

## Decision details

### Proposal to open a voluntary aided Roman Catholic primary school - JAN20/CMDN/78

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- [Call in the decision](#)

**Decision Maker:** Cabinet Member for Children's Services, Education, Skills and the University

**Decision status:** **Item Called In**

**Is Key decision?:** Yes

**Is subject to call in?:** Yes

Purpose:

The Cabinet Member:

- approve the proposal for the RCDEA to open a new voluntary aided Roman Catholic primary school at Hampton Water having regard to the Opening and closing maintained schools, statutory guidance for proposers and decision makers (DfE November 2018) and taking into consideration:

- a) the responses submitted during the initial 6 week consultation held by the RCDEA in September/October 2019
- b) the views/comments submitted during the statutory 4 week representation period which concluded on 19 December 2019, including support for, objections to, and comments on the proposal.

Reasons for the decision:

A new primary school is required at Hampton Water by September 2022.

The demographic analysis at Appendix 4 has been considered in the decision making process.

Whilst not universally popular with the respondents to the consultations, VA RC schools are a legitimate part of the education landscape and recognised by the DfE. As such the foundation owning the land and buildings appoints a majority of the school's governors, the governing body runs the school, employs the staff and decides the school's admission arrangements subject to the statutory Schools Admissions Code. In addition, specific exemptions from Section 85 of the Equality Act 2010 enable voluntary faith schools to use faith criteria in prioritising pupils for admission to those schools when there are more applications than places available.

All the elements which the decision maker must consider, as set out in the statutory guidance and detailed in section 4 above have been evidenced and taken into account.

In making this decision the Council fulfils its statutory duties under:

- the Education & Inspections Act 2006 and
- the Public Sector Equality Duty (s149 Equality Act 2010)

The decision to approve the RCDEA's proposal is the most cost efficient of the options available to it at this time.

For those families living in the Hampton Water development and the wider Hamptons East area who do not wish their child(ren) to attend a VA faith school they are able to express a preference for any school, including Hampton Waters Primary which also serves the Hamptons East, and the other primary schools on the wider Hamptons development listed in section 4.6 above. All of these schools lie within a 1 mile radius. **See appended map.**

Alternative options considered:

There is a basic need for a second primary school at Hampton Water on the Hamptons East development. An application was also made by the Hampton Academies Trust to establish this school under Wave 13 of the DfE's central free school programme. This was not approved. An application has been submitted under Wave 14 but the decision on this is not expected until summer 2020.

The Council does not currently have an alternative to securing the primary school places required for the academic year 2022/23. If the proposal is not approved the Council will need to await the outcome of Wave 14 of the central free school programme. If that is not approved the Council will need to run a competition to identify a new sponsor to recommend to the Secretary of State for approval in order for the Council to meet its statutory place planning duty. Both of these scenarios would significantly delay the building and opening of the school.

Interests and Nature of Interests Declared:

None.

Background Documents:

***Establishing a voluntary aided school: guidance & criteria*** (DfE December 2018)

<https://www.gov.uk/government/publications/voluntary-aided-schools-capital-scheme>

***Opening and closing maintained schools. Statutory guidance for proposers and decision makers*** (DfE November 2018)

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/756328/Opening\\_and\\_Closing\\_maintained\\_schools\\_Guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756328/Opening_and_Closing_maintained_schools_Guidance.pdf)

**Publication date:** 27/01/2020

**Date of decision:** 27/01/2020

**Issue status:** The decision is currently being reconsidered

**Current call-in Count:** 3

**This decision has been called in by:**

- [Councillor Terri Haynes](#) who writes Reasons for Call-in: 3. Decision does not follow principles of good decision-making set out in Part 2, Article 11 (Decision Making) of the Council's Constitution: (a) Realistically consider all alternatives and, where reasonably possible, consider the views of the public. (d) Act for a proper purpose and in the interests of the public. (f) Follow procedures correctly and be fair."
- [Councillor Nick Sandford](#) who writes Reasons for Call-in: 3. Decision does not follow principles of good decision-making set out in Part 2, Article 11 (Decision Making) of the Council's Constitution: (a) Realistically consider all alternatives and, where reasonably possible, consider the views of the public. (d) Act for a proper purpose and in the interests of the public. (f) Follow procedures correctly and be fair."
- [Councillor Nicola Day](#) who writes Reasons for Call-in: 3. Decision does not follow principles of good decision-making set out in Part 2, Article 11 (Decision Making) of the Council's Constitution: (a) Realistically consider all alternatives and, where reasonably possible, consider the views of the public. (d) Act for a proper purpose and in the interests of the public. (f) Follow procedures correctly and be fair."

**Accompanying Documents:**

- [200127 Hampton Water P CMDN PUB](#) PDF 776 KB
- [Appendix 1 RCDEA Full Proposal](#) PDF 1 MB
- [Appendix 2 Representation responses summary](#) PDF 327 KB
- [Appendix 3 Demographic report](#) PDF 528 KB
- [Appendix 4 EqualityImpactAssessment](#) PDF 235 KB
- [Appendix 5 Council Response to queries received re CMDN](#) PDF 409 KB
- [Map Hampton Schools](#) PDF 7 MB