

TO: EXECUTIVE MEMBER FOR CHILDREN & YOUNG PEOPLE
DATE: 23 MAY 2022

WARFIELD CE PRIMARY SCHOOL MIGRATION
Executive Director, People

1 PURPOSE OF REPORT

- 1.1 To decide the outcome of the proposal to migrate Warfield CE Primary School from its All Saints Rise site to its Woodhurst site following public consultation.
- 1.2 This decision will be made on behalf of the Executive Member by the Leader of the Council as the Executive Member is conflicted in this matter by being the Vice Chair of Governors at Warfield CE Primary school.

2 RECOMMENDATION

- 2.1 To decide on the outcome of the proposal to migrate Warfield CE Primary School from its All Saints Rise site to its Woodhurst site.**

3 REASONS FOR RECOMMENDATION

- 3.1 Under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, the LA is the decision maker.
- 3.2 The decision must be made within a period of two months of the end of the representation period, i.e. by 05/07/22, after which the decision must be referred to the Schools Adjudicator.

4 ALTERNATIVE OPTIONS CONSIDERED

- 4.1 The options are for the school to stay operating on two sites or to migrate.
- 4.2 The DfE's Statutory Guidance for Decision Makers advises that when issuing a decision, the decision-maker can:
- reject the proposal
 - approve the proposal without modification
 - approve the proposal with modifications, having consulted the LA and/or GB (as appropriate, or
 - approve the proposal, with or without modification – subject to certain conditions (such as the granting of planning permission) being met. The decision-maker

must set a date by which the condition should be met but can modify the date if the proposer confirms, before the date expires, that the condition will be met later than originally thought.

5 SUPPORTING INFORMATION

Background

- 5.1 Warfield CE Primary school relocated to its existing All Saints Rise site in 1994 as a 1 Form Entry (1FE) primary school with 210 places.
- 5.2 In 2016 the new school building at Woodhurst was opened, and from that point forward the school became a 2 Form Entry school (2FE) with 420 places as a single school operating with 1FE each on two sites.
- 5.3 Operating on two sites has imposed financial pressures on the school including duplication of staffing and resources which is creating financial difficulties for the school.

Proposal to Migrate

- 5.4 In March 2020 the Headteacher and Chair of Governors wrote to the Council highlighting financial and organisational issues operating over two sites and requesting to unite the whole school on a single site by migrating the All Saints Rise pupils to Woodhurst.
- 5.5 The reason given by the Governing Body for the proposal is to “safeguard the continued provision of the best education for our children, and to further enhance this through greater efficiency and financial stability that being on a single site would bring”. The detailed proposal from the school is set out in APPENDIX A.
- 5.6 The school’s financial business case for operating on a single site is sound and there are potential savings to be gained by migrating to a single site including building running costs, staffing and resources. From a financial point of view there is a strong case for migration, and without migration the school is forecast to move towards a deficit in the future if these savings cannot be realised.

First Consultation

- 5.7 The proposal to migrate was first put out to consultation in January 2021, which resulted in a majority of 51% against migration and only 41% in favour, with many of the consultees citing issues with highways/safe routes to schools that migration would create.
- 5.8 The proposal to migrate the school was then paused, and a project was raised to investigate alterations to highways to address the concerns raised at the consultation. This resulted in a scheme of highways works for which capital funding was approved by the Executive in February 2022. Details of the proposed highways works are attached as APPENDIX C.

Proposed Highways Improvements

- 5.9 Include creation of a new Toucan crossing over Warfield Road and improvements to the existing pedestrian crossings at Quelm Park and Whitegrove roundabouts. The proposed improvements have been approved by the BFC Highways team and funding of £630k was approved by the Executive in February 2022 as part of the 2022/23 capital programme.

Second Consultation

- 5.10 The migration proposal was put back out to consultation in March-May 2022 in the light of the proposed highways improvement works, which has resulted in a majority of 54.47% in favour of the migration and 39.19% against. The consultation outcome report is attached in full as APPENDIX B.

North Bracknell Primary School Capacity

- 5.11 In April 2022 the Executive approved the Council's School Places Plan 2022-27.
- 5.12 Forecasts in the new Plan indicate that the total surplus of North Bracknell primary intake year R school places will reduce from 79 (13%) to around 46 (7%), however because approximately up to 75 pupils migrate from South Bracknell to North Bracknell each year the surplus is not likely to be less 120.
- 5.13 With this surplus primary capacity available across the North Bracknell school planning area there is no foreseeable requirement for the future expansion of Woodhurst to 3FE, therefore the opportunity exists to make this surplus accommodation available to support the proposed migration from All Saints Rise.

Woodhurst Site

- 5.14 It should be noted that Woodhurst was originally designed and built and has planning permission as a two form entry school, so site already has the capacity to accommodate the pupils from All Saints Rise within its existing catchment area.

Future Use of the All Saints Rise Site

- 5.15 If Warfield CE Primary School migrates from All Saints Rise to Woodhurst then the All Saints Rise site would become vacant.
- 5.16 The freehold of the land is owned partly by Bracknell Forest Council and partly by the church Trustees and future use would need to be agreed between both parties.
- 5.17 The future use has not yet been agreed, but there is currently no intention to dispose of the site.
- 5.18 Subject to a decision to migrate and subject to agreement between Bracknell Forest Council and the church Trustees, possible future uses could include:
- Use as an SEN hub to support the growing numbers of pupils in Bracknell Forest with Education Health Care Plans. This would be consistent with the need to provide additional SEND school places as indicated in the School Places Plan and School Capital Strategy 2022-26 for SEN children within the Borough.

- A Base for education professional teams

5.19 The future use will be subject of a later report with timescales for implementation from 2023.

DfE Guidance for Decision Makers

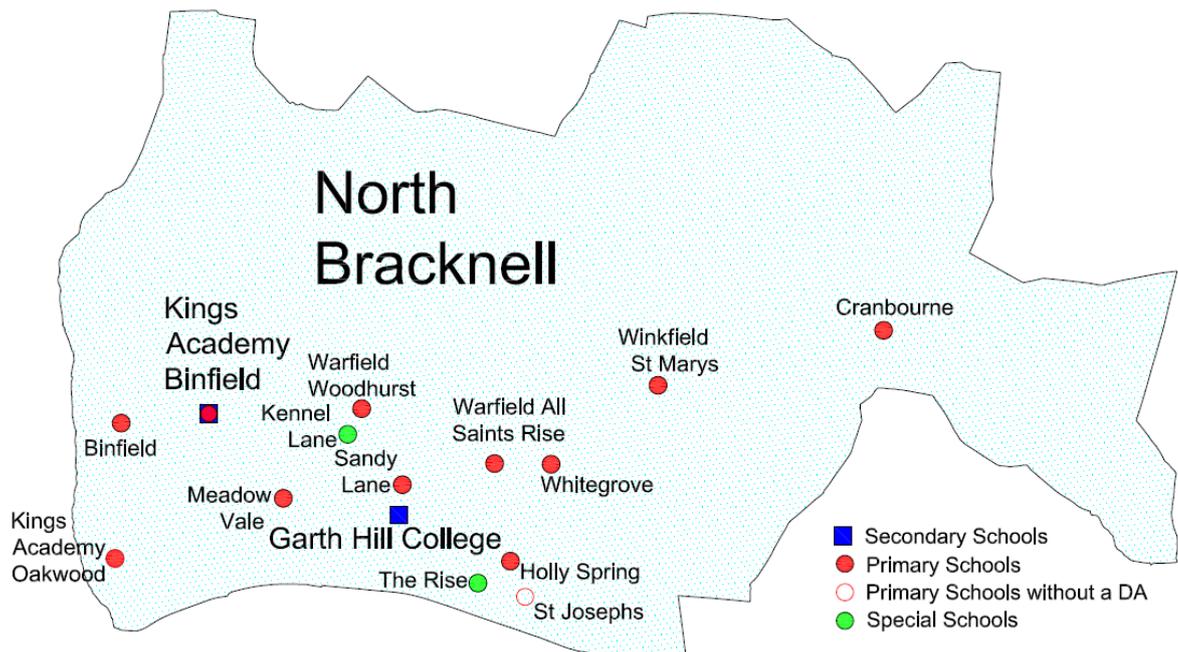
5.20 The DfE's statutory guidance for decision makers is set out in italic text at the beginning of each of the following paragraphs.

Education standards and diversity of provision

5.21 *Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the needs of parents, raise local standards and narrow attainment gaps.*

5.22 Warfield school contributes to the diversity of primary school provision in the North Bracknell school Planning Area by providing a Church of England denominational education at the centre of the North Bracknell, and this would not be affected if the school migrated. The pattern of provision of North Bracknell Schools is set out on Map One below.

Map One – North Bracknell Schools



Equal Opportunities Issues

5.23 *The decision-maker must comply with the Public Sector Equality Duty (PSED), which requires them to have 'due regard' to the need to:*

- *eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;*

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- *advance equality of opportunity between people who share a relevant protected characteristic and people who do not share it; and*
- *foster good relations between people who share a relevant protected characteristic and people who do not share it.*

5.24 Warfield school is a Church of England Primary school and has equal opportunities included within its ethos and its operations. Migration would not bring about any change the school's approach or compliance with equal opportunities requirements.

Community Cohesion

- 5.25 *The decision-maker should consider its impact on community cohesion. This will need to be considered on a case-by case basis, taking account of the community served by the school and the views of different groups within the community*
- 5.26 Warfield a CE denominational school and as such already provides opportunities for children from different backgrounds to learn with, from, and about each other; by encouraging through their teaching, an understanding of, and respect for, other cultures, faiths and communities.
- 5.27 Migration of the school would not alter this and the existing community groups making use of the school premises at All Saints Rise outside school hours would continue to be able to make use of the building at Woodhurst if migration went ahead.
- 5.28 If migration went ahead, depending on the future use of that All Saints Rise site it is also possible that community groups could continue to make use of the site and buildings after it was brought into its alternative use.
- 5.29 The school's proposal set out in full in APPENDIX A notes that if migration were to go ahead all Warfield families would attend the same site, enabling a greater level of community cohesion between children and families and children would be able to build successful, long lasting friendships with their year group peers.

Accessibility

- 5.30 *Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.*
- 5.31 The Woodhurst site having been built in 2015 is the more modern design and has better disabled access than All Saints Rise including the fact every classroom at Woodhurst has its own safe outdoor access, whereas some of the classrooms at All Saints Rise open directly onto the car park. Woodhurst also has more facilities including a sensory room which All Saints Rise does not.
- 5.32 Woodhurst is therefore preferred by families with children who have particular access needs, and it is also more "escape proof" in its design and layout comprising one single building, whereas All Saints Rise operates in three buildings.

Travel

- 5.33 *The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.*
- 5.34 The majority of comments received from the Jan-21 consultation were relating to travel to school issues, and the Council's Managing Partner Atkins has engaged with the BFC Highways team to design road improvement scheme which includes works to create a new toucan crossing on Warfield Road and works to existing road crossings over Harvest Rise. The details of these mitigation works are set out in the attached APPENDIX C.
- 5.35 As part of the proposal the school has reviewed its Travel Plan and is re-introducing the Car Park Management Plan to ensure that the availability of parking and drop-off and pick-up on site is managed and controlled.

Sustainable Travel and Transport

- 5.36 *A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.*
- 5.37 The Council has a statutory duty to promote sustainable travel and transport which has driven the need for the proposed pedestrian and cycle route enhancements on the key route between the two school sites. If the school migrates, these measures will also further improve safety for sustainable travel modes in the area. It should be noted that the school already encourages parents not to drive to school, to promote sustainable travel consistent with their own and the Councils priority for this.
- 5.38 The provision of coaches to transport pupils the 1.7km from All Saints Rise to Woodhurst has been considered but would not be consistent with the Council's duty to promote sustainable travel and transport. If such a provision was made available, it would be a cost to the council at an estimated annual amount of between £0.030m and £0.040m.
- 5.39 The location of Woodhurst school already includes significant infrastructure to support sustainable travel including the provision the Greenway walkway/cycle route and suitable footpaths and roads to support walking or driving to the school. It should be noted that when Woodhurst was built it was designed and constructed to accommodate 2FE (420) pupils and has all the agreed infrastructure to support this pupil number.
- 5.40 The issue of sustainable travel and transport arising from this proposal has however been considered including how this relates to the pupils who previously travelled to All Saints Rise. The All Saints and Woodhurst Sites are located within the same Designated Area meaning that pupils might be allocated a place in either school under existing arrangements. Based on allocation of places, pupils for Woodhurst Site could currently undertake the same walking routes to school, with or without migration and so infrastructure already provided is considered appropriate for the school.
- 5.41 With migration, it is initially expected that 37% of Households will be within a 1km distance of the Woodhurst Site, considered an 'acceptable' distance for walking to

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school in accordance with Chartered Institute of Highways and Transportation (CIHT) 'Guidance on Providing for Journey on Foot.' 84% of Households will be within 2km, considered 'maximum' distance for walking.

- 5.42 The Council does not support parents driving to school especially where the walking/cycling routes are available. Some parents of course do drive - including to All Saints Rise - and are expected to continue to do so. New travel patterns after migration would not all be in the same direction as some pupils would have a reduced journey/distance to school. If migration is approved, taking into account the existing cohort flows through the Woodhurst Site and with the All Saints site closed, the numbers of pupils living more than 1km from Woodhurst are expected to further decrease.

Capital Funding

- 5.43 *The decision-maker should be satisfied that any necessary funding required to implement the proposal will be available and that all relevant local parties have given their agreement. A proposal cannot be approved conditionally upon funding being made available.*
- 5.44 A capital budget of £633k for provision of the proposed highways works to support migration was agreed by the Executive in February 2022 as part of the Council's 2022/23 capital programme. There is an additional £78k on the capital programme carried forward from previous years for the occupation of the surplus accommodation at Woodhurst. Together these sums total £711k of funding which is in place to support the proposed migration.

Rights of Appeal Against a Decision

- 5.45 The following bodies may appeal to the Schools Adjudicator against a decision made by a LA decision-maker, within four weeks of the decision being made:
- the local Church of England diocese
 - the local Roman Catholic diocese; and
 - the governors and trustees of a foundation, foundation special or voluntary
 - school that is subject to the proposal
- 5.46 On receipt of an appeal, a LA decision-maker must then send the proposal, representations received and the reasons for their decision to the Schools Adjudicator within one week of receipt. There is no right of appeal on determinations made by the Schools Adjudicator.

Revenue Costs and Funding

- 5.47 The original budget expectation for Warfield was for a 3FE intake which was expected to be sufficient for the split site operation. This reflects the school national funding formula which is pupil driven and consequentially larger schools tend to receive more favourable budgets than smaller ones which have a higher proportion of fixed costs. However, with no current likelihood of the school exceeding a 2 FE intake, the normal budget income is not sufficient to maintain the school across 2 different sites and an alternative funding model is required for longer term financial sustainability.
- 5.48 Whilst there is a degree of funding protection to manage across the 2 sites, this is below the level of actual costs being incurred and places the school in financial difficulty. Work on a 2 FE budget model on one site indicates that savings of around

£0.150m can be achieved, which after removing the additional funding received for a 2 site operation, would generate annual savings of around £0.030m.

6 ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS

Legal Advice

- 6.1 In principle, the Council could proceed with the migration notwithstanding the outcome of the consultation, but such a decision would be laden with significant risk of challenge on public law principles by way of judicial review. Whilst we are not required to slavishly adhere to the outcome of the consultation, if we were to deviate from the majority view we would need to have a strong basis for this. To proceed without clear data on the feasibility of highway/travel works would only exacerbate the risk. This is in addition to the obvious public reputational risk which would arise.
- 6.2 The school could withdraw the proposal and resubmit at such time in the future once there is greater clarity around feasibility and cost of highways/travel works and this would provide the basis for a more informed consultation whilst also ameliorating the concerns of the majority of dissenters.
- 6.3 As set out in paragraph 6.16 above, an approval conditional upon funding being made available in the future for Highways work is prohibited under Statutory Guidance. In any event it is understood that the completion of a feasibility report and a decision on any requisite funding for such work is not practicable within the statutory timescale for the Local Authority to make its determination.

Executive Director of Resources: Finance

- 6.4 The proposed migration could save up to £0.150m revenue costs per annum, of which a proportion would be available for reinvestment in education provision. The expectation from this is that it would remove the risk of moving into a deficit budget position.
- 6.5 There is no council budget to fund coach transport to Woodhurst if that is the decision. A pressure of £0.030m to £0.040m would result.
- 6.6 There is £0.633m of capital budget to finance the cost of transport mitigations: £0.483m from S106 income, with £0.150m contribution from the Council.
- 6.7 The release of the All Saints site would deliver a valuable asset to the council.

Assistant Director Property

- 6.8 The site at All Saints Rise is jointly owned by the Church Trustees and the Council. The Council's freehold ownership is largely the playing fields and the modular building to the rear of the site, the Church Trustees own the land where the school buildings are situated. The playing fields have a frontage onto Harvest Ride, and it may be possible to consider the use of the 2 sites separately, subject to planning.

School Governing Body

- 6.9 On 06-May after considering the consultation report attached as APPENDIX B, the school governing body unanimously approved a decision to migrate, subject to the decision which is the recommendation of this report.

Equalities Impact Assessment

- 6.10 The Woodhurst site having been built in 2015 is the more modern design and has better disabled access than All Saints Rise, so accessibility for disabled people would be better at Woodhurst.

Strategic Risk Management Issues

- 6.11 The main risks identified are:

ISSUE		RISK	COMMENT
1	School's revenue finance risk if they do not migrate	HIGH	The school's financial business case identifies funding shortfalls until migration is achieved
2	Risk of negative impact on children if the school does not migrate	HIGH	If cost savings above are not achieved, then there will be fewer resources for teaching and learning which will impact children's education.
3	Risk of Challenge if the proposal is accepted	MEDIUM	There is risk of legal challenge including judicial review because of the numbers of parents who voted against the proposal and the identified need for highways works.
4	Highways risk if the proposal is accepted	MEDIUM	The highways works will create safer walking/cycling routes that currently exist
5	Risk of surplus school places if the school migrates	LOW	Migration would remove 210 surplus school places from the system

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5	Risk of the decision being referred to the Schools Adjudicator	LOW	The Diocesan Authority or Governing Body is entitled to refer the Council's decision to the Schools Adjudicator within 4 weeks of the decision being made
6	Capital cost risk of providing suitable highways works	LOW	The estimated cost of the works is within the currently approved budget.

7 CONSULTATION

- 7.1 *The decision-maker will need to be satisfied that the appropriate fair and open local consultation and/or representation period has been carried out and that full consideration has been given to all the responses received.*
- 7.2 *The decision-maker should not simply take account of the numbers of people expressing a particular view. Instead, they should give the greatest weight to responses from those stakeholders likely to be most affected by a proposal – especially parents of children at the affected school.*

Principal Groups Consulted

7.3 Previous Consultation:

- A parent survey was undertaken by the school in Nov-Dec 2020 by way of questionnaires.
- A public consultation was run between 06-Jan and 03-Feb including an online questionnaire on the Council's website, leaflets to 300 nearby houses and a public meeting conducted on Teams jointly by the school and the Council on 13-Jan.
- A pupil survey was undertaken in Jan-Feb 2021 where children at home and at school were asked to give their responses via an online questionnaire.
- Warfield is a Church of England Voluntary Controlled school and the Oxford Church of England Diocese have been consulted by emails and int meetings.

Current Consultation

- 7.4 Following design of the highways works to support migration a further consultation was undertaken from 28-March to 05-May 2022. The consultation was hosted online on the Council's website and there was also a face to face public meeting held on 31-March.
- 7.5 The purpose of this consultation was to obtain parents views on the migration proposal set out as APPENDIX A.

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Representations Received

- 7.6 There were a total of 347 responses which is a significant response indicating a high degree of interest in this topic.
- 7.7 The overall responses were 54.47% in favour of the migration and 39.19% against.
- 7.8 The full results of this consultation are attached as APPENDIX B.

Representations Received – Diocesan Authority

- 7.9 The Oxford Church of England Diocese have indicated a willingness to support the school to migrate and are aware of the issues around travel and highways. They are also supportive of agreeing an ongoing use for the All Saints Rise site including as an SEN hub.

Background Papers

APPENDIX A School's Migration Proposal

APPENDIX B Consultation Outcome Report May 2022

APPENDIX C Proposed Highways Works

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