

New Lower School Places in Fairfield Parish

Report of: Cllr Mark Versallion, Executive Member for Education and Skills
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This report relates to a Key Decision

Purpose of this report

1. To provide Executive with the outcome of a consultation exercise for the commissioning of new lower school places within the Parish of Fairfield from September 2017.
2. To provide the Council's Executive with the school's business case for expansion, to recommend approval of the proposal and to consider the next steps in the commissioning of new school places within the Parish of Fairfield from September 2017.
3. To delegate authority to the Director of Children's Services, in consultation with the Executive Member for Education and Skills, to approve any contractual arrangements necessary on behalf of the Council to undertake the required capital works for the proposed project within this report.

RECOMMENDATIONS:

1. **Approve the proposal of 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, thereby approving the commencement of the project and related expenditure, subject to the grant of planning permission under Part 3 of the Town and Country Planning Act 1990 by 1 September 2016.**
2. **Delegate authority to the Director of Children's Services, in consultation with the Executive Member for Education and Skills, to approve any contractual arrangements necessary to undertake capital works required to deliver the proposed project in this report.**

Children's Services Overview and Scrutiny

4. On the 28 January 2016 Children's Services Overview and Scrutiny Committee were consulted on a draft report to the Council's February Executive which set out the background of forecast demographic growth in Stotfold and the Parish of Fairfield.
5. The report provided a recommendation to support the commencement of consultation by the Governing Body of Fairfield Lower School to provide new Lower School places in Fairfield Parish from September 2017.
6. The Children's Services Overview and Scrutiny Committee indicated its support for the proposal to commence consultation on the provision of new lower school places in Fairfield Ward.

New School Places in the Parish of Fairfield

7. On the 9 February 2016 the Council's Executive received the report setting out the background of forecast demographic growth in Stotfold and the Parish of Fairfield.
8. The Council's Executive considered the report and approved the recommendation to support the commencement of consultation by the Governing Body of Fairfield Park Lower School to permanently expand onto a second site with effect from 1 September 2017.
9. The Executive also invited the school to prepare a business case to illustrate how its expansion would comply with the Council's Policy Principles for Pupil Place Planning in Schools.
10. In response to the Executive decision, the school's consultation commenced on the 10 February 2016. Consultees included;

Fairfield Lower School Staff
Trade Union representatives
Fairfield Lower School governors
Local residents
General public
Head teachers and Chairs of Governors of all other Central Bedfordshire schools and academies
All CBC Ward Members
Fairfield Parish Council
Stotfold Town Council
The Church of England and Roman Catholic Dioceses
The local MP.

11. A public meeting was also facilitated by the school, Council officers and members of the architectural design team were in attendance and a press release was published in the local newspaper.

12. The consultation concluded on the 9 March 2016 and received 16 responses in total of which 14 respondents indicated they agreed with the proposed expansion.
13. The remainder indicated they neither agreed or disagreed with the proposal and where issues were recorded by respondents the main themes were concerns over increased traffic congestion, the need for safe pedestrian crossings and a request for reduced speed limits and sufficient parking. These are issues which will be addressed through the separate planning application and design of the housing development within which the new school site will be provided.
14. A request for clarity over school admissions criteria across both sites and the need to future proof the second site were also recorded as issues by respondents. The Council continues to work with the School's Governing Body to ensure that appropriate admissions criteria can be provided for the growing community and that the design and layout of the new site maximises opportunities for further development, if needed.
15. The School's Governing Body has provided its own response in Appendix A to the main issues that arose from respondents and on conclusion of the consultation, and in consideration of the matters arising, the School's full Governing Body has confirmed its overwhelming support for the proposal and continues to work with the Council in developing the design proposal for the new facilities.
16. The business case that the Governing Body has prepared is attached at Appendix B.

Reasons for Decision

17. The proposal set out in this report represents the commissioning of new school places required by the Council to ensure it continues to comply with its legal obligation to meet the needs of the local demographic.
18. The proposal and consultation has followed the process required by DfE guidance on Governing Body proposals to make changes to maintained schools.
19. The School has submitted a business case which has been evaluated by Council officers and is provided at Appendix B attached to this report. The proposal complies with the Council's Policy Principles for Pupil Place Planning in Schools and the school's ambition is aligned with the Council's Partnership Vision for Education 2015-2019.

Council Priorities

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

Legal Implications

21. 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.
22. 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.
23. 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.
24. 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.
25. This guidance has recently been removed from the DfE website and we have been advised it is currently under review and will be replaced shortly where it can be viewed at:

<https://www.gov.uk/government/publications/school-organisation-maintained-schools>
26. As a consequence of changes introduced by the 2013 Regulations (at Schedule 2, paragraph 12), 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.
27. 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.

28. As is required, the Governing Body of Fairfield Park Lower School has liaised closely with the Local Authority and the proposal is aligned with wider school place planning/ organisational arrangements. All necessary consents have been secured and the Executive recommendation is subject to the granting of any outstanding planning permissions required for the new school site.
29. The Governing Body has ensured that there has been effective consultation with parents and other interested parties to gauge demand and to provide consultees with sufficient opportunity to give their views for the proposed change.
30. The Governing Body continues to work with the Council to ensure that the new school site has suitable accommodation and the Council will ensure that all necessary capital funding and planning permissions have been secured before the expansion can be implemented. If Executive approve the recommendations of this report and the proposal is implemented, the Governing Body will inform the Secretary of State.
31. 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 affect 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 in accordance with s6A Education and Inspections Act 2006.
32. The Council should therefore consider whether the proposal is an expansion of an existing school through a number of established factors. These factors are outlined in the previous Guidance which, although currently undergoing review, has set out established guidelines for such determinations. 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.

These include,

- The reasons for the expansion
 - What is the rational 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?
33. Council officers have evaluated the school's proposal, its business case attached at Appendix B and the school's consultation document and have confirmed that the proposal reflects significant integration across both current and new school site, serving the same community, under the same governance and leadership arrangements. Council officers have concluded that the proposal complies with the factors relating to an expansion of an existing school as set out in the previous DfE Guidance.

Financial Implications

34. 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.
35. As set in the report to the Council's Executive on 9 February 2016, the Council has secured the new school site and capital contributions for new education provision in the area in a Section 106 agreement with the developer of new housing on the site of the former pig testing unit on Hitchin Road, within the Parish of Fairfield.
36. The project and its anticipated funding are contained within the Council's New School Places Programme approved in the Council's Medium Term Financial Plan 2016/17 to 2019/20.
37. 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.
38. 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.

39. 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.
40. 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 Education and Skills, in consultation with the Director of Children's Services, as required by the Council's constitution.

Equalities Implications

41. 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.
42. 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.
43. 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.
44. 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 discrimination issues that arise from the change being proposed.

Risk Management

45. 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 – Governing Body's summary of consultation responses

Appendix B – Business case