

DETERMINATION

Case reference: STP/000114
Referral body: Slough School Organisation Committee

Statutory proposal: To establish a new primary school

1. The Referral

1.1 The Secretary of Slough School Organisation Committee (“the SOC”) wrote to the Office of the Schools Adjudicator on 20 November 2003 referring to a proposal by the Slough Sikh Education Gurmat Trust (“the Trust”) to establish a new Sikh Voluntary Aided primary school on land north of St Ethelbert’s School in Slough.

2. Jurisdiction

2.1. In a notice dated 29 August 2003 the Trust published a proposal to establish a new Sikh faith school for 420 boys and girls mainly between the ages of 3 and 11, including a nursery unit for 26 full time pupil places, from September 2005. The notice was in the necessary form as required by section 28(2) of the School Standards and Framework Act 1998 (“the Act”).

2.2. The proposal was considered by the School Organisation Committee on 6 November 2003. The committee failed to agree unanimously to the proposal and the case was referred to me as an adjudicator in accordance with paragraph 3(6) of Schedule 6 to the Act. I am satisfied that I have jurisdiction to consider this matter under the powers conferred by Schedule 6 to the Act.

2.3. As required by paragraph 3(7) of Schedule 6 to the Act, I have considered the proposal afresh. I have had full regard to the guidance given by the Secretary of State and to the School Organisation Plan for the area as required by paragraph 3(4) of Schedule 6 to the Act and I have also had regard to the relevant provisions of the Sex Discrimination Act 1975, of the Race Relations Act 1976 and of the Disability Discrimination Act 1995 as required by paragraph 6 of Schedule 5 to the Act.

3. Procedures

3.1. I have considered all the papers put before me including the following:

- (i) the agenda and supporting papers for the SOC meeting of 6 November 2003;
- (ii) prescribed information from the proposer as set out in Schedule 3 to the Education (School Organisation Proposals)(England)Regulations 1999(“the regulations”);
- (iii) the School Organisation Plan;
- (iv) copies of objections received after publication of the proposals;
- (v) the proposers’ observations on the objections received;
- (vi) representations from the LEA, the groups on the committee, and the objectors, including responses to questions put by me;
- (vii) the OFSTED Inspection Report for Slough LEA;
- (vii) the primary school performance tables for Slough;
- (vii) a selection of OFSTED reports for Slough primary schools;
- (viii) the OFSTED report for the Guru Nanak Primary School, Hayes;
- (ix) a letter of 1 December from Fiona Mactaggart MP.

Additional information submitted to me following the referral has been copied to interested parties who have had the opportunity to comment if they so wish.

3.2. I have also visited the site proposed for the new school and driven around the area. I looked at the outside of the buildings of Arbour Vale Special School. The purpose of the visit was solely to view at first hand the school accommodation and the geography of the locality, and not to receive representations. I arranged an informal hearing held on 14 January 2004 attended by representatives of the Trust, the LEA, the schools Group of the SOC, the Wexham Parish Council, and the objectors. I have considered the representations made to me at that meeting.

4. The Proposal

4.1. There is a 10,000 strong Sikh community in Slough and a demand for a primary school that reflects their culture, language and identity. In December 2001, the Department for Education and Skills agreed to hold in reserve a sum of £6.07m for a project to develop the new primary school. At that time it was proposed to purchase an existing school site for the project but following various discussions it became apparent that this would not be possible. Also considered was the use of the buildings of a special school, Arbour Vale, which was to be relocated. As none of these possibilities seemed suitable, the proposal was changed to establishing the school in new buildings. In March 2003 the Trust produced a consultation document proposing a two form entry school plus a nursery on land in the north of the town.

4.2. The proposal is for a Voluntary Aided school for 420 boys and girls between the ages of 3 and 11 to include a nursery for 26 full time equivalent pupil places. It would open in September 2005. It would follow the national curriculum and extend it for Sikh children in the areas of prayers, music, language, social and family values, Sikh history and traditional sports. All children attending the school would wear conventional school uniform and be taught in English. There would be early morning prayers for Sikh children. 20% of the places at the school would be offered to children of other faiths and there would be members of other faiths on the governing body and staff.

5. The Objection

- 5.1 The principal objection to the proposal is that there is already a surplus of primary school places in Slough and that building a further new school would be a waste of money. It would take pupils away from other primary schools that would then face financial and other difficulties. The new school would attract Sikh children from across the borough and beyond creating traffic congestion at the beginning and end of the school day. A school for Sikh children would separate them from other children so there would be less opportunity for all children to learn about other cultures in the community.
- 5.2. In response to these objections, the promoters claim that the Sikh population of children in Slough is dispersed throughout many schools so there would not be a significant effect on any one of them. If there was an increase in traffic, the governors would modify the time of the school day so to avoid the rush hour. 20% of the places at the school would be set aside for non-Sikh children and there would be opportunities for children from different cultures and faiths to mix.

6. Consideration of Factors

6.1. Standards of Education

I have read the OFSTED inspection report for Slough LEA (produced in May 2001) and examined the performance tables for primary schools in Slough. I have also read OFSTED reports for a selection of primary schools. From this I have concluded that the schools at present attended by pupils who would attend the new school are performing satisfactorily. As the inspection report says: "Pupils' attainment on entry to primary school is similar to that of similar authorities but below the national average. As they progress through school pupils reach standards in all key stages which are above those in schools in similar authorities, particularly in key stages 1, 3 and 4." There is no evidence in the papers before me to suggest that the new school would perform better than the average of the schools they attend now. Equally there is nothing to suggest that it would be worse. The proposal has been competently put together with every indication that the new governing body will be able to appoint a good head teacher and suitable staff. (There are several references by objectors to the Guru Nanak Sikh primary School in Hayes where OFSTED have found serious weaknesses. The Hayes school, based on a former private school, had many problems that are not applicable to the new school in Slough and I do not regard the experience of that school as a relevant consideration here.)

6.2. Need for Places

There are now over 700 spare primary school places (11% of the total) and by 2008 this will rise to over 1000 (20%). Building the proposed new school would account for an extra 420 places and the objectors have pointed out that this will exacerbate an already difficult problem. The OFSTED LEA Inspection Report notes that the LEA has made sound progress with the management of school places but the continued fall in numbers still presents a challenge. I understand that there are proposals to close five primary schools in Slough (Thames Valley Infant, Lea Nursery, Lea Infant and Lea Junior schools and Western House Infant school). At my request, the LEA produced the following table showing projected numbers of places and pupils on the assumption that their plans would be approved:

Year	No Pupils	No Places	Surplus%	Notes
2003	10243	11830	13	
2004	10146	11830	14	
2005	10130	11514	12	1 amalgamation, 1 closure.
2006	9918	11934	17	New Sikh school
2007	9747	12084	19	1 closure, 1 new school
2008	9448	11796	20	1 closure, 1 new school

It is clear from this table that there will still be surplus places in Slough if these plans proceed. It would have been preferable to create the new school without building extra school places in the area. But, although a full feasibility study of using the Arbour Vale buildings has not been carried out, the officers have concluded that none of the existing buildings in Slough would be suitable. The Trust, not unnaturally, would prefer a purpose built new school. Having seen the buildings at Arbour Vale, I understand these views but I would have preferred to see a full evaluation of this option.

The LEA have informed me (in a letter dated 16 January 2004) of plans not yet approved to remove a further 300 primary places. So it is making some progress in reducing the number of surplus places. Nevertheless it will have to take further action if it is to avoid criticism in the future.

6.3. Finance

The capital cost of establishing the school is estimated to be £6.07m, £1.25m to acquire the site (from the Borough Council) and £4.82m to build the school. The DFES have confirmed that they are prepared to provide a grant to cover 90% of this with the governors meeting 10% of the costs. I have asked whether the governors can raise the money to meet their commitments. I have seen 160 pledges from individuals in the community to the value of £340,000. Because of the strength of the parental support for the school I am satisfied that this is sufficient at this stage to indicate that Trust will be able to achieve the £607,000 it needs to support the proposal. The revenue costs would come to the school through the LEA schools budget in the normal way.

There is then the question of whether this project would represent better value for money if the new school were set up in an existing school building (such as Arbour Vale) rather than a new building on a new site. I am satisfied that the LEA is getting a good deal from the present proposal. It will deliver a new school in the area, produce a capital receipt of £1.25m for the Council and leave the Arbour Vale site available for future disposal. Whether the project represents value for money for the DFES as part of its national programme for Voluntary Aided schools, is a matter beyond the scope of this determination.

6.4. Views of Interested Parties.

I am satisfied that the consultation requirements set out in the regulations have been met. A consultation document was produced in March 2003 and widely circulated. A public meeting was held later in March and a second meeting was held in April. The proposal has been fully discussed by Slough Borough Council.

It is clear from the papers I have seen and the views expressed at the meeting of 14 January that there is enthusiastic support for the proposal amongst the Sikh community in Slough. The proposal has the formal (though not unanimous) support of Slough Borough Council, the Learning and Skills Council, the Diocese of the Roman Catholic and Church of England and the Slough Racial Equality Council. The Schools Group of the SOC oppose the proposal on the grounds that it would create more surplus places and a substantial body of local residents (supported by the Wexham Parish Council) oppose it on traffic and other grounds. Some local residents and others oppose the proposal on the grounds that all children from the community should be educated together and there should not be separate schools for religious groups.

6.5. Balance of Types of Schools,

The addition of a school for Sikh children in the town would recognise the clear demand from Sikh families and the Sikh community for a primary school that reflected their faith. There are in Slough 5 Roman Catholic primary schools and 2 Roman Catholic secondary schools; and 2 Church of England primary schools and 1 Church of England secondary school. There are plans to establish a primary school for Muslim children in the area. It would seem equitable to meet the needs of Sikh families in the same way as needs of other faiths are being met.

6.6. Other Matters

6.6.1. Traffic

There is no doubt that the Wexham Road is already congested, particularly at school opening and closing times. Local residents are considerably inconvenienced by parents delivering and picking up children at St Ethelbert's School and fear that another school in the locality will make matters worse. The Trust and the LEA have tried to deal with these concerns by designing the school with a wide entrance and ample parking for staff and parents on site. They have also offered to stagger opening times and to consider another entrance when the Arbour Vale development takes place. Whether these developments go far enough will be considered further when planning permission is sought.

6.6.2. Transport Costs

I have been assured that there is unlikely to be any significant change in transport costs for the LEA. The LEA now meets the costs of transporting some Sikh children to Hayes and this money would be no longer necessary if there was a Sikh school in Slough. Most of the Slough children attending the new school would live within 2 miles so there would be no need for free transport for them. Whether children who live outside Slough and attend the school would receive free transport would be a matter for their home authority.

6.6.3. Admission Arrangements

Although admission arrangements would be for the Governing Body, which is not yet established, to decide I have been told that it is intended to offer places to Sikh children in the following order of priority:

1. Children with a brother or sister at the school
- 2 Children with compelling educational, medical or social needs
3. Children whose main residence is within the borough of Slough
4. Children whose main residence is closest to the school

For non-Sikh children the priorities proposed are:

1. Children with a brother or sister at the school
2. Children with educational, medical or social needs
3. Children who live closest to the school
4. Children whose parents choose the school on denominational grounds.

I am concerned that criterion 3 for Sikh children is not consistent with the Greenwich judgement on school admissions; and that criterion 4 for non-Sikh children would be difficult to administer. There should be a specific reference to children in public care. These matters will have to be dealt with when the governing body is established.

7. **Conclusion**

In reaching my conclusion, I have taken account of the factors discussed above, the documents before me and the representations made at the meeting of 14 January.

The central case against the proposal is that a new school would increase the pressure on neighbouring schools that have already a surplus of places. I have consulted the statutory guidance on School Organisation. Paragraph 18 of the guidance states: "The existence of surplus capacity in neighbouring less popular or successful schools should not in itself prevent the addition of new places. In considering proposals for new places, the Decision Maker must take account of the impact which proposals will have on the standards of provision. Where proposals add to the surplus capacity (either by adding places at existing schools or creating new schools) but there is a strong case for approval on parental preference and standards grounds, the presumption should be for approval. The LEA in these cases will need to consider parallel action to remove the surplus capacity thereby created."

The neighbouring schools that the children currently attend are not unpopular or unsuccessful, nor is there evidence to demonstrate that the new school would improve educational standards. But the fact that there is such clear evidence of

parental demand from parents and the community for a Sikh school points to the probability that such a school would be more popular with Sikh parents than the existing schools and that the school would have enough support to achieve reasonable educational standards. I have concluded that this is enough to justify the case for approval on parental preference, community demand and standards grounds.

The question then arises of whether the LEA is taking sufficient action elsewhere to remove the surplus places that would be created. I am not completely satisfied on this point but I have concluded that the LEA is doing as much as can be expected of it at this stage. It will need to review its progress in the next year or two.

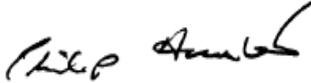
To sum up, this proposal has the enthusiastic support of a large and committed community in the area. Representatives of the community have put together a sound and practicable proposal that meets the requirements of the Act. There will be further action required of the Trust and the LEA to deal with outstanding problems but I am confident that they have the will and the means to cope.

Planning permission for the new school has not yet been sought or granted. An application will now have to proceed so my determination will be conditional on the granting of planning permission and I think it realistic to assume that it could take a year to achieve. In that case it is unlikely that the new school could open in 2005 as stated in the notice. Accordingly I have consulted the parties on a modification to the proposal so the school would open in 2006 rather than 2005 and making my approval conditional on planning permission being granted by April 2005. The proposer has agreed to this and I have received no comment from the other parties.

8. Determination

Under the powers conferred on me by Schedule 6 to the School Standards and Framework Act 1998, I hereby approve the proposal with the modification that the school will open in September 2006; and with the condition that the required planning permission for the building of the new school is granted by April 2005.

Dated: 23 January 2004

Signed: 

Schools Adjudicator: Dr Philip Hunter