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|--|---|
| Report Title: | WINDSOR MIDDLE SCHOOL EXPANSION |
| Contains Confidential or Exempt Information? | <i>NO - Part I</i> |
| Member reporting: | Councillor Airey, Lead Member for Children's Services |
| Meeting and Date: | 24 May 2018 |
| Responsible Officer(s): | Kevin McDaniel, Director of Children's Services |
| Wards affected: | All |

REPORT SUMMARY

1. The Royal Borough's ambitions for education are that: parents have a choice over schools for their children; all children have the opportunity to access high quality education, assessed as good/outstanding by Ofsted; and that all children make progress in their education attainment above national levels.
2. There is pressure for places in the Windsor middle schools from September 2019, and the borough consulted on a proposal to expand St Peter's CE Middle School by 30 places per year group, starting with Year 5 in September 2019. That consultation has now finished, with two-thirds of respondents in favour.
3. The expansion at St Peter's CE Middle School would give the school two additional classrooms, new toilets and group rooms, as well as a better kitchen for serving meals. Some work to the main entrance will also be required, to provide extra staff parking and better access to the site.
4. Approval from Cabinet to fund the expansion of St Peter's CE Middle School will move the scheme to the next stage (more detailed design work, planning permission and procurement) in partnership with the school and its academy trust, the Oxford Diocesan Schools Trust (ODST). The ODST will seek formal permission for the school to expand from the Secretary of State for Education.
5. Cabinet is also asked to approve the signing of a Memorandum of Understanding, which sets out the agreed scope and timing of the proposed expansion.

1. DETAILS OF RECOMMENDATIONS

RECOMMENDATION: That Cabinet notes the report and:

- i) **Approves a budget estimate of £2.7m and authorises the Director of Children's Services with the Lead Member for Children's Services to undertake procurement and enter into contracts for the delivery of the expansion of St Peter's CE Middle School.**
- ii) **Approves the signing of the *Memorandum of Understanding: St Peter's CE Middle School* by the Director of Children's Services.**

2. REASON(S) FOR RECOMMENDATION(S) AND OPTIONS CONSIDERED

Background

- 2.1 The Royal Borough of Windsor and Maidenhead, as the local authority, has a legal duty to ensure that there are sufficient school places to meet demand¹.
- 2.2 The Royal Borough has a phased secondary school expansion programme, providing new secondary, middle and upper school places to meet rising demand in the borough. The current programme, approved by Cabinet, provides places for September 2017 (phase 1) and September 2018 (phase 2) is summarised in Appendix A, and the building work is well underway.
- 2.3 Cabinet considered a report in October 2017 on the need for an additional 30 places to meet Year 5 demand in Windsor middle schools in September 2019 (phase 3). This demand is set out in *Table 1: 2017-based projections and commentary for Windsor Middle Schools*.
- 2.4 There are four middle schools in the town. Dedworth Middle is currently being expanded. St Edward's Royal Free Ecumenical Middle School was expanded in September 2013 and has little capacity for further expansion without a significant rebuild. Trevelyan Middle School could expand, but decided that 2019 was not the right time for them, considering the recent academisation and changes in leadership.
- 2.5 Cabinet agreed in principle, therefore, to a proposal to expand St Peter's CE Middle School by 30 places per year group, starting with Year 5 in September 2019. If implemented this would increase the Published Admission Number (PAN) from 60 to 90. Cabinet also approved public consultation on the proposal, and further feasibility works on the expansion scheme. The results of this work are reported back to Cabinet in this report.
- 2.6 The detail of the consultation is set out in Section 8 but, in summary, two-thirds of 67 respondents support the proposal. This is a low response rate, at 1.4%. The main issue raised relates to the impact of the expansion on traffic and parking at the school.
- 2.7 The borough has now allocated the places for Year 5 in the middle schools for September 2019. There were 495 first preferences for the 510 places available, which is only 10 fewer than the projected demand for 2019. On National Offer Day (1 March 2018), however, only 471 places were allocated. Changes in parental preference (with Trevelyan being significantly more popular than previously, and Dedworth Middles less so), combined with changes to the admissions criteria at Trevelyan meant that fewer out-borough children were allocated places than normal.
- 2.8 Many of these out-borough residents will, however, have been on roll at a first school and have (since national offer day) chosen to accept a place at a middle school with places. As at 10th April 2018, 489 children have been allocated places at Windsor middle schools, 16 fewer than projected.

¹ Section 14, Education Act 1996.

- **White cells** indicate a surplus of 10% or more.
- **Grey cells** indicate a surplus of between 0 and 9.9%.
- **Black cells** indicate a deficit of places.

%

| Company | Percentage Change |
|---------|-------------------|
| 10.9% | 10.9% |
| 4.2% | 4.2% |
| -0.7% | -0.7% |
| 2.5% | 2.5% |
| 0.9% | 0.9% |
| -2.1% | -2.1% |
| 1.9% | 1.9% |
| -3.5% | -3.5% |
| -0.7% | -0.7% |
| -0.8% | -0.8% |

(This table amends the 2017 projections, reducing the demand by 16, to match the current over-projection for 2018.)

The projections suggest small surpluses in September 2019 and 2020, with a deficit of places in September 2021.

Formal responsibilities in relation to the expansion of an academy

- 2.9 St Peter's CE Middle School is an academy and part of the Oxford Diocesan Schools Trust (ODST). As such, any decision to formally expand St Peter's lies with the school/ODST and the Regional Schools Commissioner (RSC), rather than the Royal Borough.
- 2.10 Having considered the outcome of the consultation, the ODST wrote to the Royal Borough on 12 February 2018, providing comments in response to the outcome of the consultation. This email is included at Appendix B.
- 2.11 The Royal Borough has a statutory duty to provide school places to meet demand. The DfE allocates 'Basic Need' funding to local authorities to help meet demographic pressures. The rules of this grant specify that this can be spent at any type of state school, including academy, community, free, voluntary controlled and voluntary aided schools. This grant is often supplemented with other funding sources such as S106/Community Infrastructure Levy or council funds.

Memorandum of Understanding

- 2.12 In November 2017 Cabinet approved a recommendation requiring all parties to a school expansion (partially or fully funded by the borough) to sign a Memorandum of Understanding (MOU) setting out the terms of the proposed expansion.
- 2.13 The use of MOUs seeks to ensure clarity and transparency. Whilst not a legal contract, the agreement publicly commits both parties to the agreed course of action.
- 2.14 The proposed expansion at St Peter's CE Middle School is the first project to use the MOU. Following discussions with the ODST and the school, officers have agreed the draft MOU set out at Appendix C. If approved by Cabinet, all parties will then sign the MOU and it will be published on the borough website.

The proposed scheme

- 2.15 St Peter's CE Middle School will be provided with the additional accommodation required to achieve the proposed expansion in line with government guidelines of school buildings, currently Building Bulletin 103². It has been agreed that the accommodation will comprise:
- Two additional classrooms on the site of the existing four classroom modular block. This will mean the replacement of the block with a six classroom, modular construction, block.
 - Improvements to the kitchen.
 - Increased staff parking, and improvements to site access to address pupil safety at the front of the school.
- 2.16 The new modular block will be designed to limit any overlooking of homes and gardens in the adjacent Almshouses.

Highways and parking

- 2.17 The borough's Highways consultants have carried out an initial assessment of the proposed expansion and commented in relation to three areas:

² [Building Bulletin 103](#), Department for Education, June 2014

- **The school entrance:** St Peter's CE Middle School is located on a relatively quiet country lane, Crimp Hill. This road could cope with the additional traffic resulting from an expansion. A large drop-off zone, similar to the one at the new Oldfield Primary School site, may not be appropriate as it could detract from the countryside feel of the lane. It would also require the borough to acquire adjacent private land which, following discussion with the landowner's agents, is not possible before September 2019. It is likely that there will continue to be an issue with cars dropping off and picking up pupils. There is considerable on road parking, but turning round is not easy. This analysis has led to the recommendation that the existing school entrance is widened, ensuring that the school bus can pull in.
- **Onsite parking:** There is sufficient space on site to create additional car-parking spaces for the extra staff.
- **St Luke's Road:** The main issue in relation to traffic at an expanded St Peter's CE Middle School is the impact on St Luke's Road. This road links Crimp Hill with the main road through Old Windsor (A308/Straight Road), and is already congested at the start and end of the school day. Free flow of traffic along the road is limited by on street residential parking, and there is no obvious road improvement scheme that could address this.

2.18 The budget for this scheme (see section 4) includes funding for a drop-off zone, including land purchase, so that this option can be implemented if needed.

2.19 There needs to be a reduction in the use of cars for pupils getting to and from the school. Some areas for further work to achieve this include:

- Encouraging more walking and cycling to school, potentially with additional cycle routes and walking buses.
- Encouraging car sharing and parental organised routes for children not-entitled to free home to school transport. Langley Grammar School has a car-sharing database available on its website, for example.
- Rerouting the existing Eton Wick to Old Windsor home to school transport bus for additional pickups within Windsor, offering fare-paying seats to non-entitled children where capacity exists.
- Reviewing the public bus offer to improve public transport options. In Old Windsor this could include the First route 8 from Windsor, although this stops on Straight Road rather than close to St Peter's.

2.20 Traffic and parking at schools will, of course, become more of an issue as existing schools are expanded to meet the growing demand from the new housing set out in the emerging Borough Local Plan. Officers are currently working on the first wave of detailed feasibility studies assessing how schools can be expanded. It is already clear that, at some schools in this wave, the proportion of children coming to school by car will need to be reduced if expansion is to proceed.

2.21 The School Travel Plan advisor recognises that some of these initiatives that can help reduce car journeys tend to become unsustainable because schools and/or parents can't afford to pay for them.

Home to school transport entitlement

- 2.22 St Peter's CE Middle School is located in Old Windsor, and most of the additional demand for middle school places will come from Windsor itself. Under the home to school transport rules, the borough is responsible for providing free home to school transport for children of middle school age who live more than three miles from the nearest appropriate school with places. Broadly, the only part of Windsor less than three miles from St Peter's is the area east of Imperial Road and south of Clarence Road, about a quarter of the town.
- 2.23 Expansion at this school could lead to some increases in the cost of home to school transport. If the number of children receiving free home to school transport to St Peter's was to increase in proportion to the overall increase in numbers, then the impact could be an additional £20k on the annual home to school transport budget.

Prioritisation model

- 2.24 In September 2015 Cabinet approved a set of criteria allowing for the prioritisation of expansion at schools on the basis of:
- Ofsted grading.
 - KS2/KS4 Progress and Attainment measures.
 - Oversubscription on 1st preferences.
 - Capacity on site for expansion.
 - Value for money compared to national benchmark figures.
- 2.25 The latest prioritisation model also includes a measure considering the KS2/KS4 progress and attainment measures for disadvantaged children (Children in Care, children with Education, Health and Care Plans and pupil premium children). The low number of these children in some schools means there is a risk of statistical distortion, so the measure is only worth 5 points.
- 2.26 *Table 3: Prioritisation model, Windsor Middle Schools* gives the latest prioritisation rankings. The table is based on the latest available data, including the latest Ofsted reports; the 2017 Key Stage 2 data; and the number of applications made for the September 2018 Year 5 intake.

Table 3: Prioritisation model, Windsor middle schools (April 2018)

| | Criteria Points | | | | | | Total | % score | Rank |
|-------------|------------------|------------------|------------------|------------------------|------------------|-----------------|------------|---------|------|
| | Ofsted | Attainment | Oversubscription | Capacity for expansion | Value for Money | Inclusion | | | |
| | 25 points avail. | 20 points avail. | 15 points avail. | 10 points avail. | 10 points avail. | 5 points avail. | | | |
| Dedworth | 20.0 25 | 2 20 | 1.5 15 | 10 10 | n/a | 1.0 5 | 34.5 75 | 46.0 | 4 |
| St Edward's | 20.0 25 | 8.5 20 | 15 15 | 0 10 | n/a | 1.3 5 | 44.8 75 | 59.7 | 1 |
| St Peter's | 20.0 25 | 5 20 | 7.5 15 | 8 10 | 1 10 | 1.3 5 | 42.8 85 | 50.4 | 3 |
| Trevelyan | 12.5 25 | 13 20 | 7.5 15 | 8 10 | n/a | 3.3 5 | 44.3 75 | 59.1 | 2 |

- 2.27 The highest ranked school, St Edward's, has no potential for expansion without a substantial rebuild of the site to make more efficient use of space. The second ranked school, Trevelyan, does not currently wish to expand, having only recently started to admit up to its 150 PAN again. It is likely, however, that Trevelyan will need to expand in the future to meet the demand arising from new housing in the town. Although St Peter's is ranked third, it is the highest achievable choice at this time.
- 2.28 Dedworth Middle (currently being expanded) was ranked 1st and 2nd in previous versions of the prioritisation model when phases 1 and 2 of the expansion programme were confirmed (December 2014, September 2015 and July 2016). Changes to the rankings occur as updated data becomes available.

Options

Table 4: Options arising from this report.

| Option | Comments |
|--|---|
| Approves a budget estimate of £2.7m and authorises the Director of Children's Services with the Lead Member for Children's Services to undertake procurement and enter into contracts for the delivery of the expansion of St Peter's CE Middle School. Recommended. | Funding this scheme will allow the project to proceed, and to be approved by the Regional Schools Commissioner. This, in turn, will allow the borough to provide additional school places to meet the projected demand and meet the target of providing 5% surplus places. If the scheme is not funded, then there are likely to be insufficient school places for the September 2021 intake, and relatively small surpluses of places in other intake years. It may also be difficult to find places for families moving into the area. |
| Approves the signing of the <i>Memorandum of Understanding: St Peter's CE Middle School</i> by the Director of Children's Services. Recommended. | This will allow all parties to sign the agreed MOU as set out in Appendix C, providing an agreed basis for the project as it progresses. If the MOU is not signed, then whilst it may be possible for the scheme to still proceed, the likelihood of dispute over timing, scope and costs is increased. |

3. KEY IMPLICATIONS

Table 5: Key Implications

| Outcome | Unmet | Met | Exceeded | Significantly Exceeded | Date of delivery |
|---|-----------------------|-----------------------------|----------|------------------------|---------------------------------|
| Accommodation for 30 additional Year 5 places is provided at St Peter's CE Middle School. | After September 2019. | In time for September 2019. | n/a | n/a | 1 st September 2019. |
| Delivery of the programme within the approved budget. | >£2.7m | <£2.7m | <£2.3m | n/a | 1 st September 2019. |
| That there are sufficient places in middle | <2% or >7% surplus | 2% – 7% surplus of places. | n/a | n/a | September 2019, September |

| Outcome | Unmet | Met | Exceeded | Significantly Exceeded | Date of delivery |
|---------------------|---------|-----|----------|------------------------|--------------------------|
| schools in Windsor. | places. | | | | 2020 and September 2021. |

4. FINANCIAL DETAILS / VALUE FOR MONEY

Table 6: Financial Impact of report's recommendations

| REVENUE COSTS | 2018/19 | 2019/20 | 2020/21 |
|--------------------------|---------|---------|---------|
| Additional total | £0 | £0 | £0 |
| Home to school Transport | £0 | £3,000 | £10,000 |
| Growth factor | £0 | £35,577 | £35,577 |
| Reduction | £0 | 0 | £0 |
| Net Impact | £0 | £38,577 | £45,577 |

| CAPITAL COSTS | 2018/19 | 2019/20 | 2020/21 |
|------------------|----------|------------|---------|
| Additional total | £500,000 | £2,150,000 | £50,000 |
| Reduction | £0 | £0 | £0 |
| Net Impact | £500,000 | £2,150,000 | £50,000 |

Capital funding for the expansion of St Peter's CE Middle School

- 4.1 The feasibility work suggests that the expansion of St Peter's CE Middle School is likely to cost approximately £2.7m. This capital funding will include all construction costs, professional fees, surveys, feasibility costs and statutory fees and a contingency of £250k. VAT will be recovered by the Royal Borough of Windsor and Maidenhead. The cost excludes loose furniture and fittings, including desking for science laboratories.
- 4.2 Cabinet has considered, in November 2017, the potential £277m³ cost of providing new school places to meet demand arising from the emerging Borough Local Plan. The expansion of St Peter's CE Middle School forms part of this cost.
- 4.3 There is £39,377.10 of S106 available, which must be spent at St Peter's CE Middle School and has been provisionally assigned to this scheme. This is included within the budget set out above.
- 4.4 The estimated cost also includes £250k for a drop-off zone and a budget for land purchase costs, if it is decided that this is needed to resolve highways issues.
- 4.5 The cost of the £2.7m per new place is £22,500 (£2.7m/120 new places). This compares to the latest national benchmark figure of £18,670 per place (based on a national average cost per secondary place of £15,822⁴, multiplied by a 1.18 location to reflect higher construction costs locally). Clearly, a lower per place cost may be achieved if a drop-off zone/land purchase is not included.

Revenue funding for the expansion of St Peter's CE Middle School

- 4.6 The Royal Borough's current, 2018-19 school funding formula includes a growth factor of £35,577 to address the revenue implications at expanding

³ £277m includes £213m for additional mainstream school places; £33m currently being spent on phases 1 and 2 of the secondary expansion programme; £2m for early years places and £30m for SEN places.

⁴ Page 20, [National School Delivery Cost Benchmarking](#), February 2018, Hampshire County Council, East Riding of Yorkshire Council and the Education and Skills Funding Agency.

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.*

- 4.7 The funding levels and timings set out in paragraph (p) 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.
- 4.8 The funding will be withdrawn if the expansion does not proceed.

5. LEGAL IMPLICATIONS

Provision of school places

- 5.1 Local authorities are under a statutory duty to ensure that there are sufficient school places in their area. This is set out in the Education Act 1996, Section 14, subsections 1 and 2. The borough receives the 'Basic Need' grant from the government for this purpose, which can be spent on new school places at all types of school (Academy (including free schools), Community, Voluntary Aided and Voluntary Controlled).

- 5.2 There is no legal duty to provide any particular level of surplus places.

Expansion of St Peter's CE Middle School

- 5.3 A consultation is required if a significant expansion is proposed for academy, in this case St Peter's CE Middle School. Government guidance⁵ defines a significant expansion as an increase by at least 30 pupils.
- 5.4 The government expects that only academies that are 'Good' or 'Outstanding' will usually be expanded, unless the academy is in an area of critical basic need; all other options have been considered and a robust school improvement plan is in place. 'Good' or 'Outstanding' academies can follow the 'fast track' route to expansion unless the proposal increases the size of the school by 50%+ or up to 2,000+ pupils. In all other cases, the academy must submit a full Business Case. In the case of St Peter's, it is expected that this will be a fast track/full business case application.
- 5.5 In both cases, a "fair and open local consultation"⁶ is required (see section 8).

⁵ Page 6, [Making significant changes to an open academy](#), DfE, March 2016.

⁶ Page 15, [Making significant changes to an open academy](#), DfE, March 2016.

- 5.6 The Secretary of State, via the Regional Schools Commissioners, will consider whether or not to approve the expansion. There is an expectation that all fast track applications will be approved provided that:
- The necessary consultation has taken place.
 - Capital funding has been secured.
 - The expansion is in line with local pupil place planning.
 - Planning permission has been obtained⁷.
- 5.7 The borough will need to approve the capital funding for the scheme in order for it to receive approval.

6. RISK MANAGEMENT

Table 7: Risk Management

| Risks | Uncontrolled Risk | Controls | Controlled Risk |
|--|-------------------|--|-----------------|
| Planning permission for the scheme is not granted. | High | Pre-planning application advice has been sought, and the design of the scheme will address issues raised here and by residents in response to the public consultation. | Medium |
| The scheme is not completed in time for September 2019, leaving the school with insufficient capacity. | Medium | The use of modular construction will speed up the build period. Pre-planning advice has also been sought, reducing potential delays in the planning process. The MOU also commits all parties to agreeing what measures will be taken to provide temporary accommodation (if required) if the project is delayed. | Low |
| The cost of the scheme exceeds the agreed budget. | High | The feasibility report has provided an estimated cost, based on current construction costs. As is standard practice, and now explicitly set out in the MOU, all parties commit to agreeing cost reductions to minimise any increase to the budget. Any increase will need to be approved in line with Royal Borough financial regulations. | Medium |
| The number of places required is significantly higher or lower than projected, leading to a shortage of places (and difficulties for parents) or too many places (and difficulties for schools). | High | Pupil projections are updated annually to take account of changing demographics and parental preference. The 2018 projections, due to be completed in June, will offer an opportunity to review demand before a planning application is submitted. | Medium. |
| Expansion leads to increased traffic in the local area. | High | The school will further develop its travel plan to encourage more walking and cycling to school. | High |

⁷ Page 17, [Making significant changes to an open academy](#), DfE, March 2016.

| Risks | Uncontrolled Risk | Controls | Controlled Risk |
|--|-------------------|---|-----------------|
| Expansion leads to increased eligibility for free home to school transport, putting further pressure on that budget. | High | The location of the school outside of Windsor means that many children attending may be eligible for free home to school transport. No other options for providing new middle school places for September 2019 are, however, available. | High |

7. POTENTIAL IMPACTS

- 7.1 There are currently no implications arising from the recommendations in this report with regards to staffing/workforce, sustainability, Equalities, Human Rights and community cohesion, accommodation, property or assets.

8. CONSULTATION

Expansion of St Peter's CE Middle School

- 8.1 Public consultation on the proposals for St Peter's CE Middle School ran from Monday 13th November 2017 to Tuesday 19th December 2017. A consultation document (*Appendix D – More middle school places in Windsor*) was produced in consultation with the school and ODST. This was distributed, electronically or in hard copy, to parents, staff, governors and other interested parties, as set out in *Table 8: Summary of consultation document distribution* below. The consultation was available on the borough's website, together with an online (SurveyMonkey) response form.

Table 8: Summary of consultation document distribution

| Who | Where | Number distributed |
|---------------------------|--|--------------------|
| Parents, staff, governors | St Peters, all Windsor First and Middle Schools | 4075 |
| Headteacher | Other state and independent schools in Windsor and Datchet/Wraysbury | 10 |
| Local residents | In addresses near St Peter's | 74 |
| Parents | Early Years Providers | 640 |
| Headteacher | Early Years Providers | 22 |
| Councillors & residents | Old Windsor Parish Council | 20 |
| Representatives | Unions and Professional Associations | 9 |
| Others | Windsor 2030 Group Windsor Neighbourhood Plan Group Eton Parish Council Portsmouth Diocese Mr A Afriyie MP | 5 |
| TOTAL | | 4,855 |

- 8.2 67 responses were received, mostly via the online survey form. This represents a response rate of 1.4%, which is a low response rate and below the 3% sought. Attempts were made to boost the response rate, e.g. by asking schools to email reminders to parents and by 'retweeting' the consultation link on the borough twitter feed.
- 8.3 Respondents were asked whether they agreed with the proposal to expand St Peter's CE Middle School by 30 places from September 2019.

Table 9: Summary of outcome of consultation

| | Yes | | No | | Don't know | | Not answered | | Total |
|---|-----|----|-----|----|------------|---|--------------|---|-------|
| | No. | % | No. | % | No. | % | No. | % | No. |
| Do you support the proposed expansion of St Peter's CE Middle School? | 44 | 66 | 18 | 27 | 3 | 5 | 2 | 3 | 67 |

- 8.4 Two-thirds of respondents support the proposed expansion of the school. The main comments made were:
- Expansion will result in more difficulties with traffic and parking (23 mentions).
 - The school needs to expand to meet demand (9 mentions).
 - An expanded school will take more children from outside Old Windsor (8 mentions).
 - St Peter's should remain a small school (7 mentions).
 - St Peter's will need an onsite drop-off zone (6 mentions).
- 8.5 More details about the outcome of the consultation are given at *Appendix E: Summary of responses to consultation*. The individual (anonymised) consultation responses can be read in *Appendix F: Individual consultation responses*.
- 8.6 This report will be considered by Children's Services Overview and Scrutiny Panel on 16 May 2017, comments will be reported to Cabinet.

9. TIMETABLE FOR IMPLEMENTATION

Table 10: Timetable for implementation

| Date | Details |
|----------------|--|
| May 2018 | <i>Signing of MOU by all parties.</i> |
| May - Aug 2018 | <i>Further design work</i> |
| May - Aug 2018 | <i>Consideration of possible additional land / highways issues</i> |
| Aug 2018 | <i>Submission of planning application</i> |
| March 2019 | <i>Start on site</i> |
| August 2019 | <i>Completion</i> |

- 9.1 Implementation date if not called in: 'Immediately';

10. APPENDICES

Contained in paper copies

- Appendix A: Approved school expansion programme.
- Appendix B: Letter from ODST.
- Appendix C: Memorandum of Understanding: St Peter's CE Middle School.

Electronic only

- Appendix D: More middle school places in Windsor.
- Appendix E: Summary of responses to consultation.
- Appendix F: Individual consultation responses.

11. BACKGROUND DOCUMENTS

- [*Expansion of Secondary Sector Provision*](#), Report to Cabinet, 17 Dec 2014
- [*Expansion of Secondary Sector Provision*](#), Report to Cabinet, 24 Sept 2015
- [*Expansion of Secondary School Provision*](#), Report to Cabinet, 28 July 2016
- [*Delivering new school places for the Borough Local Plan*](#), Report to Cabinet, 23 November 2017.
- [*Windsor middle schools expansion*](#), Report to Cabinet, 26 October 2017.
- [*2017 school place projections and commentary*](#), RBWM, August 2017.
- [*Making significant changes to an open academy*](#), DfE, March 2016.
- [*National school delivery cost benchmarking*](#), Hampshire, February 2018.

12. CONSULTATION (MANDATORY)

| Name of consultee | Post held | Date sent | Commented & returned |
|--------------------|--|------------|----------------------|
| Cllr Natasha Airey | Lead Member/ Principal Member/Deputy Lead Member | 20/04/2018 | |
| Alison Alexander | Managing Director | 20/04/2018 | 26/04/2018 |
| Kevin McDaniel | Director of Education | 17/04/2018 | |
| Russell O'Keefe | Strategic Director | | |
| Andy Jeffs | Strategic Director | | |
| Rob Stubbs | Section 151 Officer | 20/04/2018 | |
| | Head of HR | | |
| None | Other e.g. external | | |

REPORT HISTORY

| | |
|---|----------------------------|
| Decision type: Key decision | Urgency item? No |
| Report Author: Ben Wright, Education Planning Officer, 01628 796572 | |

Appendix A: Approved school expansion programme

Table A1: Approved school expansion programme sets out the current approved expansion programme.

Table A1: Approved school expansion programme

| <i>a</i> | <i>b</i> | <i>c</i> | <i>d</i> | <i>e</i> | | <i>f</i> |
|--|---------------------------|-------------|-----------------------------|-------------------------|------|--------------------------------|
| Area | School | Current PAN | Proposed PAN post expansion | Increase on current PAN | | First year of increase (Sept.) |
| | | | | No. | FE* | |
| Secondary Phase 1 | | | | | | |
| Ascot | Charters School | 240 | 270 | +30 | +1.0 | 2017 |
| Maidenhead | Cox Green School | 176 | 206 | +30 | +1.0 | 2017 |
| | Furze Platt Senior School | 193 | 223 | +30 | +1.0 | 2017 |
| Windsor | Dedworth Middle School | 120 | 150 | +30 | +1.0 | 2017 |
| | The Windsor Boys' School | 230 | 260 | +30 | +1.0 | 2017 |
| | Windsor Girls' School | 178 | 208 | +30 | +1.0 | 2017 |
| Ascot Primary | | | | | | |
| Ascot | Cheapside CE Primary | 16 | 30 | +14 | +0.5 | 2017 |
| Secondary Phase 2 | | | | | | |
| Maidenhead | Furze Platt Senior School | 193 | 253 | +60 | +2.0 | 2018 |
| Windsor | Dedworth Middle School | 120 | 180 | +60 | +1.0 | 2018 |
| Secondary Phase 3 – out to public consultation | | | | | | |
| Windsor | St Peter's CE Middle | 60 | 90 | +30 | +1.0 | 2019 |

*FE means Form of Entry. 1 FE = one class of 30 children per year group.

A further 6 places per year group have also been added at Newlands' Girls School. This scheme, funded largely by S106 contributions, is not part of the formal secondary expansion programme but nevertheless increases the number of places available.

These schemes are proceeding as follows:

- Cheapside completed.
- The Windsor Boys' School completed.
- Windsor Girls School completed.
- Cox Green School on site, completion due Autumn 2018.
- Charters School on site, completion due Autumn 2018.
- Dedworth Middle School on site, completion due Autumn 2018.
- Furze Platt Senior School on site, Phase 1 completion due Summer 2019.
- Newlands Girls' School on site, completion due Autumn 2018.



Ben Wright <ben.wright@achievingforchildren.org.uk>

RE: St Peter's Middle School Expansion - Outcome of consultation

1 message

Gordon Joyner <gordon.joyner@oxford.anglican.org>
To: Ben Wright <ben.wright@achievingforchildren.org.uk>

12 February 2018 at 12:03

Dear Ben

Thank you for your report on the outcome of the consultation. With regard to the key points you identified, I would comment as follows:

1. Traffic – the design team will need to consider any practical measures as part of the design.
2. Small school feel – the school would remain the smallest middle school in the Windsor, but in order to continue to survive and thrive it needs to become larger to counter the threats posed by the current financial restriction upon schools.
3. Admissions criteria - Although there is priority within the policy for religious criteria, it is not used a great deal and locality remains the most important factor for the vast majority of applicants.
4. Out of Area – The increased numbers will be mainly from Kings Court and the school will lose fewer current in-area pupils due to enhanced opportunities and facilities at the school. It is not anticipated that vast numbers of pupils will be travelling from further afield.

If you have any further queries please do not hesitate to contact me.

Best wishes.

Gordon

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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

| Task | Due Date | Who |
|--|----------------|-----|
| <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 ODS.

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. 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

Andy Snipp, Headteacher

Date

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

Rebecca Scott-Saunders, Chair of Governors

Date

(iii) Signed on behalf of Oxford Diocesan Schools Trust

Ann Davey, Chief Executive Officer

Date

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

Kevin McDaniel, Director of Children's Services

Date