

Appendix D

Meeting: Executive

Date: 27 March 2012

Subject: **Proposals to expand Shefford Lower School, Fairfield Lower School and an existing Leighton Buzzard Lower School as provider for a new Lower School site at Pratts Quarry, Leighton Buzzard.**

Report of: Cllr Mark Versallion , Executive Member for Children's Services

Summary: This report outlines three projects within the New School Places Programme 2012/13 – 2016/17 where local pressures of demographic growth require Executive approval to undertake informal and statutory consultation on proposals to expand existing schools to provide additional places. These proposals will be determined with a subsequent report to Executive in August 2012.

Advising Officer: Edwina Grant, Deputy Chief Executive/ Director of Children's Services

Contact Officer: Pete Dudley, Assistant Director for Learning, Commissioning and Partnerships

Public/Exempt: Public

Wards Affected: Shefford, Arlesey, Leighton Buzzard South

Function of: Executive

Key Decision Yes

CORPORATE IMPLICATIONS

Council Priorities:

In providing new school places for growing communities this report supports the following Central Bedfordshire Council's strategic priorities:

Educating, protecting and providing opportunities for children and young people
Managing growth effectively

Financial:

1. The proposals outlined in this report are contained with the New School Places Programme 2012/13 – 2016/17 and are fully capital funded as outlined in Appendix C to the main report. The proposal to expand an existing school in Leighton Buzzard to incorporate the new site for lower school provision at Pratts Quarry will also require the use of temporary units, on the current school site, to manage the local growth in pupil numbers in the interim until the new provision is constructed for opening in 2013. The Council's rolling capital programme of temporary accommodation will fund this provision within its existing budget.

2. 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 and is based primarily on the numbers of pupils attending, which will increase accordingly in an expanded school.
3. Capital expenditure within the New School Places Programme 2012/13 – 2016/17 will be subject to the Council's Code of Financial Governance and approval for expenditure to commission any further feasibility studies and design work required for projects within this rolling programme will be sought from the Executive Member for Children's Services, in consultation with the Deputy Chief Executive/Director of Children's Services as per Sec 4.10.7 of the Council's constitution.

Legal:

4. Section 14 of the Education Act 1996 places a duty on Councils to secure sufficient and suitable school places to provide for 5 – 16 year old statutory aged children in its area. The Education and Inspections Act 2006 gives Councils a strategic role as commissioners, but not providers, of school places to promote parental choice, diversity, high standards, the fulfilment of every child's educational potential and fair access to educational opportunity.
5. DfE regulations outline the requirements and process for proposals to expand maintained schools and these include full public consultation, the publication of statutory proposals and the decision making process. The Council is decision maker for the proposals set out in this report.
6. The main legislation governing school organisation is found in sections 7-32 of the Education and Inspections Act 2006, The School Organisation (Establishment and Discontinuance of Schools) (England Regulations 2007 and the School Organisation (Prescribed Alterations to Mainstream Schools) (England) Regulations 2007.
7. Legislation relating to new school provision has most recently been amended by the Education Act 2011 which requires the Council to invite sponsors to establish an Academy where a new school is required. The DfE are the decision makers for proposals of this nature.

Risk Management:

8. The three proposals to commission new 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 (see appendix A) and mitigates the risk on the Council of failing in its statutory duty to provide sufficient school places.
9. The commissioning of each of the three projects will include risk assessment and management criteria to ensure these are clear to decision makers. Contract and construction risks will be overseen through the project management of the agreed projects.

Staffing (including Trades Unions):

10. Staff and Trades Unions will be consulted on the proposals to expand the three schools in this report as part of the informal and statutory consultation process required by regulations.

11. Subject to service buy back arrangements, schools will have the support of the Council's Human Resources team where any proposals require changes in school staff structures or to terms and conditions of employment.

12. Each expanding school will need to increase the numbers of teaching and non-teaching staff to support the increase in pupil numbers. This will be funded through the school's Dedicated School Grant budget and the increased share which the school will receive.

Equalities/Human Rights:

13. The consultation and decision making process set out in regulation for proposals to expand maintained schools requires an evaluation on a project by project basis of any equalities and human rights issues that might arise. These will be reported to the Council's Executive in August 2012 when a decision is required.

Community Safety:

14. Schools have an important role in working alongside a range of other agencies to ensure safety in their local communities. The potential to further promote and support robust partnerships is one of the principles by which options for new school places are evaluated.

Sustainability:

15. Whilst there may be additional costs in order to meet sustainability objectives for new build and/or expansion of existing schools, these will be contained within the costs identified for each individual project within the programme. These measures would contribute to reduced running costs through better energy and resource efficiency, and therefore limit the CRC burden on the Council and the school, alongside creating a better learning environment for the pupils.

Procurement:

16. The tendering and approval process for awarding construction contracts will be in accordance with the Council's Code of Procurement Guidance and the thresholds indicated in section 5.1 of the Council's constitution.

Overview and Scrutiny:

17. The Children's Services Overview and Scrutiny Committee considered this report on 28 February 2012. Comments made by the Committee will be available separately at the meeting of the Executive by way of a handout.

RECOMMENDATIONS:

The Executive is asked to:

- 1. Approve the commencement of informal consultation and the publication of statutory notices for the proposals to expand Fairfield Park Lower and Shefford Lower School and the Leighton Buzzard Lower School named in the exempt report attached at Appendix E.**

Reason for Recommendations:

To ensure the Council continues to meet its statutory obligations to provide sufficient school places and also meets the legal requirements placed on the Council by the Education and Inspections Act 2006 regarding proposals to expand maintained schools.

Executive Summary

18. This report outlines three projects within the New School Places Programme 2012/13 – 2016/17 where local pressures of demographic growth require Executive approval to undertake informal and statutory consultation on proposals to expand existing schools to provide additional places. These proposals will be determined with a subsequent report to Executive in August 2012 detailing the outcome of consultation.
19. The need for expansion of two of the schools, Shefford Lower and Fairfield Lower, is a result of demographic growth within the schools existing catchment areas. Options for a new site of lower school provision at Pratts Quarry in Leighton Buzzard are outlined in this report and conclude with a proposal to expand an existing popular and successful school in Leighton Buzzard as provider to also include the new site. In all three of these specific areas of Central Bedfordshire the need for extra accommodation has already required temporary measures to be employed in September 2011 and these will be required again in September 2012 to provide sufficient schools places.
20. The Council is responsible for the commissioning of new school places, for commissioning early feasibility studies where required and for evaluating options for new provision. The Council must adhere to the legal processes set out in regulation and statutory guidance where the Local Authority is decision maker.
21. The Council is able to propose, and is the decision maker for expansions to existing community, voluntary controlled, voluntary aided, foundation and trust schools. Where proposals are made to expand maintained schools there is a presumption within the statutory guidance for decision makers of approval of those relating to popular and successful schools.

Shefford Lower School

22. Pupil numbers within the immediate Shefford area have been growing in recent years and are expected to continue to grow as a result of increasing birth rates, recent housing completions and new housing allocations. Currently the school is recognised as a 2FE (300 place) school with an admission number of 60.
23. In September 2011, 66 pupils were admitted taking the total number on roll in the main school to 328. In order to support the increase in numbers, the Council supported the provision of an additional permanent classroom funded mainly through previous S106 contributions.
24. This growth in numbers, supported by Area Health Authority pre-school data and extra housing forecasts is expected to continue into the future and it is therefore recommended that the school be permanently extended to provide an enlarged school for 3FE (450 places) with an increased admission number of 90.
25. This proposal has been developed in consultation with the school's Governing Body who are supportive.

Fairfield Park Lower School

26. Pupil numbers generated from within this new development are significantly higher than those originally forecast by Bedfordshire County Council when the school was first proposed and constructed. Currently the school is recognised as a 1FE (150 place) lower school with an admission number of 30.
27. In September 2011, 54 pupils were admitted into the school from within the school's area taking the overall number on roll in the main school to 178. In order to accommodate the

increase in numbers a temporary classroom was funded from the Council's temporary classroom programme and the Council continues to work with the school to provide further interim arrangements for September 2012.

28. Although the new development is coming to an end, Area Health Authority pre-school data for the area supports the current trend in numbers with anticipated future requirements forecast to be approximately twice the school's current capacity, i.e. an average of approximately 60 pupils per year group. Therefore, it is recommended that the school be permanently expanded to provide an enlarged school of 2FE (300 places) with an increase in admission number to 60.
29. This proposal has been developed in consultation with the school's Governing Body who are supportive.

Feasibility Studies and consultation

30. Feasibility studies have been carried out on both of these schools in order to be satisfied that the increase in numbers can be accommodated within the existing school sites and the costs from the studies are set out in the Appendix C to the main report. Nevertheless, and in order to ensure that the schemes can be ready for September 2013, further more detailed design work has been commissioned to progress to the next Royal Institute of Building Architects (RIBA) work stage of development.
31. However, in accordance with the Education and Inspections Act (EIA) 2006, and because of the size of the proposed enlargements, there is a separate requirement to undertake informal and statutory consultations on the proposals.
32. Therefore it is recommended that the Executive approve the commencement of informal consultation and, if appropriate, issue Statutory Proposals for the enlargement of Shefford and Fairfield Park Lower schools to provide in future for 450 places and 300 places respectively with effect from September 2013.
33. The outcome of the informal and statutory consultation processes will be reported to the Council's Executive as final decision maker in August 2012.

Pratts Quarry - South Leighton Buzzard

34. Significant new housing has been built in the south of Leighton Buzzard in recent years with more than 1000 further new dwellings still to be provided. In anticipation of the likely impact this would have on the school infrastructure, Section 106 financial contributions were agreed along with a site for an extra 300 place lower school provision at Pratts Quarry, off Kestrel Way. In terms of the final capital cost of this new provision, feasibility is underway to obtain a more accurate estimate of the costs which will update the order of costs currently at Appendix C to the main New School Places Programme report which are based on similar recent projects.
35. Until recently, the pupils moving into the new development have been catered for by the existing schools in the area utilising spare capacity. However in September 2011 and in particular for initial admission at 4+, there was a shortage of places in areas where parents wanted them and some schools were required to admit in excess of their published admission numbers.
36. Set against a total of 548 overall places for admissions across the area at 4+ a total of 538 pupils were admitted resulting in most schools being at or above capacity. Area Health Authority figures support the continuation of this trend over the coming years with further added pressure resulting from the new developments which are either underway or have yet to commence.

37. Since April 2011 the Council has been working with schools in the area that collectively comprise Learning Community 2, in the second of the Council's Transforming Learning reviews. Within the scope of the review has been the need to consider and plan for the impact of demographic change across the area over the next five years and beyond. The pressure on existing provision and the need for more places across lower schools in the Leighton and Linslade area has been at the forefront of many of the discussions with what is an active partnership of schools, who have been actively engaged in identifying management options for their own schools and for the Council's commissioning of new provision.

Commissioning options

38. Following the transfer of the land at Pratts Quarry to the Council in late 2011, the Council is now in a position to commission a provider for these additional lower school places. Options for configuring provision on new sites can include the establishment of new schools, opportunities to enlarge and relocate existing schools, and can also enable the expansion of successful and popular schools across both current and new sites.

39. In evaluating options for commissioning provision on new sites the Council must have regard to a number of key principles including its statutory obligations to promote parental choice, diversity, high standards, the fulfilment of every child's educational potential and fair access to educational opportunity and also:

- The need to manage forecast growth in pupil numbers in the local area
- The need to provide local schools for local children, ensuring a sense of community belonging and also promoting sustainable modes of travel
- The need to create schools that are of sufficient size to be financially and educationally viable
- The ability to support the expansion of local popular and successful schools
- The potential to further promote and support robust partnerships and learning communities
- The ambition to achieve a single phase of education 0-19

40. Where the Council seeks to establish a new school, Section 37 of the Education Act 2011 requires Local Authorities to seek proposals from sponsors for the establishment of an Academy or Free School. The Secretary of State is the decision maker for any proposals received and in the absence of any coming forward from sponsors he may require the Council as the Local Authority to hold a competition to establish providers of a new foundation or voluntary school, as is currently the process.

41. Guidance and regulations related to this new legislation has yet to be published but the process effectively places the choice of successful sponsor for the new provision with the Secretary of State following a lengthy process that could delay the construction of the new provision in Leighton Buzzard. When discussed, this option gave rise to concern with local schools that a new sponsor may not integrate or add value with what is an effective local partnership of schools and may lead to prolonged pressures on existing schools already managing above planned admission numbers. It was also felt that a new school would be an unknown quantity in terms of standards and meeting parental preference.

42. As an alternative the Council is able to propose and is the decision maker for expansions to existing community, voluntary controlled, voluntary aided, foundation and trust schools. Where proposals are made to expand maintained schools there is a presumption within the statutory guidance for decision makers, of approval of those relating to popular and successful schools.

43. In consultation with local schools this is felt to be a favourable option providing an opportunity for a local popular and successful school with an established record in terms

of standards and parental preference to expand. The Council, as decision maker, would be able to confirm a preferred provider for the new site in a shorter timeframe enabling the design, construction and implementation process to be as short as possible and the continued impact of the immediate development on other local schools to be minimised.

44. The expansion of an existing school, effectively as an annexe to the existing school site would mirror federation arrangements elsewhere in Central Bedfordshire where schools are similarly managed and governed across two or more sites. This would also retain the school's existing site ensuring that the need to provide local schools for local children, ensuring a sense of community belonging and also promoting sustainable modes of travel was fulfilled.
45. This option will also enable the Council to work with the existing school to bring forward additional temporary measures on its existing site, which are expected to be required for September 2012 ahead of the new accommodation being ready which is not anticipated until 2013/14. This provides an excellent opportunity for the existing school to also grow its leadership and management capacity alongside the expanding school population, ensuring an effective transition to combine the new site in due course.
46. In order to assist the Council in evaluating the potential of this option all local schools were invited through the Transforming Learning Review meeting on the 15th November 2011 and subsequently by email, to express an interest should they wish to be considered to expand their existing provision to also encompass the extra lower school provision. Schools from each phase were asked to consider the invitation as were schools that did not meet the DfE criteria for popular and successful schools.
47. In early January a meeting was held with three local popular and successful lower schools that came forward in response to the invitation. Each school was provided with further DfE guidance which set out the key decision makers criteria for expansion of schools and a standard template with which to detail their individual proposals. The need to consider the approach they would each propose to take to the management of the expansion and a range of other criteria were discussed.
48. The 27th January 2012 was given as the deadline for return of the detailed submissions and these have now been evaluated by Children's Services. The criteria on which the evaluation has been based, along with a recommendation of a preferred school and rationale, is outlined in detail in Appendix E, an exempt report to the main New School Places programme report to the Council's Executive.

Conclusion

49. All three of these proposals, in accordance with the Education and Inspections Act 2006, constitute significant expansions of existing schools which each would require both informal consultation and the publication of Statutory Proposals. Therefore, it is recommended that Executive approve the commencement of informal and statutory consultation on the proposals to expand these existing schools to provide additional places as outlined within the report. The outcome of the informal and statutory consultation processes will be reported to the Council's Executive as final decision maker in August 2012.