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## **Commissioning of New School Places in the Ward of Cranfield and Marston Moretaine for September 2018**

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**This report relates to a key decision**

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### **Purpose of this report**

1. This report seeks support for the proposed consultation by Holywell Middle School (academy), Cranfield, to expand by 1 form of entry (30 places in each middle school year group) by September 2018.
2. The school referred to within the report serves the Ward of Cranfield and Marston Moretaine.

### **RECOMMENDATIONS**

**The Executive is asked to:**

1. **support the proposed commencement of consultation by Holywell Middle School (academy), Cranfield, to expand by 1 form of entry (30 places in each year group) by September 2018. This is phase 2 of the expansion of the school, taking the school from a 5 form entry school to a 6 form entry school; and**
2. **if supported, consider the results of the consultation and determine the proposal at the Executive in August 2017.**

### **Overview and Scrutiny Comments/Recommendations**

3. This report was presented to Children's Services Overview and Scrutiny Committee at its meeting on the 14 March 2017 and the Committee was asked to indicate its support for the recommendations set out within the report. The Committee recommended that they support the proposed changes and endorse the report to the Executive.

## Pupil Place Planning for Middle School Places in Cranfield from September 2018

4. In July 2016 the demographic forecasts for the Council's School Place Planning pyramid area covering Cranfield and the surrounding area were revised with refreshed data as part of the annual review of the Council's School Organisation Plan.
5. The Councils revised School Organisation Plan was published in September 2016 and can be found at, <http://www.centralbedfordshire.gov.uk/school/organisation/plan.aspx>
6. The outcome of the revision is a forecast deficit in middle school provision in the village from 2017/18. This is a sustained deficit of up to 1 form entry (30 places per year group).
7. The forecast deficit for Cranfield from the Councils School Organisation Plan for the next 5 years is as follows:-

|                                  | Total PAN, Sept 16 | Total year 5, Jan 16 | Forecast   |            |            |            |            |
|----------------------------------|--------------------|----------------------|------------|------------|------------|------------|------------|
|                                  |                    |                      | 2016-17    | 2017-18    | 2018-19    | 2019-20    | 2020-21    |
| PAN/ forecast year 5             | 150                | 157                  | 160        | 161        | 172        | 179        | 187        |
| <b>Balance of places at YR 5</b> |                    |                      | <b>-10</b> | <b>-11</b> | <b>-22</b> | <b>-29</b> | <b>-37</b> |

8. There is up to a forecast deficit of 0.5 forms of entry in 2017-18. The deficit increase to nearly an additional 1 form of entry between 2018 - 2020. The need for additional school places is sustained beyond 2020.
9. In December 2013 Executive approved phase 1 of the expansion of Holywell School from its capacity of 544 places to its current capacity of 600 places with an implementation date of September 2015.
10. As a result of delayed housing development at Home Farm in Cranfield the original proposed expansion of the school was not required. Although the scale of expansion to a 6 form entry school by September 2015 was not necessary, additional places were required to accommodate the forecast growth in pupil numbers in the middle school age range in the local area. Phase 1 of the expansion of the school from its capacity of 544 places, to provide 600 places from September 2015 was therefore determined by Executive in December 2013.
11. Executive were also informed in December 2013 that a further phased expansion would be required at Holywell School and this would be subject to the rate of house building.

The additional proposed expansion would be presented to Executive to seek support for a consultation and determination. This report forms part of the next phase, seeking support from the Executive for the school to proceed with its consultation.

12. There is only 1 middle school in Cranfield (Appendix A: Map) and in October 2014, Holywell School was rated by OFSTED as a “Good” school in all areas.
13. There is currently no new middle school site secured through the S106 in the village. The solution to manage the further growth in the demand for school places is therefore through the proposed expansion of Holywell School.
14. The governors of the school and head teacher are in principle supportive of the permanent proposed expansion by 1 form of entry, taking the school to a planned admission number of 180 pupils per year (6 form entry school).
15. Holywell School is a popular school and converted to an academy in October 2012. The Council has a duty to ensure adequate school places are provided to everyone that wants a place and can commission these additional places at academies and maintained schools as long as they meet the Council’s policy principles for pupil place planning.
16. The Council can only invite and not direct Academies to expand and proposals are subject to the Secretary of State’s or Regional Schools Commissioners approval and may require amendments to funding agreements and other of the Academy’s legal documents. This differs to Council maintained schools where the Council is decision maker for proposals to expand maintained schools.
17. Proposals to enlarge Academies by a significant proportion require a consultation to be undertaken, as set out in the Guidance for ‘Making Significant Changes to an Open Academy’. Academies are also required to submit a detailed report to the Education Funding Agency as part of their approval process for the Secretary of State.
18. Each proposal in the New School Places Programme is required by the Council’s Policy Principles for Pupil Place Planning in Schools to be supported by a business case in a format set by the Council that establishes a measure of the quality of the new places being added to the system. Each business case is subject to evaluation against these Principles and the results are considered as part of the final Executive approval of any proposal and before approval to commence expenditure are given.

19. In all instances where new school places are required and proposals are approved the Council is responsible for committing the relevant capital funding to implement required expansions and new build.

### **Guidance for Making Significant Changes to an Open Academy**

20. The guidance for academies differs to the guidance for prescribed alteration to a maintained school. Academy trusts need to confirm that a fair and open local consultation has been undertaken, with all those who could be affected by the proposed change, and that the proposal takes account of all responses received.
21. For Academies there is no requirement to publish a statutory notice. An assessment of the proposal will be made before the Regional Schools Commissioner (RSC) or Secretary of State, as appropriate.

### **Conclusion**

22. The proposed expansion of Holywell School is supported in principle by the governors and head teacher. The additional school places will meet a demand in the areas of greatest basic need.
23. As an academy, Holywell School can propose an enlargement of their premises. It is a requirement of the Department for Education that they must consult with stakeholders and prescribed organisations and persons on their proposal.
24. The consultees for the proposal will include staff at the school and their feeder schools, the head teacher and governing bodies of all other Central Bedfordshire schools, all members of Central Bedfordshire Council, local diocese, local town and parish councils and local residents and all other prescribed consultees.
25. The outcome of the consultations, along with a business case submitted by the school to illustrate the alignment of their proposal with the Council's Policy Principles for Pupil Place Planning in Schools, will be reported to the Council's Executive for final approval.
26. The Executive will be asked to determine the outcome of the proposals and the accompanying business case in August 2017.
27. Executive approval, in August 2017, will enable the school to continue 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.

## Legal Implications

28. 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.
29. 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.
30. 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.
31. 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.
32. 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.
33. Department for Education (DfE) Guidance for Academies wishing to make significant changes, including enlargement of their premises, was published in March 2016.
34. The Guidance can be viewed at:  
<https://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy>
35. 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 Holywell School would come within the definition of 'fast track significant change' as set out by 2016 DfE Guidance.
36. 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.

37. 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

### **Council Priorities**

38. The support to launch the proposed consultations for new school places within the ward of Cranfield and Marston Moretaine meets the Council priorities to 'Improving education and skills in Central Bedfordshire'. This is in addition to the council's statutory obligations to provide adequate school places and the Council's 9 Policy Principles for Pupil Place Planning.

### **Financial and Risk Implications**

39. 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 is forecasting a gross expenditure of £18.3M (£4.1M net) in 16/17, £10M (net nil) in 2017/18, £12.6M (net nil) 2018/19 and £37.5M (£15.2M net) in 2019/20.
40. 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.
41. 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.
42. 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.
43. Capital expenditure within the New School Places Programme is subject to the Council's Code of Financial Governance.
44. There are no financial implications arising out of a decision to support the commencement of consultations as outlined in this report.
45. The new school places if approved will be funded through a combination of s106 contributions from local developments and the Basic Need grant received from the DfE. The expenditure will be reported to Executive in August 2017.

## Equalities Implications

46. 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.
47. 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.
48. 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.
49. The proposed consultations are not envisaged to have an adverse impact on any of the listed groups below and are likely to have a positive impact on young people:-
- |       |                                    |  |
|-------|------------------------------------|--|
| I.    | Sex                                | N/A  |
| II.   | Gender Reassignment                | N/A  |
| III.  | Age                                | Middle school 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

50. 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.

51. 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.
  - IV. Financial risks, no capital investment from the council and all consequential additional running costs will be borne by the school
52. If approved, the Council and the Governing Body of the school 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**

53. If approved, Holywell School will launch the proposed consultation and draft a business case for the expansion. The academy will also seek the DfE approval to expand.
54. The responses to the consultations will be presented at Executive in August 2017 for determination and approval for capital expenditure.

### **Appendixes**

55. The following appendices are attached:

Appendix A: Map indicating the location of the Holywell School.