

Central Bedfordshire Council

EXECUTIVE

9 February 2016

Commissioning of New Lower School Places in Fairfield Parish

Report of Cllr Mark Versallion, Executive Member for Education and Skills
(mark.versallion@centralbedfordshire.gov.uk)

Advising Officer: Sue Harrison, Director of Children's Services
(sue.harrison@centralbedfordshire.gov.uk)

This report relates to a non Key Decision

Purpose of this report

1. To seek Executive support for a proposed consultation to provide new Lower School places in Stotfold from September 2017. The school referred to within the report serves the Ward of Stotfold and is located within the Parish of Fairfield.

RECOMMENDATION

The Executive is asked to:

1. support the proposed commencement of consultation by the Governing Body of Fairfield Park Lower School to permanently expand onto a second site from a 2 form of entry (300 place) lower school for pupils aged 3 to 9, to a 4 form of entry (600 place) lower school for pupils aged 3 to 9 also providing a 60 place nursery, increasing the school's published admission number from 60 to 120 with effect from 1 September 2017.

Children's Services Overview and Scrutiny

2. This report was presented to Children's Services Overview and Scrutiny Committee at its meeting on the 28 January 2016 and the Committee was asked to indicate its support for the recommendation set out within the report. The views of the Committee will be reported to Executive at its meeting.

Pupil Place Planning for Lower School Places in Stotfold, including the Parish of Fairfield

3. Since 2011 the Council has commissioned an increase of 525 new lower school places to serve the Stotfold and Fairfield area through the expansion of St Marys Academy from 225 to 300 places, the expansion of Fairfield Park Lower School from 150 to 300 places and the expansion and relocation of Roecroft Lower School from 150 to 450 places on a new site.
4. These new school places have been required as a result of the Council's forecasts of demographic growth in the area, driven largely by new housing development. These school sites are now at their capacity as defined by Department for Education guidelines and cannot be expanded further.
5. The Council's School Organisation Plan 2015-20 sets out its current five year forecast. This indicates that despite the new school places commissioned previously by the Council the existing schools in the Stotfold and Arlesey pupil place planning area, which includes the Parish of Fairfield, will remain very close to capacity and unable to accommodate significant additional pupil yield from further housing.
6. A minimum of 176 dwellings are planned to be completed within the Stotfold area alone over the Council's current five year forecast period. These are developments within the Council's current housing trajectory published in May 2015, which had received planning consent and were already in construction or are expected to commence within the next 5 years, or are sites allocated for housing that are expected to come forward with planning applications within this period.
7. In addition to the forecast level of completed dwellings on planned developments indicated in the housing trajectory in May 2015, a number of planning applications have since been made. Some of these applications relate to sites not previously allocated for housing and in total they represent the potential eventually for a further 450 additional dwellings in Stotfold and the Parish of Fairfield.
8. These planning applications will also be reflected in the Council's housing trajectory if planning permissions are granted and as build rates are known. They will also then be reflected in the Council's pupil forecasts as they have the potential to impact further on the supply and demand for local school places in the area. Families moving into new housing will create further pressure on places as a result with many potentially requiring admission to a local school in year, outside of the normal admissions cycle.

9. Included within the figure given above in Section 7 of this report is one such development proposal for approximately 130 dwellings. This application was received by the Council and subsequently approved in August 2015 for new housing on the site of the former pig testing unit on Hitchin Road, within the Parish of Fairfield. In approving the application the Council also secured capital contributions for new education provision in the area in a Section 106 agreement with the developer.
10. In parallel with the housing development and following discussions between Council Officers and the developers, an outline planning application for a new school site on adjacent land was also submitted and approved by the Council in August 2015.
11. The Council's requirement for a school site reflected the scale of housing expected on the Hitchin Road site and also allowed for further demographic growth in the local area. The school site area is sufficient to accommodate a two form entry (300 place) lower school with a 60 place nursery for pre school provision.
12. It is anticipated that this new housing development will commence during 2016/17 and as a result, the Council is now working to bring the new school site forward as soon as possible with a target date of September 2017 for opening the new provision.

Commissioning of a provider for the new school site

13. The new school site is located within the Parish of Fairfield as is one other school, Fairfield Park Lower School, a Community School rated at its last inspection in 2012 by Ofsted as Outstanding across all inspection judgements. The school has been oversubscribed each year since 2009.
14. A map indicating the location of the new school site and Fairfield Park Lower School is attached at Appendix A to this report.
15. The school's headteacher is a National Leader of Education (NLE), designated by the National College for Teaching and Leadership and Department for Education (DfE). NLEs are high performing school leaders who use their success and professionalism, along with the staff in their school which is designated a National Support School to increase the leadership capacity of other schools and help raise standards.
16. The school's Chair of Governors is a National Leader of Governance (NLG), also designated by the National College for Teaching and Leadership and Department for Education. NLGs are experienced governors with track records of success in school improvement who use their experience to support excellence in governance and leadership in schools that are in need of support.

17. Both roles are part of the Council's and of the government's plan to ensure schools have a central role in developing a self-improving and sustainable school led system. The school has recent significant experience of managing growth successfully with the support of the Council through the expansion of the school on its current site which was completed in 2014.
18. The Governing Body of the school has indicated its desire to provide for the new, or satellite school site which will serve the same local community. It proposes to do so through the expansion of its governance, leadership and management. The new school site would be integrated within the admission arrangements of the existing school.
19. The school has also indicated its willingness to accommodate a new Reception Class from September 2016, utilising a temporary building that is located on the existing school site, ahead of the availability of the new school buildings in September 2017 to which the additional reception class would then transfer as Year 1.
20. The proposal would enable the gradual increase in pupil numbers from completed housing in the area to be accommodated within an existing local popular and successful school which can grow at an equivalent rate on its new site while remaining financially efficient.
21. Governing bodies of all categories of maintained mainstream school can propose an enlargement of premises without following a formal statutory process and the school has indicated an intention, subject to the support of the Council's Executive, to consult with the support of Council officers with its local community and other stakeholders throughout February and March 2016.
22. The school's consultation document is attached to this report at Appendix B. The consultees will include parents and carers of pupils at Fairfield Park Lower School, the head teachers and governing bodies of all other Central Bedfordshire schools, all members of Central Bedfordshire Council and local town and parish councils.
23. The outcome of the consultation along with a business case submitted by the school to illustrate the alignment of the school's proposal with the Council's Policy Principles for Pupil Place Planning in Schools will be reported to the Council's Executive in April 2016 for final approval.
24. Executive approval of the school's proposal will enable the Governing Body to work in partnership with Council officers to influence the design and delivery of the new provision, funded through developer contributions and Department for Education basic need grant, within the Council's New School Places Programme.

Reasons for Decision

25. The recommended consultation on the proposal to expand Fairfield Park Lower School is to ensure the Council continues to meet its statutory obligations to provide sufficient school places and also to ensure the school meets the requirements set out in DfE guidance regarding proposals by Governing Bodies to expand maintained schools.
26. Commitment to capital expenditure and therefore final approval of the proposal will be determined by the Council's Executive in April 2016, informed by the outcome of the consultation exercise undertaken by the Governing Body and the business case which it will also prepare.
27. Ward Councillors have received a briefing on the Council's forecasts of demographic growth and the need to plan for additional school places in this area and are supportive of the school's proposal.

Council Priorities

28. The report supports Central Bedfordshire's Five Year Plan 2015- 2020 and the specific priority of Improving Education and Skills.

Legal Implications

29. Section 14 of the Education Act 1996 places a duty on Councils to secure sufficient primary and secondary school places to provide appropriate education for pupils in its area. S14A of the Education Act 1996 imposes a duty to consider representations about the exercise by local authorities of their functions from the parents of qualifying children in relation to the provision of primary and secondary education. Qualifying children include all those of compulsory school age or under.
30. The Education and Inspections Act 2006 gives Councils a strategic role as commissioners, of school places and includes duties to consider parental representation, diversity and choice, duties in relation to high standards and the fulfilment of every child's educational potential and fair access to educational opportunity.
31. The main legislation governing school organisation is found in sections 6A-32 of the Education and Inspections Act 2006, The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013 and the School Organisation (Prescribed Alterations to Mainstream Schools) (England) Regulations 2013.
32. Department for Education Guidance for proposers and decision makers regarding school organisation in maintained schools was published in January 2014 to support the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

33. This guidance can be viewed at:
<https://www.gov.uk/government/publications/school-organisation-maintained-schools>
34. As a consequence of changes introduced by these 2013 Regulations (at Schedule 2, paragraph 12) and Statutory Guidance, Governing Bodies are now able to propose to make a range of changes to their schools without following a formal statutory process. These include significant expansion such as that proposed to Fairfield Park Lower School.
35. Governing Bodies are required to adhere to the usual principles of public law: they must act rationally; they must take into account all relevant considerations; and they must follow a fair procedure.
36. The Governing Body of Fairfield Park Lower School will also be expected to liaise closely with the Local Authority to ensure that, where possible, a proposal is aligned with wider place planning/organisational arrangements and that any necessary consents have been gained.
37. The Governing Body is also expected to ensure that there is effective consultation with parents and other interested parties and will be supported throughout the consultation, to gauge demand for the proposed change and provide consultees with sufficient opportunity to give their views.
38. The Governing Body will need to work with the Council to ensure that the new school site has suitable accommodation and any necessary capital funding and planning permission has been secured before the expansion can be implemented. Once the change has been implemented, the Governing Body must inform the Secretary of State.
39. DfE guidance is clear that where proposers seek to expand onto an additional site they will need to ensure that the new provision is genuinely a change to an existing school and not in effect a new school. Where proposers seek an expansion which is in fact a new school the Council would be required to set up a new free school through a prescribed DfE process.
40. The DfE guidance requires that the Council will need to consider whether the proposal is an expansion of an existing school through a number of factors that must be set out within the school's proposal.

These include,

- The reasons for the expansion
 - what is the rationale for this approach and this particular site.?

- Admission and curriculum arrangements
 - How will the new site be used (eg which age groups/pupils will it serve)?
 - What will the admission arrangements be?
 - Will there be movement of pupils between sites?
 - Governance and administration
 - How will whole school activities be managed?
 - Will staff be employed on contracts to work on both sites? How frequently will they do so?
 - What governance, leadership and management arrangements will be put in place to oversee the new site (eg will the new site be governed by the same governing body and the same school leadership team)?
 - Physical characteristics of the school
 - How will facilities across the two sites be used (eg sharing of the facilities and resources available at the two sites, such as playing fields)?
 - Is the new site in an area that is easily accessible to the community that the current school serves?
41. The purpose of considering these factors is to determine the level of integration between the two sites; the more integration, the more likely the change can be considered as an expansion.

Financial Implications

42. The New School Places Programme is funded by developer contributions and Basic Need grant income from the Department for Education (DfE) and on current planning assumptions the programme 2016/17 to 2020/21 is now forecast with gross expenditure of £20.2M in 2016/17, £25M in 2017/18, £19M in 2018/19, £17M in 2019/20 and £7.7M in 2020/21.
43. The Council will continue to ensure that all opportunities are taken to increase income and to seek alternative funding sources for new build and expansions of existing school buildings.
44. The day to day running costs of school provision is met through revenue funding which is made available to each school as part of the Dedicated Schools Grant (DSG) and is based primarily on the numbers of pupils attending and will increase accordingly in an expanded school.
45. Where necessary and where Schools and Academies are undertaking significant expansion on commission from the Council additional revenue support for relevant costs can be accessed on application through the DSG funded Growth Fund established by the Schools Forum.

46. Capital expenditure within the New School Places Programme is subject to the Council's Code of Financial Governance. Expenditure to commission feasibility studies and design work required for projects within this rolling programme has been approved by the Executive Member for Children's Services, in consultation with the Director of Children's Services as required by the Council's Constitution.

Equalities Implications

47. The consultation and decision making process set out in regulation for proposals to expand Academies and Council maintained schools requires an evaluation on a project by project basis of any equalities and human rights issues that might arise.
48. Public authorities have a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and to foster good relations in respect of the following protected characteristics: age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
49. This statutory duty includes requirements to:
- i. Remove or minimise disadvantages suffered by people due to their protected characteristics.
 - ii. Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
 - iii. Encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
50. As commissioner of the new school places that will be provided through the proposal of Fairfield Park Lower School the Council has considered that there are no race or disability discrimination issues that arise from the change being proposed.

Risk Management

51. The proposal to commission new lower school places and to allocate related capital investment outlined in this report implements the identified need to manage demographic growth in the previously published School Organisation Plan and mitigates the risk on the Council of failing in its statutory duty to provide sufficient school places.

Key risks include:

- Failure to discharge legal and statutory duties/guidance.
- Failure to deliver the Council's strategic priorities
- Reputational risks associated with the non delivery of required school places.
- Inability of schools to recruit suitable additional staff
- Failure to secure planning consents
- Financial risks, including;
 - Non realisation of anticipated Section 106 monies and anticipated levels of government grant.
 - Potential for overspend on any project within the programme.

Appendices

The following appendices are attached:

Appendix A – Map showing location of new lower school site in Stotfold

Appendix B – Fairfield Lower School's expansion consultation documents