
Commissioning of New School Places in Barton-Le-Clay and Marston Moretaine for September 2018

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This report relates to a Key Decision

Purpose of this report

1. To provide the Executive with the outcome of the consultation undertaken by the Governors of Arnold Academy Trust, Barton Le Clay and the outcome of the official Council proposal published for Church End Lower School (Forest End campus), Marston Moretaine, regarding the proposal to expand each school by 1 form of entry (30 places in each school year group) by September 2018.
2. To seek the Executive's approval of each proposal to expand, subject in respect of Arnold Academy Trust to approval also by the Department for Education (DfE), and for the Council's commitment to required capital expenditure.
3. The schools referred to within the report serve the Wards of Marston Moretaine and Barton Le Clay.

RECOMMENDATIONS

The Executive is asked to:

1. **note the responses received to the consultation by the Governors of Arnold Academy Trust, Barton Le Clay and the Council's official proposal published for Church End Lower School, Marston Moretaine, each to expand by 1 form of entry (30 places in each school year group) by September 2018; and**

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| <p>2. approve the commencement of capital expenditure as set out in the report, subject in respect of Arnold Academy Trust to the approval of the proposal by the Department of Education, and subject to the granting of planning permissions under Part 3 of the Town and Country Planning Act 1990.</p> |
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Children's Services Overview and Scrutiny

4. A report was presented to Children's Services Overview and Scrutiny Committee at its meeting on 22 November 2016 and the Committee indicated its support for the proposals outlined in this report and for the commencement of the recommended consultations, the outcomes of which are set out within this report.

Pupil Place Planning for Lower and Middle School places in Marston Moretaine and Barton Le Clay

5. On 6 December 2016 the Council's Executive approved the recommendation of the report to support a consultation by the Governors of Arnold Academy Trust, Barton Le Clay and the publication of an official proposal (statutory notice) for Church End Lower School, Marston Moretaine, each to expand by one 1 form of entry (30 places in each school year group) by September 2018.

The December report can be viewed as Agenda Item 10 at:

<http://centralbeds.moderngov.co.uk/ieListDocuments.aspx?CId=577&MId=5134&Ver=4>

6. The proposals were made with the support of the Council and its need to commission new school places as a result of the 2016/17 demographic forecasts for the Council's School Place Planning pyramid area covering Barton Le Clay and Marston Moretaine and the surrounding area. The forecasts confirmed up to a sustained 1 form entry (30 places per year group) deficit in Middle School provision in Barton Le Clay by 2017/18 and a forecast deficit of up to 1 form of entry (30 places per year group) lower school places in Marston Moretaine in 2018/19 with pressure building again for school places in September 2020.
7. With the support of the Council the consultation for Arnold Academy commenced on 4 January and closed on 1 February. The official proposal (statutory notice) for Church End Lower School was published on 5 January and closed on 2 February. The consultations included a public meeting at Arnold Academy on the 19 January 2017 and a public meeting at Church End Lower (Forest End) on the 18 January 2017. The consultations were undertaken to comply with DfE guidance published for making prescribed alterations to LA Maintained Schools and for Academies wishing to make significant changes.

8. A summary of the consultation responses received by Arnold Academy Trust and support from the governing body for the expansion are attached in Appendix A to this report.
9. Issues arising through the consultation have been reflected upon in the summary provided by Arnold Academy Trust within Appendix A. A total of 86 responses were received to the consultation with 67 responders in support of the expansion.
10. Arnold Academy has agreed through the request of the authority to temporarily admit pupils over its planned admission number in 2017 in Year 5 to meet a local demographic need. The school has supported the council's principles to provide additional school places at a local popular and successful school.
11. The consultation materials and a summary of responses received by the Council for Church End Lower School are attached in Appendix B to this report.
12. Issues arising through the consultation have been reflected upon in the summary report within Appendix B. A total of 28 responses were received to the consultation with nearly 68% in support of the proposal.
13. Where concerns were raised in response to each proposal these related to the potential highways implications, size of the school, consideration for additional places at Middle and Upper schools and lower school places available at other local schools. Concerns were also raised by the Parish Council on parking and congestion and places available in neighbouring schools.
14. Each proposal has been subject of feasibility studies and early engagement with the Council's planning and highways officers to inform further design work to ensure that the required expansion on each site can be implemented following the necessary submission and approval of planning applications with mitigating measures agreed where necessary.
15. The planning applications will be subject of separate consultations with the local community and will be informed by reviews of each school's travel plans to reflect the increased intake to each site and the need to ensure a continued focus on the promotion of the use of sustainable modes of transport to school, recognising the potential for increased traffic movement at peak times around school sites.
16. The Forest End site of Church End Lower School is currently a 1 form entry school and has been future proofed to enable it to expand to be a 2 form entry school.

Additional land has been secured through s106 for the expansion and will be secured as part of this proposed expansion. A 2 form entry school will enable the school to provide a broader curriculum, offer staff opportunities for development and is financially more sustainable.

17. Church End Lower School (Forest End) is in the greatest area of need and the proposed expansion supports the Council's policy principle of local schools for local children. The forecast need exceeds the forecast available places and where other schools currently have places it is not forecast to be sufficient to meet all the projected need.
18. The Council's School Organisation Plan is reviewed and updated on an annual basis and provides a five year projection. The need for further expansion of lower and middle school places to be provided from September 2018/19 is the result of significant further demographic growth in Barton Le Clay and its surrounding areas and Marston Moretaine that was not evident in the forecasts that justified the Council's 2016 commissions but has now been confirmed by the latest demographic forecasts and school admission data.
19. It is highly likely that further significant new housing developments in the school planning areas, planned or proposed beyond the current five year forecast period, will increase the likely need for further new school places to be provided. The Council will continue to ensure that all opportunities are taken to seek sites for new build and expansions of existing school buildings within such developments.
20. In order to support expansions commissioned by the Council, the senior leadership teams of Schools and Academies can apply for additional revenue support for related costs funded through the Dedicated School Grant Growth Fund established by the Schools Forum.
21. The business case that Arnold Academy Trust has prepared is attached at Appendix C and articulates how the proposal is aligned with the Council's Policy Principles on Pupil Place Planning in Schools.
22. Arnold Academy Trust has considered the outcome of its consultation and has agreed that it wishes to proceed with the proposal. As a result, a significant change application will be submitted by the Trust to the Department for Education's Education Funding Agency to secure approval for the expansion of the Academy. The Trust has also continued to work with the Council in developing the design proposals for the new facilities required if the expansion is approved.
23. The business case for Church End Lower School has also been prepared by the school and is attached at Appendix D and articulates how the proposal is aligned with the Council's Policy Principles on Pupil Place Planning in Schools.

Design and Procurement of the New Provision

24. Working with their appointed education capital consultant and with support from the Council, Arnold Academy Trust has commissioned design studies for the school's expansion. These have referenced Building Bulletin 103 which provides area guidelines for mainstream schools.
25. The resulting cost estimates have indicated that the project is affordable within the total capital budget established by the Council. The Academy intend with the support of the Council, to directly procure the project. This will follow a procurement exercise which will be undertaken when planning approval has been secured, if the Executive approves the recommendations contained within this report.
26. The governance of the project will be provided through a board that will include Council officers from the School Organisation & Capital Planning Team who will control the release of capital funding aligned with the achievement of key project milestones.
27. The Council's Asset Team will procure the capital works required for the expansion of Church End Lower School and will utilise the full procurement options to enable the delivery of a new school facility.

Reasons for Decision

28. The consultation undertaken by the Governors on the proposal to expand Arnold Academy Trust has complied with DfE Guidance for making significant changes to an existing Academy, published in March 2016.
29. The consultation undertaken by the Council on the proposal to expand Church End Lower School has complied with the April 2016 DfE Guidance for making prescribed alterations to LA maintained Schools.
30. The proposals support the Council's Policy Principle of investment in successful schools. Church End Lower School (November 2016) and Arnold Academy (December 2013) are both rated Good by Ofsted.
31. As set out in detail in the December report to the Council's Executive, the completion of the proposed projects outlined within this report will ensure that the Council continues to meet its statutory obligations to secure sufficient school places for children in the surrounding areas of Barton Le Clay and Marston Moretaine.
32. Each school has submitted a business case which has been evaluated by Council officers and is provided at Appendices C and D attached to this report. The proposals comply with the Council's Policy Principles for Pupil Place Planning in Schools.

33. Ward Councillors have received briefings on the Council's forecasts of demographic growth and the need to plan for additional school places in both the school planning areas and are supportive of both proposals.

Council Priorities

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

Legal Implications

35. 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.
36. 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.
37. 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) Regulations 2013 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
38. Department for Education Guidance for proposers and decision makers regarding school organisation in maintained schools was published in April 2016 to support the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
39. This guidance can be viewed at:
<https://www.gov.uk/government/publications/school-organisation-maintained-schools>
40. The guidance for prescribed alterations, published by the Department for Education (DfE) in April 2016, requires local authorities to undertake a statutory process for proposed expansions of maintained schools that meet a specified threshold. Although the requirement for a 2 stage consultation process has been removed (ie both pre statutory and statutory) the DfE expects that the local authority will consult interested parties to develop the statutory proposal prior to publication.

41. The local authority is expected to ensure that there is effective consultation with parents and other interested parties to gauge demand for the proposed change, and provide consultees with sufficient opportunity to give their views.
42. The Council will need to ensure that the new accommodation is suitable and the necessary capital funding and planning permission have been secured before the expansion can be implemented.
43. Department for Education (DfE) Guidance for Academies wishing to make significant changes, including enlargement of their premises, was published in March 2016.
44. The Guidance can be viewed at:
<https://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy>
45. Academy Trusts are required to exercise their own judgments in deciding whether a change is significant, although it is anticipated that the proposals set out in this report for Arnold Academy would come within the definition of 'fast track significant change' as set out by 2016 DfE Guidance.
46. The process is overseen by the Education Funding Agency on behalf of the DfE and requires an academy to undertake consultation, to obtain consent of the Secretary of State and to secure any capital required by the proposal before implementation.
47. The business case submitted to the Education Funding Agency by an academy must be rigorous enough for a decision to be made on whether the change is necessary. Details of minimum content are set out in the 2016 DfE Guidance.
48. In both cases there are statutory and processes for consultation and applications which, if the proposals are agreed, must be followed to ensure the proposals can be implemented when required.

Financial and Risk Implications

49. 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 2019/20 is gross expenditure of £18.2M (£4.0M net) in 16/17, £25M (net nil) in 2017/18, £17.2M (net nil) in 2018/19 and £15M (£3.4M net) in 2019/20.
50. At the time of writing this report the DfE have not announced the allocation of Basic Need grant for 2019/20. The announcement is expected in spring 2017 at the earliest so the forecast net contribution in that year could be revised significantly.

51. The additional middle school places at Arnold Academy will receive a total of £451,530 from s106 developer contributions. The expansion at Church End has already received all the allocated developer contributions from phase 1 of the expansion. The combined expenditure envisaged in the report is £4m and this is contained within the current approved NSP capital allocation.
52. The Council's rolling five year new school places programme is dynamic with perpetual changes in forecasts of income and expenditure across financial years including those arising from variances in S106 totals and trigger points and in the timing and therefore cost profile of many projects.
53. Given the volatility in forecasts of S106 income the School Organisation and Capital Planning Team meet each quarter with the S106 Monitoring Officer and the outcome of these reviews and the impact on established forecasts within the MTFP will be reported through the Council's capital monitoring report.
54. All new school and expansion projects are briefed to provide buildings that are designed in line with DfE area guidelines for mainstream schools but are subjected to value engineering with resulting final construction costs at or below the national benchmarked average for new school places.
55. 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.
56. 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.
57. 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.
58. 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

59. The consultation and decision making process set out in regulation for proposals to maintained schools and academies requires an evaluation on a project by project basis of any equalities and human rights issues that might arise.
60. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
61. 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.
62. The proposed consultations are not envisaged to have an adverse impact on any of the listed groups below:-
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| I. | Sex | N/A |
| II. | Gender Reassignment | N/A |
| III. | Age | Lower and Middle aged pupils will have access to sufficient school places |
| IV. | Disability | N/A |
| V. | Race & Ethnicity | N/A |
| VI. | Sexual Orientation | N/A |
| VII. | Religion or Belief (or No Belief) | N/A |
| VIII. | Pregnancy & Maternity | N/A |
| IX. | Human Rights | N/A |
| X. | Other Groups (rural isolation etc) | N/A |

Risk Management

63. The proposal set out in this report has been developed and evaluated against the key criteria for decision makers that are outlined in guidance. Likewise the proposal has followed the procedures set out in regulation. This mitigates the risk on the Council of failing to comply with the relevant statutory requirements.

64. The key risks mitigated by the process that has been followed include:
- I. Failure to discharge legal and statutory duties/guidance.
 - II. Failure to deliver the Council's strategic priorities.
 - III. Reputational risks associated with the non delivery of required school places.
65. If approved, the Council and the Governing Body and Trustees of the schools will develop and implement change management plans that will include risk assessment and management criteria to ensure the effective delivery of the objectives set out in the proposal document.

Conclusion and Next Steps

66. Subject to approval by the Council's Executive, Arnold Academy will expand by 1 form of entry for September 2018. The expansion is also subject to the approval by the Department of Education and to the granting of planning permission under Part 3 of the Town and Country Planning Act 1990. There will be a further town and country planning public consultation.
67. Church End Lower if approved will also be subject to the granting of planning permission under Part 3 of the Town and Country Planning Act 1990.

Appendices

The following appendices are attached:

Appendix A –Summary of responses - Arnold Academy Trust

Appendix B – Consultation materials and summary of responses - Church End Lower School

Appendix C – Business Case - Arnold Academy Trust

Appendix D – Business Case – Church End Lower School