

## DETERMINATION

**Case reference:** ST 00580

**Proposal:** To expand the premises of Belmont Infant School with effect from 1 September 2013 to provide 252 pupil places by September 2015 with an admission number of 84 at the point of first admission to the school and Belmont Junior School, Haringey from 1 September 2015 to provide 360 places by September 2019 with an admission number of 90 at the point of first admission to the school

**Proposer:** Haringey Borough Council, London

**Objector:** Belmont Infant and Junior School, governors, staff and parents

**Date of Decision:** 5<sup>th</sup> October 2012

### **Determination**

**Under the powers conferred on me in section 21 of the Education and Inspections Act 2006, and the School Organisation (Prescribed Alterations to Maintained Schools) Regulations 2007, I hereby reject the proposal that Belmont Infant School should be expanded to provide 252 places and the published admission number increased from 56 to 84 from 1 September 2013 and that Belmont Junior School should be expanded to provide 360 places and the published admissions number be increased from 60 to 90 from 1 September 2015.**

### **The referral**

1. On 13 August 2012 Haringey Council (the council) received an appeal against the council's Cabinet decision to approve statutory proposals for the expansion of Belmont Infant and Belmont Junior Schools (the schools). The council referred the appeal to the Office of the Schools Adjudicator (OSA) on 15 August 2012. The appeal was submitted by the two schools and refers to the council's decision to expand the two schools and increase their published admission numbers from 60 to 90 and expand the schools progressively from 1 September 2013.

### **Jurisdiction**

2. Having carried out the appropriate consultation, the council formally published the proposal as a statutory notice on 4 May 2012. The notice was in the form required by the Education and Inspections Act 2006 (the Act). At a meeting held on 19 July 2012 the council resolved to proceed with the proposal.

3. The governing bodies of the two schools lodged a request that the proposal be referred to the adjudicator by the council within the timescale required. The council has forwarded the referral and its comments to the OSA, in accordance with the provisions of the Act and the School Organisation (Prescribed Alterations to Maintained Schools) Regulations 2007 (the Regulations).

4. I am satisfied that this proposal has been properly referred to me in accordance with the Act and that, therefore, I have jurisdiction to determine this matter.

### **Procedures**

5. In considering this matter I have had regard to all relevant legislation and guidance. I have considered all the papers put before me including the following:

- the agenda and supporting papers for the meeting of Haringey Council Cabinet held on 19 July 2012;
- the agenda and supporting papers for the meetings of Haringey Council Cabinet held on 19 January 2012 and 20 December 2011;
- prescribed information from the proposer as set out in the relevant School Organisation Regulations and;
- the views and information submitted by the schools in their appeal dated 13 August 2012;

6. On 24 September 2012 I visited the schools directly affected by the proposal, to view at first hand the accommodation and locality. On the same day I held a meeting at Belmont Infant School attended by the headteachers and representative governors of the schools, the headteacher and chair of governors of the Vale School and officers of the council. In the evening I held a public meeting to receive any further comments that any other parties wished to make. All parties were offered a further period of one week to submit any other information. I have considered all this information and the representations put to me at that meeting and subsequently.

### **The Proposal**

7. The proposal is that Belmont Infant School should be expanded to provide 252 places and the published admission number increased from 56 to 84 from 1 September 2013 and that Belmont Junior School should be expanded to provide 360 places and the published admissions number be increased from 60 to 90 from 1 September 2015.

8. The council states that the benefits of this proposal are that:

- It will assist it to meet the growing demand for places in the area by expanding these popular and successful schools.

9. The schools argue that:

- there is insufficient space on the school sites to support the expansion;
- the standards in the schools will be at risk if staff changes take place as a result of the expansion;
- there is insufficient funding set aside by the council to undertake the work that is required to meet Building Bulletin 99 (BB99) standards;
- there is not the demand for places that the council asserts and the schools, particularly the junior school may end up with more surplus places than the 35 that it currently carries;
- the needs of the 16 pupils from the Vale Special School who attend the schools on an integrated and fully supported basis have not been fully considered and that their provision will be diminished and;
- the 60 part time (equals 30 full time equivalent) pupils in the on site nursery have not been taken into account in the planning.

### **Consideration of Factors**

10. I have considered the proposal afresh taking careful account of the arguments put to me by the council and the schools. This is a particularly difficult decision to make because of the balance of arguments for both sides of the case and the presumption set out in the Act that popular and successful schools should be allowed to expand.

11. The council, in common with other London Boroughs, is seeing an increase in the birth rate. This increase in births is leading to a shortage of places when children reach the age to start school. These increased cohort sizes across the borough are then requiring more places to be created year on year as the larger cohorts move up through the schools. The council has developed a set of principles to assist it in deciding where it can meet its statutory responsibility to provide sufficient school places.

12. The principles are that it should:

- seek to meet demand for places within local communities, having regard for the role of schools at the heart of sustainable communities;
- seek to make all its schools popular and successful;
- where expansion is needed to meet demand for places, it should favour the expansion of schools where there is proven demand and well established and successful leadership and management;
- have regard to the impact of any changes on the viability and standards at existing and new schools;
- bring forward proposals that make best use of scarce capital resources and;
- work towards more schools having at least two forms of entry when

building new schools and through active support for federation of school to help give each school the capacity to meet its aspirations.

13. The council has successfully increased the capacity of several of its primary schools and in the short term has introduced “bulge” classes in other schools. It has plans to increase the capacity of other schools in the borough as places are required. The council recently agreed to reduce the published admission limit for two nearby primary schools, one because the classrooms were too small to take classes of 30 and the other because places were not filled.

14. The council argues that Belmont Infant and Junior schools meet its principles for expansion. They are both popular and successful. In their last inspections, both schools were judged to be outstanding by Ofsted. Each school’s leadership is currently judged to be strong. The school sites are restricted, but the council has drawn up some indicative plans to show how it could remodel the schools to enable the additional children to be accommodated using the additional capital resources that it has identified.

15. The infant school agrees that it is popular and successful. Parental satisfaction, pupil achievement and the Ofsted report substantiate this. In 2012 there were 100 first place preferences for the infant school for the 56 places available. The admission number is reduced from a multiple of 30 to allow space for the integration of the Vale Special School pupils.

16. The junior school is linked for admission purposes to the infant school and so is not seen as a first point of admission to school in the same way as the infant school is. The admission number for the junior school has not been reduced from a multiple of 30 in order to allow space for the integration of the Vale children. The junior school currently has 35 surplus spaces. The junior school agrees that it is successful against the parental satisfaction, pupil achievement and the Ofsted report measures, but argues that it may not meet the popular definition as it is not full and there is not a waiting list for places. The junior school has experienced some pupil losses as families move out of the area although this has slowed recently and there has been some balancing inward movement.

17. The schools’ main concerns are over the pupil number forecasts for the schools, the impact of the increased number of pupils on a restricted site, the budget for the necessary building work and the impact of the building work on the school. There are concerns about risks to the school budgets in the future.

18. Decisions about proposals must follow the guidance given within the Department for Education Guidance on Expanding a Maintained Mainstream School by enlargement or adding a sixth form (the guidance) which was last updated in February 2010. I shall deal in turn with the factors set out in the guidance.

### **Effect on Standards and School Improvement**

19. These schools have been judged by Ofsted to be outstanding so the

issue is less whether the schools would be improved by these changes and more whether standards would be sustained through the change proposed. One of the headteachers pointed out during the visit to the school that a key feature of these schools is that they are small enough for staff to know all the pupils and their parents and that this creates a positive atmosphere. Doubts were expressed that this would be possible if the schools were enlarged. However, with strong management there is no compelling reason to think that having more pupils and more staff in more classrooms should change the fundamental nature of these schools.

20. The objectors argue that if the schools are enlarged there will be pressure points in the corridor space available, insufficient dining hall space for pupils and a requirement for lunch to be spread over more sittings, less space outside available and being used by more pupils and the headteachers point out that neither school hall will be large enough to accommodate a whole school assembly as they can at present. The building adaptations proposed will not address these issues.

21. The current high standards in these schools are not in doubt. The question is whether the expansion of the schools will lead to a diminution of the standards because of the inability of the site and buildings to cope with the pressures of an increased number of pupils. Significant concerns about this risk have been expressed.

### **The Need for Places**

22. The council provided its pupil number projection for its local planning area 12 which is the area that includes the schools. The table supplied is as follows:

Year	Number of reception places available (West Green and Bruce Grove only, Planning Area 12)	Planning area 12 reception projection
2013/14	229	236
2014/15	230	236
2015/16	232	236
2016/17	236	236
2017/18	237	236

This table shows that in the immediate area of the school the council is not forecasting growth.

23. The council provided a further table that showed the five year projections for the wider area around the schools by combining the projections for the five neighbouring planning areas along with planning area 12:

Year	Number of reception places available (Haringey)	Haringey reception projection	Deficit/ surplus of places	Number of reception places available in the combination of the 6 neighbouring planning areas	Planning area reception Projection	Deficit/ surplus of place

2013/14	3170	3210	-40	1282	1256	-26
2014/15	3200	3179	-21	1291	1256	-35
2015/16	3200	3237	-37	1314	1256	-58
2016/17	3200	3300	-100	1337	1256	-81
2017/18	3200	3380	-180	1356	1256	-100

The combined planning area referred to in this table consists of the following wards and planning areas, Harringay, St Anns, White Hart Lane, West Green and Bruce Grove, Noel Park, Bounds Green and Woodside

24. The second table shows that there is a need for approximately one additional form of entry across the borough in 2013, 2014 and 2015, and more subsequently. The deficit in the 6 planning areas is shown to be greater than for the borough as a whole in 2015/16. However, the first table states that there will be zero growth in forecast numbers for the area immediately surrounding the schools. This gives some weight to the argument that the council's forecasts do not substantiate the need for this local expansion.

25. The council's admissions guide for 2013 admissions shows that the maximum distance from the school that a pupil gained a place using the straight line measurement was 0.2158 miles. A model has been produced for a larger school and the resulting map shows that the direct line distance would increase but homes still appear to be in walking distance. There are three parks within the increased area which would reduce the number of children coming from those directions. However, if there were more places offered it seems likely that pupils would opt to walk to the schools to take them if distance were the only issue. The council argues that by expanding this school more pupils will choose to attend and in doing so will relieve the pressure on places elsewhere.

26. The schools argue that not only is there no need for local places but also that neighbouring schools are considering seeking expansion and that if they do, they will be able to provide the additional places that the councils says are needed. The council's response to this argument is that it is not aware of any such expansion proposals that may be under discussion and it would be unwise to take this speculation into account when planning places for children. The council's case is weakened by the fact that it has reduced the published admission limit for two primary schools nearby.

27. Having looked carefully at the figures provided and the maps showing where development has taken place, I am of the opinion that the council's figures demonstrating the need for expansion of these particular infant and junior schools appear unconvincing and they offer a weak case for expansion of these schools on the basis of local demographics.

### **Expansion of Successful and Popular Schools**

28. The guidance in paragraph 4.32 states that there should be a strong presumption that proposals to expand successful and popular schools **should** be approved. The council argues that these schools are both successful and popular and so this presumption must be taken into account in weighing the issues. The guidance goes on to say that the decision maker **should** only turn down proposals for successful and popular schools to expand if there is

compelling objective evidence that expansion would have a damaging effect on standards overall in an area which cannot be avoided by local authority action.

29. In the previous paragraphs about standards and school improvement I listed some of the objective reasons why the school feels that standards could be put at risk if this expansion were to proceed. The staff and governors of these schools have formed the view that expansion will jeopardise the standards that have been achieved because of the pressure of numbers in a confined space. Elements of the outdoor environment will be lost to allow additional classrooms to be built and they feel this will be detrimental to the standards of provision that they currently offer. The council is offering action in the form of building and site adaptations. The council has failed to convince the schools that these adaptations will mean that damage to standards will be avoided.

### **Funding and Land**

30. The council has confirmed that £3.4m has been reserved for this expansion. The schools have expressed concern that this is insufficient funding for the building required and is less than the council has provided for other expansion schemes in the borough and that the minimum standards set out in BB99 will not be met. The council's response to the concerns is that the funding represents a substantial sum for the work required and it is willing to work with the schools to ensure that the final plans will make the best use of the budget available. Some reassurances about details were given to the schools in the meeting I convened that took place on 24 September 2012 and have subsequently been confirmed in writing. The council has also advised that there will be a Backfill allowance of 0.5% of the project budget ( a sum of £17,000) to help the school manage disruption caused by the building work.

31. I have not seen any evidence to be able to make a judgement about the sufficiency of the budget, but it is clear that there is a significant amount of building work required and that not all of the aspirations for the schools will be met from the funds available. It is helpful that the council has expressed its willingness to work with the schools to ensure that the best use is made of the available funds in delivering the project.

32. The school occupies a constrained site and if new classrooms are built then there will be less outdoor play area for pupils. The council has made it clear that expansion into the adjoining park is not an option and has provided evidence that this was explored as a possibility. The infant school has invested in outdoor play equipment and sought assurances that there would be an allowance within the funding available to relocate equipment that is displaced by the new building. There will be more children using the existing facilities and management strategies such as phased break times may be required to spread the use of outdoor facilities over the school day. Car parking for staff and visitors is already an issue and with seven more classes there will be more staff who will be seeking car parking spaces.

33. The internal building constraints were discussed and more children will put pressure on the corridor space, the hall and the dining areas. These

constraints will inevitably occupy staff time in managing them which may affect their ability to attend to other matters.

34. It was suggested that the schools would have budget issues if the number of pupils did not materialise as anticipated. I have not placed much weight on these concerns since the larger schools will bring some economies of scale around management costs and with the larger budgets comes a little more flexibility. It is true that more children will mean that the infant school will eventually have three more classes and the junior school 4 more classes, the additional staff requirements will be covered by the increased budget that the additional pupils will bring. The schools have been concerned that if the classes are not run at full capacity then this could be a budget drain on the school. The council asserts that it is unlikely that parents will not wish to express a preference for these successful schools. If however this were not the case, other schools do manage to successfully run their budgets in these circumstances, but one of the management strategies required could be to establish mixed age classes.

### **Special Educational Needs Provision**

35. The schools have an arrangement where between them they integrate 16 pupils from the Vale Special School full time into the life of the school. The special school pupils are fully supported by staff from the special school and play a full part in the day to day activities of the schools. If the schools expand there is a concern that the needs of these pupils will be a lower priority and that the greater number of pupils in the corridors and the playgrounds will present a greater risk to the well being of these 16 children, some of whom use walking aids and wheelchairs.

36. The facilities within both schools are currently adapted for the needs of this particular group of pupils and as a result, the provision for other children with particular needs is significantly enhanced. There are no plans to increase the number of children from the Vale School above 16 if the capacity of the schools increases. A greater density of children, however, will lead to a greater risk for these who use walking aids and wheelchairs if management strategies are not put in place in the corridors and other spaces like the dining room and hall. Staff are very much aware of any risk factors for this group of children and have the experience to manage these, but again time would need to be allocated to this supervision.

37. For children who arrive at school in special transport there is already an issue about access and safety in the congested car park at the front of the school. The constraints of the site mean that there needs to be some thought given to managing this space to ensure that special transport has safe access.

### **Other issues**

38. The schools' staff, governors and parents have shared their strongly held views about this proposal to expand the schools. The council embarked on a first round of consultation at the end of 2011, published the public notices for change and then, following objections about the level of funding, withdrew

them. Following a decision to increase the funding available a further round of consultation took place leading to the re-publication of notices in May 2012 and a subsequent Cabinet decision in July to implement the proposals. A common concern from correspondents has been that the proposals have failed to answer the detail of the concerns raised, they remain unconvinced that the pupil projections show a need for these school to be expanded, they are not convinced that the funding will be sufficient to deliver a satisfactory building project and they remain concerned that more pupils on the school sites will affect the atmosphere in the schools and lead to a reduction in standards.

39. Communication is a recurrent theme in this case and objectors assert that their questions have not been answered in a timely fashion and details have not been addressed leaving many unanswered questions for stakeholders. The council has clearly tried to listen to the concerns expressed, but has failed to convince those opposed to the proposals. It withdrew the public notices for change earlier this year and re-engaged in discussion. One of the outcomes of this was the increase in funding for the scheme from £2.2m to £3.4m.

40. In considering these matters I am led by the guidance. The Act, the Regulations and the guidance set out a presumption that popular and successful schools **should** be allowed to expand but the same guidance in paragraph 4.73 says that the decision maker **should** consider the views of those affected by the proposals and.....**should** give the greatest weight to representations from those stakeholders likely to be most affected by the proposals. The decision maker **should** only turn down proposals for successful and popular schools to expand if there is compelling objective evidence that expansion would have a damaging effect on standards overall in an area.

41. In making a decision, the key issues to balance have been whether the council has successfully demonstrated that the additional places produced are required, that they will be fully occupied and will contribute to meeting the need for places across the Borough and in creating these additional places whether the standards in the area will be jeopardised.

42. In my opinion, the council has not successfully shown that the places are needed in the immediate area of the school, but it has demonstrated the need for places in the wider area. The council's case is diminished by the recent reduction in the published admission numbers for two nearby primary schools.

43. The infant school is popular and successful; it is less clear whether the junior school is popular as well as successful or just successful.

44. When considering if there is any objective evidence that the expansion will result in a lowering of standards in the area, one neighbouring school objected to the proposal because it feared its pupils numbers would reduce. This is not sufficient evidence to consider rejecting the proposal. However, other evidence has been provided by staff and governors of the two schools proposed for expansion, they cite areas where they are concerned that these

changes could lead to a reduction in standards in the schools. These are described in preceding paragraphs. It is arguable whether these are “compelling objective evidence” but they do raise objective concern about the ability of these schools to expand successfully on their constrained site and to retain the outstanding educational opportunities that they currently offer to their pupils.

## **Conclusion**

45. Having carefully considered all of the factors, I conclude that this proposal should be rejected for the following reasons:

- the need for pupil places in the immediate area of the schools has not been established;
- there are significant concerns about the risks to standards resulting from the limitations of what can be achieved with the funding available and the constrictions of the site; and
- there is strongly expressed concern by the key stakeholders whose support will be essential in carrying this project through.

## **Determination**

46. Under the powers conferred on me in section 21 of the Education and Inspections Act 2006, and the School Organisation (Prescribed Alterations to Maintained Schools) Regulations 2007, I hereby reject the proposal that Belmont Infant School should be expanded to provide 252 places and the published admission number increased from 56 to 84 from 1 September 2013 and that Belmont Junior School should be expanded to provide 360 places and the published admissions number be increased from 60 to 90 from 1 September 2015.

Signed:

Schools Adjudicator: David Lennard Jones

Dated: 5<sup>th</sup> October 2012