

TRAFFORD COUNCIL

Report to: Executive Member for Children's Social Care
Date: 15 September 2020
Report for: Decision
Report of: Corporate Director Children's Services

Report Title

Expansion of Blessed Thomas Holford Catholic College – Final Approval

Summary

On 24th June 2019 the Executive took a key decision to approve the proposed expansion of Blessed Thomas Holford Catholic College, subject to the completion of statutory processes, included within the Education and Early Years basic need and SEND Capital Report (E/24.6.19/6).

The required statutory processes:

- Informal Consultation;
- Publication of a statutory notice and complete proposal;
- Completion of a 4 week Representation Period; and
- Completion of the required Town and County Planning Application processes,

have now been completed.

Recommendation

That the proposal to expand Blessed Thomas Holford Catholic College be approved.

Schedule 3 of The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, requires that any determination must be made within the period of two months of the end of the representation period; 6th August 2020. Therefore the decision must be made by 1st October 2020.

Contact person for access to background papers and further information:

Name: Marilyn Golding
Extension: 1853

Background Papers: None

Implications:

Relationship to Policy Framework/Corporate Priorities	Preserving and improving education excellence
Relationship to GM Policy or Strategy Framework	N/A
Financial	£6.8m Basic Need funding has been approved and is included in the capital programme.
Legal Implications:	The expansion of schools is subject to statutory

	processes, which have been adhered to as appropriate for the scheme. In addition, the LA has statutory duties in relation to the provision of school places, including using its planning powers to secure provision.
Equality/Diversity Implications	Schools are subject to current legislation about equality and diversity. There are no particular implications arising from this report.
Sustainability Implications	School buildings are procured requiring successful contractors to meet required sustainability criteria.
Resource Implications e.g. Staffing / ICT / Assets	Expanding schools requires additional staff and ICT provision, which is a matter for the School's Governing Body.
Risk Management Implications	Failure to provide sufficient school places will find the LA in breach of its statutory duty.
Health & Wellbeing Implications	Securing diversity in the provision of schools and increasing opportunities for parental choice
Health and Safety Implications	All school building work is subject to appropriate current Health and Safety/CDM regulations.

1. LEGAL POSITION

The LA has a general duty under section 14 Education Act 1996 to ensure that there are available in its area, sufficient schools in number, character and equipment to provide for all pupils, the opportunity of appropriate education (s. 14 (2)). This general duty has been characterised as a target duty in *R v Inner London Education Authority ex parte Ali and Another* [1990] COD 317) and in *Meade v London Borough of Haringey* [1979], held the LA must be able to show a reasonable cause i.e., an emergency, as to why it cannot fulfil the duty.

In addition, the Education and Inspections Act 2006 amends section 14 of the 1996 Act by inserting a new subsection (3A) to require LAs in England, when exercising their powers on the provision of schools in their area, under that section, to do so with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.

2. BACKGROUND

2.1 School Places

Blessed Thomas Holford Catholic College is a faith school, designated by the Secretary of State as having a religious character. Faith schools may use faith-based oversubscription criteria and allocate places by reference to faith where the school is oversubscribed. Blessed Thomas Holford Catholic College has been oversubscribed from applications received from baptised catholic children year on year for the last 8 years. The Governing Body has stated its commitment to providing an outstanding Catholic education for baptised Catholic children living in the area and has sought to meet parental demand as far as possible. Although a number of classrooms have been added recently, the cumulative effect of increasing admissions has resulted in a significant shortfall of accommodation. The school has been teaching children in spaces which are not designated classrooms and therefore the existing building capacity is close to being exceeded. If the current level of places cannot be maintained there will be insufficient places to meet the needs of baptised catholic children living within the area in the first instance, and, as a result will add to the oversubscription levels at other, secular schools, in Trafford.

The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 set out the process which must be followed, where the LA proposes the physical expansion of a school. Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that the

LA will consult interested parties, in developing its proposal prior to publication, as part of its duty under public law, to act rationally and take into account all relevant considerations.

2.2 Informal Consultation

The LA initiated informal consultation (Stage 1 of the statutory process) with an open evening on Wednesday 22nd January 2020. The Local Authority offered three options:

- Option 1 - building on open space off Urban Road / Welman Way
- Option 2 - building on the existing site in two blocks
- Option 3 - building on the existing site in one block

The meeting was attended by 57 people and the Local Authority received 140 written comments in total. Of the 140 comments received:

99 were positive about the need for the additional buildings and expressed a preference for one of the three options:

- 12 preferred option 1
- 19 preferred option 2; and
- 81 preferred option 3.

A number of common themes were expressed by those in favour and those against the proposal.

Consultees in favour of the proposal appreciated the lack of space on the existing site and were against the loss of the main external pupil recreation area and bus waiting area. Pupils were keen on the proposal with least disruption to their studies and residents could see Option 3 would be least disruptive to residents in the surrounding roads.

Consultees against the proposal were opposed to the school exceeding their capacity and to the loss of public open space if Option 3 was chosen. By far the most concern was raised over the current and future traffic and congestion issues faced by residents due to parent parking, school buses and Sports Academy parking.

This first stage of the Informal consultation process closed on 5 February. Executive Members and Senior Council Officers considered all the consultation responses and the impact of each location option. After much deliberation it was felt that Option 3 presented significant legal complexities which created risk that could seriously impact the programme if pursued. Therefore only an onsite option was considered realistically deliverable. This was communicated to consultees via the online citizen space portal.

On 5 May 2020 an update was launched online, due to the Covid-19 lockdown restrictions, showing the proposed location and plans for a new block on the School's current recreation area at the front of the school.

11 comments were received from residents and parents. Again citing traffic and parking as the main issue along with privacy and construction related concerns.

The submission of the planning application also provided further consultation opportunities through the usual Town and Country Planning consultation process.

2.4 Planning Application

A planning application (100763/FUL/20) was submitted and approved on Thursday 13th August. The Application proposed the erection of a detached three storey building on the current recreation area at the front of the school (a new recreation area will be located at the back of the school) incorporating:

- a 14 classroom teaching block
- attached sports hall with associated changing facilities
- formation of new car and cycle parking spaces
- provision of new hard surface play area and associated development thereto.

2.5 Statutory Notice

The Statutory Notice was published on 9th July 2020 commencing the start of a 4 week representation period. A copy of the full proposal was available to view on Trafford's website and a hard copy was available on request. The Representation Period ended on 6th August 2020. One comment was received (See Annex 1).

3. OPTIONS

- 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.
- reject the proposal.

4. REASONS FOR RECOMMENDATION

On 24th June 2019 the Executive took a key decision to approve the proposed expansion of Blessed Thomas Holford Catholic College, subject to the completion of statutory processes, included within the Education and Early Years Basic Need and SEND Capital Report (E/24.6.19/6). All the required statutory processes have been undertaken.

Finance Officer Clearance GB
Legal Officer Clearance PD

DIRECTOR'S SIGNATURE *(electronic)*



To confirm that the Financial and Legal Implications have been considered and the Executive Member has approved the report.

I am emailing in response to your email (numbered 1 below), submitted in response to the Local Authority's publication of a statutory notice announcing Trafford's proposal to expand Blessed Thomas Holford Catholic College. I think it would be helpful to clarify some important points about the proposal.

The proposal to expand Blessed Thomas Holford Catholic College is made by Trafford Council (the LA), albeit in partnership with the College. On 5th June 2018 the LA received notification of its 2020 Basic Need Allocation from the Department of Education. In that notification, the DfE had calculated that the LA needed 506 additional secondary places. Simply put, the DfE had compared the total net capacity of the schools in each area of Trafford, to the number of children admitted in each of those areas, to determine whether or not there were sufficient places. The DfE explained that its emphasis is placed on parental choice and that the LA MUST plan for the number of pupils expected to arrive in a planning area and not just for those pupils resident in a planning area.

At that time the Published Admission Number at Blessed Thomas Holford Catholic College was 210. This was below the admission number indicated by the net capacity of the College and was also well below the number of pupils that had been admitted to the College in previous years. Not surprisingly then, 472 of the 506 required places were in the Altrincham Planning area. This equated to 94 places in each year group.

In the 2018 Autumn Term, the LA's School Places – Capital Group carefully considered the DfE's calculations and how the 94 places could best be provided, without adversely affecting any other school, whilst ensuring that the additional places were prioritised for Trafford children. The Group carefully considered the pattern of applications at each of the schools in Altrincham. It was immediately apparent that the need for additional places was largely driven by Blessed Thomas Holford Catholic College. As a result, the LA requested a meeting with the Governing Body to discuss the physical expansion of the College.

Importantly, it was not the LA's intention to increase the number of children admitted to the College, rather it was to ensure adequate provision for the children already attending the College and to continue to meet the preference of parents of baptised Catholic children into the future. At that meeting the LA's proposed that the Governing Body increase the PAN to a maximum of 290 (equivalent to the number of pupils already being admitted) and that the LA would fund the expansion of the College, in order to accommodate the 290 pupils in Years 7 through to 11. After consideration the Governing Body agreed that the LA could start the relevant processes required when proposing the physical expansion of a maintained school.

At its last inspection Ofsted reported that "The Headteacher sets high expectations for staff and students. Leaders are relentless in their drive to ensure that standards continue to rise, through the rigorous monitoring of teaching and tracking of students' progress" and that "Governors provide senior leaders with an outstanding level of challenge, particularly in making sure leaders are held to account for students' achievement". I hope this reassures you that there can be no grounds to suggest that the proposal is motivated by any reason, other than the LA's duty to provide sufficient places, in accordance with the DfE's reckoning and the College's desire to continue to provide an outstanding education for the Catholic children of Trafford.

The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 set out the process which must be followed, where the LA proposes the physical expansion of a school. Although there is no longer a statutory 'pre-publication'

consultation period for prescribed alteration changes, there is a strong expectation that the LA will consult interested parties, in developing its proposal, prior to publication, as part of its duty under public law, to act rationally and take into account all relevant considerations. Therefore, the LA announced its intention to expand the facilities and invited consultees to attend a drop-in session at the College, designed to share initial thoughts on three possible options. In mid-January, the LA posted more than 700 invitations to the meeting, and, for expediency, the LA requested that the College send an announcement of the informal consultation meeting through its parent post and, as a result, the College sent out an invitation to all parents and carers inviting them to the meeting on 22nd January (Numbered 2 below).

On 17th January you sent an email (Numbered 3 below). The email was addressed “FAO Executive Headteacher, Chair of Governors and Parent Governor re School Expansion Plans” and referred to a meeting of a Panel on 20th January. The email had an attachment (Numbered 4 below). Although a copy was received by the LA, it was forwarded to the College on the understanding that it was correspondence to be considered by the Governing Body at another meeting to be held on 20th January, rather than comments on a proposal that had yet to be made.

This first consultation stage closed on 5 February. The Executive Members and Senior Council Officers then considered all the consultation responses and the benefits and impact of each of the three options. After much deliberation, it was felt that, although Option 3 was preferred by many; there were legal complexities which created risk that could seriously impact the programme, if pursued. Therefore, only an onsite option was considered realistically deliverable. The Design Team then began work on an onsite solution. However, due to the impact of Covid-19 the Country was on lockdown and it was not possible to hold a second public meeting. Therefore the new design and proposal were published to view on trafford.citizenspace on 5th May. This second stage of informal consultation was announced to all consultees and a further 570 letters were sent to notify local residents.

On 8th May, you emailed the LA (Numbered 5 below) stating that you were extremely unhappy with the consultation process and the response you had received. The LA replied to your email (Numbered 6 below), apologising for the delay in responding, brought about by the mistaken notion that the letter was for the attention of the Governing Body. The LA, in collaboration with the College provided a response to each of your concerns, provided in green text (See No. 5).

Although this proposal is primarily aimed at expanding the physical capacity of the College, the LA must also consider the educational impact of any proposal. Blessed Thomas Holford Catholic College has been judged outstanding by Ofsted at its last two inspections. More recently the Diocese of Shrewsbury also found the College to be outstanding in all areas, reporting that “Blessed Thomas Holford Catholic College is an outstanding Catholic mixed comprehensive school in which all leaders, staff, governors and pupils contribute to the reality of a successful, mutually supportive community based on Gospel values. The school’s successes are all the more laudable by virtue of its comprehensive nature in an area which retains selective grammar schools.” Academic standards at the College remain high, regardless of the number of pupils on roll and in 2019, the progress measure for schools, Progress 8, placed the College among the top schools in Trafford, ranking amongst Trafford’s grammar schools. The College is extremely popular with parents and, as a result, both the LA and the College receive many petitions at the slightest hint that the admission arrangements at the College might change. The increase in provision and improvement in facilities can only add to the College’s success,

since it intends to provide significant additional capacity for the pupils already attending the College, whilst limiting any further increase in the number of pupils on roll.

All this demonstrates that the consultation processes, both informal and statutory, have been meaningful and comprehensive and that the LA has listened to, and taken account of the comments and concerns of the relevant consultees.

The representation period has now ended and the planning application was approved on Thursday 13th August by Trafford's Planning and Development Management Committee.

All the relevant information, including your comments and the responses provided, will now be detailed in a Report to Trafford's Executive Member for Children's Social Care for consideration of the final decision.

1. **From:** xxxxxxxx[mailto:xxxxxxxxxxxx]
Sent: 15 July 2020 11:46
To: School Admissions <school.admissions@trafford.gov.uk>
Subject: Expansion at BTHCC and concerns with overcrowding

Dear sir/madam,

I wrote the attached letter raising deep concerns and objections to the proposed expansion of BTHCC, where each year the school is admitting a ten form entry, twice the five form entry the school was originally designed to accommodate.

However, each year 5 forms as 10 forms are added to the student intake yet fewer forms in existing year groups are leaving.

I am concerned for the well being and safety of my daughter at BTHCC where such large student numbers are being crammed into an existing school infrastructure that classrooms are having to be used throughout lunchtimes to fit in more lessons.

In my attached letter I stated that no expansion of infrastructure has taken place, only increased numbers of classrooms, and that form entry should be reduced from 10 forms and not increase steadily student expansion into an infrastructure designed for a medium/small school.

I also suggested that the motivation behind such expansion is not in the interests of existing students but motivated by outside parties and managers and heads of school with salaries and final salary pensions that manage a greatly increased (twice the original) numbers of students. I think the authorities need for school places has driven through ill-advised expansion proposals.

Please can you contact the appropriate persons to investigate the working conditions for the students at BTHCC and reassure parents that the well-being of their children at BTHCC is not being effected by overcrowding.

2. Informal Consultation Meeting at BTHCC - 22 January 2020

Dear Parent / Carer

We would like to invite you to an informal consultation regarding the expansion of Blessed Thomas Holford School and Catholic College.

The school has been oversubscribed for a number of years and although a number of classrooms have been added recently, there is now a significant shortfall of accommodation in order to maintain current admission numbers.

The Council fund the new build and has commissioned Galliford Try and their architects Pozzoni, to design and build 14 classrooms, a Sports Hall and associated WC and changing facilities. This secondary school is one of only a few high schools without a 4 court (badminton) sports hall.

The school has very limited grounds and no playing fields under our ownership. We currently lease Coronation Fields from the Council.

Different options, based on a feasibility study, will be available to see during this meeting, including both an on-site expansion as well as the possibility of building on a corner of the open space associated with the Welman Way development.

We are interested in your views and would like to invite you to a consultation to look at our options and initial location plans, before the design work progresses any further.

The consultation will take place on **Wednesday 22nd January 2020 between 4pm and 7pm at the school**. Representatives from the school, the Council, Galliford Try and Pozzoni will be available to talk through the plans and answer any questions.

Following the consultation, physical plans will be available at the school and on school and Council websites, together with an opportunity to comment until Wednesday 5th February 2020.

If there is anybody else that you feel should attend – please pass on the details of this consultation.

Yours faithfully

John Cornally MBE

Executive Headteacher

3. **From:** xxxxxxxx
Sent: 17 January 2020 12:13
To: blessedthomas.admin@trafford.gov.uk <blessedthomas.admin@trafford.gov.uk>
Subject: FAO Executive Headteacher, Chair of Governors and Parent Governor re School Expansion Plans

Dear all,

I Have written a letter re concerns about the expansion plans re meeting on the 20th. Can this letter be circulated to the panel before the meeting and the question in it be raised and minuted at the meeting in my absence if unable to attend

4. **Response from parent re further expansion of BTHCC**

As a parent and teacher I am very concerned about the proposals for further increase in student numbers at BTHCC because of the effects of overcrowding on the learning environment for existing students and the new intake*

* When I raised this issue with Trafford admissions *I was informed that the school was not increasing in size* which is not the case. Since the proposed form intake in year 7 will remain the same, the school population will increase further as there are fewer forms leaving in year 11.

BTHCC originally was a medium sized school with infrastructure (circulation spaces, communal areas and classrooms) designed for far fewer numbers than the large school it has already become.

'A few classrooms were added' as mentioned but there are already insufficient classrooms for existing expansion meaning lessons need to be taught during lunchtimes, students therefore have only a half-hour for lunch and no extra-curricular activities are possible during lunchtimes.

A school with too large a body of students being organised around insufficient existing infrastructure focusses less on the individual and more on systems of organisation such as the necessity of segregating year groups and imposing one way systems to cope with volume of traffic.

Individuals feel increasingly anonymous and regimented, less known and valued with negative social, psychological and behavioural consequences to the detriment of their learning. As a teacher myself I have experienced these effects on the learning environment, the effects on behaviour and attitudes of even a single form increase in student numbers every alternate year.

Additional classrooms and students will only add to the pressures on existing school infrastructure and space (i.e. corridors and communal spaces). A new Gym will not alleviate additional pressures on existing infrastructure and space on the main site.

All authorities have increasing numbers of students to place and schools are oversubscribed but more and more students cannot be absorbed into existing infrastructure by building additional classrooms and employing more teachers without effecting seriously the learning environment.

I may be unable to attend the meeting on Monday, can I ask that this letter be circulated to the panel and the following question be raised and minuted at the meeting;

- Does the panel believe that absorbing further classrooms, teachers and students into **existing** infrastructure on the schools main site where 'space is limited', will benefit the students?

In summary I am concerned the plans to increase yet further student numbers are not putting the educational interests of the existing students at BTHCC foremost.

That the school is already accommodating too many students and should reduce its form intake ensure the school grows no larger for the reasons mentioned above.

I think it's fair as a parent that these concerns be heard by the panel but also an independent body without direct involvement or vested interests before any decision is taken to proceed with plans to increase further student numbers at BTHCC.

5. -----Original Message-----

From: xxxxxxxx [<mailto:xxxxxxx>]

Sent: 08 May 2020 05:21

To: School Projects

Subject: Extremely Concerned parent - BTHCC Expansion proposals

I am deeply concerned with this expansion proposal and am extremely unhappy with this consultation process and response I've received thus far.

I raised these concerns in a letter in January that were not answered specifically, instead a generic reply was returned citing the addition of more classrooms and a sports hall.

In my opinion this answer did not address the concern outlined in the following question I put in the letter.

I would like a response to it from the relevant parties before agreeing to pursue the planning proposal;

Q 'Does the authority and parties involved in the proposals believe that increasing student numbers year on year to twice in the existing medium-sized school infrastructure to a large school is in the interests of new and existing students?

A It is true that the number of students in recent years has exceeded the building capacity and that is why the Local Authority is supporting additional accommodation. The new building is meeting the needs of the current population and providing them with the facilities they need now and in the future. The key issue to note is that BTHCC provides places for baptised Catholic children resident in Trafford, which supports Trafford's responsibility to provide school places sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.

More and more students in a 10 form entry each year are being added to the population and being crammed into a school infrastructure and facilities designed to support a 5 form entry only.

I believe it is to the detriment of individual students, psychologically and educationally. The school becomes about systems rather than individual child's needs.

The school originally had a Published Admission Number (PAN) of 160, over the last 10 years they have added small extensions and the 6th form block. The school currently has sufficient accommodation to support a PAN of 210 students, however, it is still oversubscribed and has been admitting over 210 for the past 4 years. The school has increasingly converted other spaces into classrooms and staggered break times etc. to make best use of the current facilities. The new accommodation will allow the school to properly operate with a PAN of 290. The school have agreed to cap their numbers at this level, so will not increase further.

From my own experience, I teach in a school which has modestly expanded entry by one form every two years and there are detrimental effects with the yearly increase in numbers. By comparison the BTHCC form intake has doubled.

The School's population has increased year on year because of the Governing Body's commitment to providing an outstanding education for Catholic children. The BTHCC intake has increased from 160 (6 FE) to 290 (10FE) over 10 years, this is on average 1 form of entry every 2.5 years. National Performance Data indicates that this growth has not adversely affected the outcomes for children.

I believe from my experiences as a parent that the rapid expansion even with current numbers has also effected the provision and resources at BTHCC for example;

Necessary segregation of year groups.

No lunchtime extra-curricular activities since classrooms must be used for lessons.

Insufficient time and resources for other services e.g. school trips with limited first come first serve policy and 20 minute only class slots for careers services.

Accommodation shortages for the whole student population will be resolved by the new build. The new classroom block will house a full year group, which will ease congestion around the rest of the site. Spaces that have had to become classrooms over recent years will revert to their original use and help increase the dining area. The new sports hall will ease the pressure on other halls and increase indoor PE opportunities as well as provide another large space for exams and performances.

I believe the addition of a sports hall is a 'sweetener' but it doesn't address the fundamental problem in the expansion proposal that insufficient infrastructure exists. If BTHCC is one of the few schools without such a facility, why wasn't the sports hall made a priority for the needs of existing students before any expansion took place?

BTHCC had a gym which was demolished when the 6th form block was built, however it was not as large as the 4 court (badminton) sports hall which is being provided as part of this expansion. Over the years secondary schools have added 4 court sports halls but still not all Schools in Trafford have one. This is an opportunity to provide a much needed facility on this site.

I believe other financial/economic reasons are driving the proposals which are not serving the interests of students, such as management opportunities, the need to provide additional school places and sixth form uptake.

Conclusion

Does the panel really believe increasing the student population year-on-year is in the interests of new and existing students?

The Trafford school population has been increasing over the last 10 years which has resulted in the addition of over 3000 primary school places. This growth in pupil numbers is recognised by the DfE and it is the DfE that has identified the need for additional places in Altrincham and has provided the funding through its Basic Need Allocation. Trafford Council has a duty to provide sufficient school places for the children that live in its area and, as a result, BTHCC has agreed to limit the PAN to 290. In the 2019 and 2020 admission rounds the 2 Catholic high schools in Trafford were oversubscribed. Therefore the provision of places at BTHCC is fundamental to the Council's provision for Catholic children.

I would like question above and my concern about existing infrastructure (circulation spaces, halls, canteen services etc) to be addressed specifically by the panel, not answered in a generic letter that cites the addition of more classrooms and a sports hall which is not a solution in my opinion.

I believe the current form intake should be reduced to stop yearly increase in student numbers at the school resulting from fewer students leaving in year 11 with a smaller form intake.

The school has agreed to limit future intakes to 290 and will have sufficient accommodation to educate this number after the new accommodation has been provided.

A Feasibility study should be conducted to assess the effects of existing student expansion on existing facilities/infrastructure before agreeing further expansion. What are the adverse effects of the current large student population on infrastructure designed for a medium-sized school?

When a school is identified for expansion, a feasibility study is carried out to look at what accommodation is needed and where it can be sited. This is in close collaboration with the school which can confirm that plans will meet the needs of the school.

6. Dear xxxxxxxx,

I am very sorry if the first response did not answer your questions and for the delay in responding to your second email. I have liaised with the Headteacher at BTHCC and Trafford's Admissions Manager who have fed into the response. Our responses to each point are in green below;

The planning application has now been submitted (100763/FUL/20) and can be viewed by following this [link](#). This is another opportunity to formally log your concerns, if necessary.

Regards,

Hersha Mistry (on behalf of Claire Fisher)
Project Officer,
School's Capital Projects Team