long distances to school. This would also have an impact on the existing school.
- 6.2 The alternative of relocating and expanding Shelley Primary School as previously planned is unaffordable for the reasons given in 1.6 above. By working in collaboration with Central Government, new resources can be gathered to both build a new primary school and provide much needed investment at the existing Shelley Primary School. This will give parents the choice to send their children to a local school.

7. Equality Duty

- 7.1 The consultations on the 'Have Your Say' website are specifically designed to help to gather the correct information so that protected groups, and those with protected characteristics, are identified within the data.
- 7.2 Notifying schools, parents/carers, and other interested parties (see 4.2 above) has helped to ensure that there is sufficient data to inform the Cabinet Member Decision specifically regarding those with protected characteristics.
- 7.3 The consultation included gathering information on nine protected characteristics including race, sex, disability and religion or belief, and the documentation has taken into account the diverse communication needs of the population.
- 7.4 An analysis of protected characteristics was undertaken and no significant issues were identified.

8. Social Value

8.1 Not applicable.

9. Crime and Disorder Act Implications

9.1 None.

10. Human Rights Act Implications

10.1 Everyone has the right to respect for private and family life, home and correspondence under Article 8 of the Human Rights Act. The impact of any proposed changes on the right to family life will be taken into consideration. Article 1 of the First Protocol is the right to education. No person shall be denied the right to education. The proposals therefore support this right as school places will be available in the local area for all children of school age.

Lee Harris

Executive Director
Economy, Infrastructure and Environment

Deborah Myers

Director of
Education and Skills

Contact: Vanessa Cummins – 0330 222 3046

Appendices

Appendix – Analysis of responses to public consultation summary report

Background Papers - None