

## Memorandum of Understanding for school expansions

### Memorandum of Understanding on new school places at St Peter's CE Middle School

#### (1) Purpose

This Memorandum of Understanding sets out the agreement made between the parties listed in (2) in relation to the proposed expansion of St Peter's CE Middle School.

#### (2) The Parties

This Memorandum of Understanding is agreed by:

- i. The Director of Children's Services, The Royal Borough of Windsor and Maidenhead, St Ives Road, Maidenhead, SL1 6RF.
- ii. The Headteacher and Chair of Governors, St Peter's CE Middle School, Crimp Hill Road, Old Windsor, Windsor, SL4 2QY.
- iii. Chief Executive Officer, The Oxford Diocesan Schools Trust, Church House Oxford, Langford Locks, Kidlington, Oxford, OX5 1GF.

#### (3) The Agreement

The parties to this Memorandum of Understanding agree to paragraphs (a) to (x):

##### The Proposed Expansion at St Peter's CE Middle School

- (a) St Peter's CE Middle School currently admits up to 60 pupils into each year group, Year 5 to Year 8. This gives the school a total of 240 places, as set out in Figure 1.

**Figure 1: Current places offered at St Peter's CE Middle School for September 2018**

Year Group	Year 5	Year 6	Year 7	Year 8	Total
Places	60	60	60	60	240

- (b) Subject to the criteria in paragraph (x) being fulfilled, St Peter's CE Middle School will be expanded so that it takes up to 90 pupils per year group, starting with the Year 5 intake in September 2019. St Peter's CE Middle School will continue to take up to 90 pupils into subsequent Year 5 intakes, so that all year groups will have 90 places by September 2022, as set out in Figure 2.

**Figure 2: Proposed places offered at St Peter's CE Middle School**

	Year 5	Year 6	Year 7	Year 8	Total
Sept. 2018	60	60	60	60	240
Sept. 2019	90	60	60	60	270
Sept. 2020	90	90	60	60	300
Sept. 2021	90	90	90	60	330
Sept. 2022	90	90	90	90	360
Sept. 2023	90	90	90	90	360

- (c) The Oxford Diocesan Schools Trust will change St Peter's CE Middle School's admissions policy so that the school's Published Admission Number (PAN) is 90 from September 2020. At the date of this agreement, it is too late to formally change St Peter's CE Middle School's PAN for September 2019. All parties agree, therefore, that the school will admit above its PAN for Year 5 in September 2019, to a maximum of 90.
- (d) To ensure clarity for parents and all parties to this agreement, it is proposed that the agreement to admit up to 90 pupils in September 2019 cannot now be changed, unless the criteria for implementation set out in paragraph (x) are not being met (unless the change is to admit a higher number of pupils). If a delay to the delivery date becomes apparent after this date, then all parties are committed to agreeing temporary arrangements for providing the additional spaces, in line with paragraph (l).

- (e) No reduction to St Peter's CE Middle School's Published Admission Number or change in St Peter's CE Middle School's age range will be made for a period of ten years from September 2019 without the express written permission of the Royal Borough of Windsor and Maidenhead. Circumstances in which a reduction could be agreed include a drop in demand for Year 5 in Windsor and/or at St Peter's, where it is clear that any proposed lower PAN would still allow for a 5% surplus of places across the town.
- (f) It is likely that any such reduction would be temporary, and that St Peter's CE Middle School would revert to the higher PAN as demand rose again, without the need for further additional accommodation. The Royal Borough acknowledges that there may be other circumstances in which a reduction may be appropriate, and will act fairly and reasonably in considering these. The Royal Borough also acknowledges that the school and the Oxford Diocesan Schools Trust have to follow a statutory process for making any significant changes.

#### New accommodation for St Peter's CE Middle School

- (g) St Peter's CE Middle School will be provided with the additional accommodation required to achieve the proposed expansion in line with government guidelines on school buildings, currently Building Bulletin 103. It is initially proposed that this accommodation should be:
- Two additional classrooms, on the site of the existing four classroom modular block. This will mean, therefore, the replacement of a four classroom block with a six classroom, modular construction, block.
  - Some work to improve the kitchen.
  - Increased staff parking, and addressing pupil safety at the front of the school.
- (h) It may be necessary to create a drop-off zone on land adjacent to the school to address highways issues. This will need further investigation as the project proceeds.
- (i) The exact design of the additional accommodation for St Peter's CE Middle School will be agreed by July 2018 through the development team, comprising officers representing the Royal Borough, the school, ODST and Wokingham Shared Building Services plus the relevant consultants. All parties recognise that the additional accommodation provided will be in line, in room sizes and required facilities, with government guidelines, but that some flexibility may be required to address school and site specific issues, particularly when trying to adapt existing buildings. At St Peter's CE Middle School, it is not possible to cost-effectively expand the school hall/dining, so the kitchen is being improved instead, and the modular block is being replaced to incorporate the additional classrooms.
- (j) Where there is scope to combine the expansion scheme with another improvement project this will be considered if it does not prejudice the delivery of the expansion set out in paragraph (b), and is funded separately.
- (k) The capital funding set out in paragraph (o) will include all construction costs, all professional fees, surveys, feasibility costs and statutory fees. VAT will be recovered by the Royal Borough of Windsor & Maidenhead. It excludes loose furniture and fittings, including desking for science laboratories.

#### Timetable

- (l) The new accommodation will be delivered by 1st September 2019. If the building project is delayed beyond this date then all parties will agree what temporary arrangements shall be made. These temporary arrangements should use existing accommodation at St Peter's CE Middle School where possible, but it is recognised that this may not always be possible.
- (m) To meet the delivery date set out in paragraph (l), all parties commit to achieving the tasks by the dates set out in the following draft programme:

**Figure 3: Proposed draft programme**

<b>Task</b>	<b>Due Date</b>	<b>Who</b>
<i>Further design work</i>	May- Aug 2018	
<i>Consideration of possible additional land / highways issues</i>	May - Aug 2018	
<i>Submission of planning application</i>	Aug 2018	
<i>Start on site</i>	March 2019	
<i>Completion</i>	August 2019	

Project Management

- (n) The delivery of the project will be managed via Building Services and Children Services, working closely with St Peter's CE Middle School and ODST.

Capital Funding

- (o) The Royal Borough has agreed a provisional budget of £2.7m for the accommodation set out in paragraphs (g) and (h) which is equivalent to £22,500 per place. This includes a sum set aside for the possible creation of a drop-off zone, and the purchase of land to make this feasible. If this option is not pursued, the total cost of the scheme should be less than £2.7m. The final budget is subject to agreement of the accommodation by the process set out in paragraph (i) and to tendering of the schemes. This sum is exclusive of any VAT that may be payable.
- (p) In agreeing to the budget, the Royal Borough of Windsor and Maidenhead has had regard to the latest costs per place set out in the 2018 National School Delivery Cost Benchmarking (adjusted for increased local costs). All parties agree that the cost of an expansion scheme may be significantly above or below that benchmark cost as the scope of the scheme is based on actual need and not on achieving a specific cost per place.
- (q) The accommodation for the expansion will be funded by:
- The Royal Borough of Windsor and Maidenhead, using council funding and any appropriate S106 funding (currently £39,377.10).
- (r) If, after tenders are received, the total project estimate is higher than the budget approved, additional borough budget would need to be approved in line with Royal Borough financial regulations - currently £100,000-£500,000 by Cabinet, or over £500,000 by Council. In these circumstances the parties will work together to agree any potential cost reductions to minimise the increase to the budget.

Revenue Funding

- (s) The Royal Borough's current, 2018-19 school funding formula includes a growth factor of £35,577 to address the revenue implications at expanding schools. The £35,577 is paid for each form of entry increase agreed with the borough, for a maximum of four years. The Royal Borough has agreed that St Peter's CE Middle School will be paid no less than the £35,577 for each of the 2019/20; 2020/21 and 2021/22 financial years, subject to paragraphs (v), (u) and (v).
- (t) The funding levels and timings set out in paragraph (s) will not be affected by subsequent changes to the Royal Borough's school funding formula, unless:
- The growth factor is revised upwards from £35,577 in one or more of the 2019/20; 2020/21 and 2021/22 financial years, in which case St Peter's CE Middle School will be paid the revised sum(s).
  - Changes to national regulations and/or guidance mean that the funding can no longer be delivered this way. In these circumstances, all parties shall work together to find an alternative solution. This could occur when the National Funding Formula (NFF) is

implemented. Primary legislation for this has been delayed, and so it is unlikely that the NFF will be in place before the end of the 2019/20 financial year.

- All parties agree, in writing, to an amendment.

- (u) The funding set out in paragraph (o) will be withdrawn if the expansion does not proceed.
- (v) If a variation to the implementation date of the expansion is agreed, as per paragraph (w), then the timing of any additional funding set out in paragraph (o) may be adjusted to reflect the new implementation date.

Amending the terms of the Memorandum of Understanding

- (w) Any party may at any time suggest a variation to the Memorandum of Understanding by putting it in writing to the other parties, as listed in paragraph (2). The other parties must consider any such variation and respond within 28 days. The amendment must be agreed by all parties.

Criteria for implementing agreed expansion

- (x) Implementation of the expansion set out in paragraph (b) is conditional on the following criteria being met:
  - The final budget has been agreed, including any Cabinet/Council approvals.
  - Planning permission is granted.
  - Tender approval is granted.
  - The application for approval of a significant expansion is sought from the Secretary of State on a timely basis and all parties will use their best endeavours to secure a formal approval.

**(4) Publication**

Once agreed, this Memorandum of Understanding will be published on the Royal Borough's website at [https://www3.rbwm.gov.uk/info/200168/schools\\_and\\_schooling/1117/school\\_organisation\\_places\\_and\\_planning/4](https://www3.rbwm.gov.uk/info/200168/schools_and_schooling/1117/school_organisation_places_and_planning/4). Any agreed variations will also be published. For reasons of commercial sensitivity, the agreed budgets may be redacted until a tender for the scheme has been approved.

**(5) Signatures**

**(i) Signed on behalf of St Peter's CE Middle School**

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Andy Snipp, Headteacher

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Date

**(ii) Signed on behalf of St Peter's CE Middle School**

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Rebecca Scott-Saunders, Chair of Governors

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Date

**(iii) Signed on behalf of Oxford Diocesan Schools Trust**

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Ann Davey, Chief Executive Officer

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Date

**(iv) Signed on behalf of The Royal Borough of Windsor and Maidenhead**

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Kevin McDaniel, Director of Children's Services

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Date