

Commissioning new school places in the ward of Arlesey through the temporary expansion of Henlow Church of England Academy

Report of Cllr Steven Dixon, Executive Member for Education and Skills,
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This report relates to a decision that is Key

Purpose of this report

1. To seek approval for the proposed temporary expansion by Henlow Church of England Academy (middle school), Arlesey, to expand by up to 65 middle school places by September 2017 and up to 70 middle school places by September 2018.
2. The school referred to within the report serves the Ward of Arlesey.

RECOMMENDATIONS

The Executive is asked to:

1. **approve the commencement of capital expenditure as set out in this report, subject to the granting of planning permissions under Part 3 of the Town and Country Planning Act 1990.**

Overview and Scrutiny Comments/Recommendations

3. A report was presented to Children's Services Overview and Scrutiny Committee at its meeting on 23 May 2017 and the Committee were asked to indicate their support for the recommendation. The Committee recommended that the Committee support the commencement of the use of capital expenditure as set out in the Executive report, subject to the granting of planning permissions under Part 3 of the Town and Country Planning Act 1990.

Pupil place planning for Middle School places in the Ward of Arlesey

4. On 6 December 2016 the Council's Executive were asked to consider the recommendation to determine a temporary programme of up to £2.0m for additional school places as a result of a possible deferred or unsuccessful Free School application.
5. The Council's Executive considered the recommendation and at the time deferred the approval subject to further information. At the time of writing this report the outcome of the Free School applications have not been announced by the Department for Education, though they are expected this Spring. 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 report for Executive in December 2016, at the time, was envisaged to provide the temporary programme to enable the Council to have school places available as a contingency for 2018. Following a review of the latest level of school places required it is apparent that additional middle school places are required for September 2017 to meet the growing demographic need in the school planning area.
7. The forecast for the need for additional middle school places across the Samuel Whitbread planning area, which includes 3 school pyramids, is set out below:-

Samuel Whitbread Planning area (ref: SOP 2016)	2016-17	2017-18	2018-19	2019-20	2020-21
Forecast year 5	549	652	614	653	682
Balance of places at YR 5	-49	-152	-114	-153	-182

8. There are 3 middle schools in the school planning area, all of which are Academies (see appendix A). Robert Bloomfield and Etonbury middle schools are part of the BEST Schools Trust and Henlow Academy is a Church of England School. The Council, as the commissioner of school places, has been in discussions with the schools to seek the best plan to address the deficit of school places locally.
9. The Council as a commissioner cannot compel Academies to expand. This differs to Council maintained schools where the Council is the decision maker for proposals to expand maintained schools. The Council can only invite Academies to expand and proposals may still be subject to the Secretary of State's or Regional Schools Commissioners approval and may also require amendments to their funding agreements and other legal documentation.

10. All 3 local academies are judged by Ofsted as either Good or Outstanding. All 3 schools are highly popular with parents and carers and were over subscribed for September 2017. Etonbury Academy was over subscribed with catchment children.
11. Etonbury Academy has already been expanded and will be taking up to 180 children this September, 30 over the published admission number (PAN), which is determined at 180 for 2018. The school has in the past taken over the PAN to accommodate local children and cannot continue this arrangement without significant further investment on site. Robert Bloomfield has a published admission number of 240 and is already the largest middle school locally. Henlow academy has a PAN of 140 and is the smallest middle school in the planning area.
12. The demographic growth in the area has been forecast in the School Organisation Plan and the growth has arisen in and around the Etonbury Academy catchment area. The local school has already expanded significantly since 2011 when the PAN was set at 120 and more recently to the new PAN of 180 for 2018 to meet the basic need in the area.
13. Maintaining and improving educational standards is a key factor when the Council is seeking to commission additional school places. The Council will not normally seek to commission additional places if there is a risk as a consequence of the expansion that the outcome of the children's education at the school is threatened.
14. Whilst the outcome from the DfE of the free school application for an extended secondary school to meet the forecast demand for school places is still uncertain, there is no new middle school site secured through the s106 contributions. The solution to manage the further growth in the demand for school places is therefore through the proposed expansion of Henlow Academy.
15. The governors of Henlow Academy and the head teacher are in principle supportive of the proposed temporary expansion taking the school to a new temporary admission number of 210 by 2018. A letter of support from the school is attached in Appendix B. The additional school places are not envisaged as a permanent change to the schools PAN and is a local agreement with the school to meet the deficit of school places in the short term. Any permanent change to the schools PAN will need further studies to understand the long term accommodation needs of the school and potentially further capital investment. The temporary expansion subsists for 2 academic years, and will result in this level of expansion for those cohorts through the school years until they leave, but will revert thereafter.

16. Every proposal in the New School Places Programme is assessed against the Council's Policy Principles for Pupil Place Planning in Schools. Similar to other local authorities the Council is faced with challenges in continuously expanding schools in the greatest areas of the need. These challenges include school site size, continuous pressure to expand 1 school as the result of housing growth in 1 area, securing new sites and schools managing a continuous change agenda.
17. There are many proposals currently under consideration for what might happen after 2018. There is a proposal under consideration at present for a new extended secondary free school, and the Council is also looking more widely at the challenge of additional school places, and other measures. These will be reported to members and consulted on, as appropriate, when they are formulated.
18. 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.

Design and procurement of the new provision

19. Working with their appointed education capital consultant and with support from the Council, Henlow Academy has commissioned design studies for the school's temporary expansion. These are referenced to Building Bulletin 103 which provides area guidelines for mainstream schools.
20. 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 recommendation contained within this report.
21. 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.

Reason/s for decision

22. The forecast for middle school places in the Samuel Whitbread planning area shows a deficit of school places to meet the basic need in the area. Without the additional places local children will not be able to access a local school.
23. Ward Councillors have been offered briefings on the Council's forecasts of demographic growth and the need to plan for additional school places in the school planning area and have not objected to the proposal.

24. The proposal does not require a formal education consultation process as the increase is a temporary expansion, though there will be a need for a further planning consultation subject to the granting of planning permissions under Part 3 of the Town and Country Planning Act 1990. This is a local agreement between the Council and the school to meet a basic need for school places in the area.
25. In addition to Section 14 of the Education Act 1996, the Council's Policy principles states the need to provide local schools for local children, the need to create schools that are of sufficient size to be financially and educationally viable and the ability to support the expansion of local popular and successful schools.

Council Priorities

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

Legal Implications

27. 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.
28. 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.
29. 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.
30. 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.
31. This guidance can be viewed at:
<https://www.gov.uk/government/publications/school-organisation-maintained-schools>

Financial Implications

32. 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 with 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.
33. The DfE have recently announced the allocation of Basic Need grant for 2019/20. The announcement states that the Council will receive a grant of £10.1m to commission additional school places. The grant will be updated against the forecast net contribution in that year which will revise the profile significantly.
34. The additional middle school places at Henlow Academy are expected to receive a total of £649,856 s106 contributions. £269,583 has been received by the Council and an additional £380,272 has been secured through contributions. The total expenditure envisaged in the report is £1.6m of which £1m is expected to be the Council contribution which is contained within the current approved New School Places capital allocation.
35. 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.
36. 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.
37. 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.
38. 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.
39. 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.

40. 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.
41. 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.
42. Henlow Academy is in the school planning area of greatest need and transport is likely to be required for children who meet the transport policy 'Home to School Transport'. The policy states children aged 8 – 16 years old (years 4 –11) who live more than the statutory walking distance of 3 miles by the shortest available walking route, to the nearest school or the designated catchment school. The statutory walking distance may not apply where the route which the pupil would be expected to walk to their nearest or designated catchment school (when accompanied by an appropriate adult) is assessed as unsafe.

Equalities Implications

43. 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.
44. 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.
45. The proposed school expansion is not envisaged to have an adverse impact on any of the listed groups below:-

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

46. 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.
47. The key risks mitigated by the process that has been followed include:
 - a. Failure to discharge legal and statutory duties leading to no additional school places in an area of significant demographic growth.
 - b. Failure to deliver the Council's strategic priorities.
 - c. Reputational risks associated with the non delivery of required school places.
 - d. Financial risks, no capital investment from the council and all consequential additional running costs will be borne by the school
48. 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

49. Subject to the Council's Executive approval, Henlow Academy will temporarily expand to meet the basic need in the local area for September 2017 and September 2018. The expansion is also subject 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.

Appendices

Appendix A: Middle schools in the school planning area of Samuel Whitbread

Appendix B: Letter of support from Henlow Academy

Background Papers

None

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