

**Meeting:** Executive  
**Date:** 13 August 2013  
**Subject:** Commissioning New School Places for Implementation from September 2014.

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

**Summary:** This report seeks approval to commence three projects within the Council's New School Places Programme 2013/14 – 2017/18 where local pressures of demographic growth require new school places to be provided from September 2014.

**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:** Biggleswade North, Biggleswade South, Northill, Potton, Ampthill, Flitwick, Cranfield & Marston.

**Function of:** Executive

**Key Decision** Yes

#### **CORPORATE IMPLICATIONS**

##### **Council Priorities:**

The report supports Central Bedfordshire's Medium Term Plan: *Delivering your priorities – Our Plan for Central Bedfordshire 2012- 2016* and the specific priority of Improved Educational Attainment.

##### **Financial:**

1. The three proposals outlined in this report are contained with the Council's approved New School Places Programme 2011/12 – 2017/18 which is largely capital funded as outlined in Appendix A to this report through Basic Need Grant (actual and assumed) and S106 contributions. The Council's Executive approved this programme on the 19 March 2013. The capital costs of the proposed expansion of Church End Lower School have increased above the indicative gross cost reported to Executive on the 19 March 2013 but this will be met by an increase in Basic Need Grant funding of the project cash flowed within the New School Places Programme, avoiding any requirement for an increase in Council borrowing or use of reserves.
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. Where necessary, additional revenue support for relevant costs can be accessed on application through the Growth Fund established by the Schools Forum, for Schools and Academies that are undertaking significant expansion on commission from the Council.
4. Capital expenditure within the New School Places Programme 2011/12 – 2017/18 is subject to the Council's Code of Financial Governance and expenditure to commission feasibility studies and design work required for projects within this rolling programme has been approved by the Executive Member for Children's Services, in consultation with the Deputy Chief Executive/Director of Children's Services as per Section 4.10.7 of the Council's constitution.

**Legal:**

5. 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.
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. DfE regulations outline the requirements and process for proposals to expand Council maintained schools and these include full public consultation, the publication of statutory proposals and the decision making process. The Council is decision maker for proposals relating to maintained schools, one of which is set out in this report and relates to the proposed expansion of Church End Foundation Lower School, Marston.
8. The DfE has also produced guidance for Academies wishing to make significant changes including proposals to enlarge premises by a significant proportion. The process, which is overseen by the Education Funding Agency on behalf of the DfE, requires consultation and subsequent submission by the Academy of a report for determination by the Secretary of State. The proposals to expand Redborne Upper and Alameda Middle as set out in this report have not been required to follow this process as the proposed increases in capacity do not reach the trigger point set out in the DfE guidance.

**Risk Management:**

9. 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 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.

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.

Inability of schools to recruit suitable additional staff.

10. Without the formal process of strategic planning and implementation of required projects in place there is a risk that the DfE will not approve future allocations of Basic Need Funding to the Council. There is also a risk that Section 106 monies will not be able to be properly planned or achieve expenditure of funds in an appropriate and timely manner. This reinforces the importance of the Council adopting a new Development Strategy and Community Infrastructure Levy in 2014 to ensure that well designed appropriately located housing is supported by educational infrastructure.
11. The commissioning of each of the three projects in this report will include risk assessment and management criteria to ensure these and the proposed procurement route are clear to decision makers. Contract and construction risks will be overseen through the project management of the agreed projects which may be led by the schools, with appropriate safeguards in place as set out in the Procurement section below.

#### **Staffing (including Trades Unions):**

12. Staff and Trades Unions have been consulted on the proposals to expand the schools in this report as part of the informal and statutory consultation process required by regulations and DfE guidance.
13. Schools and Academies will have the support of their commissioned HR Providers where any proposals require changes in school staff structures or to terms and conditions of employment. The Council's Schools Statutory HR Team will monitor restructures to ensure redundancy charges to the Council are minimised and justified.
14. 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:**

15. The consultation and decision making process set out in regulation for proposals to expand Academies and Council maintained schools includes an evaluation on a project by project basis of any equalities and human rights issues that might arise.

**Public Health:**

16. Extended Services around School and Early Years settings will be further developed as a result of growing school populations.
17. The range of extended services that may be provided in schools includes:
  - Parenting and family support officers.
  - Transition support for pupils, schools and families.
  - Combined clubs and after school activities.
  - Holiday activities.
  - Support for vulnerable pupils and families i.e. siblings group and young carers.

**Community Safety:**

18. Whilst it is acknowledged that schools have an important role in working alongside a range of other agencies to ensure safety in their local communities, the expansion of the schools identified in the report does have the potential to increase community safety issues around the school locations. Inconsiderate parking, low level anti social behaviour, noise, litter etc. These are issues that can, in some instances, have a significant impact on residents living in the school vicinity and place additional demand upon the services responsible for dealing with them. To meet its statutory duty in relation to crime and disorder the Council will work with the schools to identify suitable design and management practice to ensure that community safety issues are considered and appropriate measures are put in place to mitigate any risks with regard to community safety issues in these areas.

**Sustainability:**

19. 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, alongside creating a better learning environment for the pupils.

**Procurement:**

20. 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. Where Schools or Academies are able to provide significant reassurance of their ability and capacity to procure and project manage the delivery of the required construction works, the Council will support this arrangement with appropriate oversight and governance in place.
21. Each proposal in the New School Places Programme is required by the Council's Policy Principles on Pupil Place Planning in Schools to be supported by a business case that establishes a guarantee of the quality of the new places being added to the system. Each business case is evaluated by officers and the outcome is considered as part of the final Executive approval of any proposal before approval to commence expenditure is given.

22. Where the school or Academy that is subject to an expansion proposal is also intended to procure and deliver the capital project with the support of the Council, the business case requires assurances of the capability and capacity of the school to deliver the proposal to time and on budget, based on their expertise and experience.

## **RECOMMENDATIONS:**

**The Executive is asked to:**

- 1. i. note that the procedures established by The Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended by The School Organisation and Governance (Amendment) (England) Regulations 2007 and The School Organisation and Governance (Amendment) (England) Regulations 2009, have been complied with in bringing forward the proposal to expand Church End Lower School, Marston as outlined in this report;**
  - ii. consider representations received in respect of the Church End Lower School proposal to the statutory notice as set out in Appendix B, issued on the 17 June 2013 under Section 19(1) of the Education and Inspections Act 2006;**
  - iii. approve the statutory proposal to expand Church End Foundation Lower School from a 270 place lower school for pupils aged 4+ to 9 to a 450 place lower school for pupils aged 4+ to 9 through the creation of a new second campus on a new site with an implementation date of September 2014. The school would have an admission number of 60 for the Church Walk site and an admission number of 30 at the new Marston Park site; and**
  - iv. approve the detailed business case attached at Appendix C 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 February 2014.**
- 2. approve the detailed capital business case attached at Appendix D to expand the Academy of Redborne Upper School from its current capacity of 1450 places to provide 1649 places with an implementation date of September 2014, 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 February 2014.**
  - 3. approve the detailed capital business case attached at Appendix E to expand the Academy of Alameda Middle School to expand from its current capacity of 600 places to provide 720 places with an implementation date of September 2014 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 February 2014.**

<i>Reason for Recommendations:</i>	<i>To ensure the Council continues to meet its statutory obligations to provide sufficient school places and also to meet the legal requirements placed on the Council by the Education and Inspections Act 2006 regarding proposals to expand maintained schools.</i>
------------------------------------	--

## **Executive Summary**

23. This report seeks approval to commence three projects originally outlined in a report on 19 March 2013 to the Council's Executive. At that meeting the Executive approved recommendations to commence consultation on the proposal to expand Church End Lower School in Marston. It also approved recommendations to invite the Academies of Redborne Upper and Alameda Middle to expand and to undertake any consultation and approval processes required as Academies by the Education Funding Agency. All three schools were asked to prepare business cases for approval by the Council's Executive in August 2013.
24. In March 2013 the Council's Executive also approved a recommendation to invite the Academy of Stratton Upper School to prepare a business case for approval by the Council's Executive in August 2013 and to undertake consultation and approval processes required as an Academy by the Education Funding Agency to expand from its current capacity of 1250 places to provide 1650 places with an implementation date of September 2014.
25. The forecast growth in Upper School pupil forecasts in the Biggleswade area has now been reviewed along with the proposed implementation date. As a result, and in order to give the Academy sufficient time to respond to recent Ofsted recommendations, prepare its business case, to procure architects to undertake detailed design for the expansion and to undertake the necessary approval processes required as an Academy by the Education Funding Agency, this project will now be reported to the Council's Executive in December 2013, for proposed implementation in September 2015. The Academy has confirmed its ability to accommodate forecast pupil numbers in the meantime and has already received a positive monitoring letter from Ofsted regarding its ability to respond to its recent inspection.
26. The three projects within this report result from local pressures of demographic growth which require additional school places to be provided by September 2014. All of the projects in this report relate to proposals to expand existing provision and no new Schools or Academies are created as a result.
27. Each of the proposals has been developed with support of the Governing Bodies or Board of the relevant school or Academy and each is aligned as set out in the report with the Council's Policy Principles for Pupil Place Planning in Schools as approved by the Council's Executive in February 2013.
28. Two of these proposals relate to the expansion of Academies and one relates to the proposed expansion of a Council maintained Foundation school. The Council is decision maker for proposals to expand Council maintained schools, whereas the Council can invite Academies to expand but proposals are subject to the Secretary of State's approval, depending on the scale of change proposed.

29. Proposals to enlarge schools and Academies by a significant proportion, defined in guidance, require consultation to be undertaken before approval can be considered. A consultation has been undertaken on the proposal to expand the Council maintained Church End Lower School, Marston and the outcome is set out in this report whereas the proposed expansion of the Academies of Redborne Upper School and Alameda Middle School have not been required by the Education Funding Agency to undertake consultation or to seek formal approval.
30. Each proposal in the New School Places Programme is required by the Council's Policy Principles on Pupil Place Planning in Schools to be supported by a business case in a format set by the Council that establishes a guarantee of the quality of the new places being added to the system. An evaluation of each business case is considered as part of the final Executive approval of any proposal and before approval to commence expenditure is given.
31. 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.
32. This report therefore seeks Executive approval to:
- consider the outcome of the consultation and determine the proposal to expand Church End Foundation Lower School, Marston;
  - consider the detailed capital business case for each project attached to this report; and
  - approve each project and commit to the required capital expenditure.

### **Church End Lower School, Marston**

33. In accordance with the Education and Inspections Act (EIA) 2006 DfE regulations outline the requirements and process for proposals to significantly enlarge Council maintained schools and these include full public consultation, the publication of statutory proposals and the decision making process. The Council is decision maker for proposals to enlarge maintained schools.
34. On the 19 March 2013 the Council's Executive approved the commencement of consultation and the publication of statutory notices for the proposal to expand Church End Lower School, Marston.
35. The initial consultation period for Church End Lower School commenced on 22 April 2013 to 20 May 2013. The Council worked in partnership with the school to undertake the consultation which included a public meeting, to ensure that the process followed that set out in Department for Education guidance and regulation.
36. The consultation materials, minutes of the public meeting and copies of all responses, is attached at Appendix B to this report. The initial consultation received 26 responses in total of which 87% indicated support.

37. On the 30 May 2013 the Deputy Chief Executive, Director of Children's Services considered the responses received to the initial period of statutory consultation and approved the publication of statutory proposals, under Section 19(1) of the Education and Inspections Act 2006.
38. The statutory notice was published in line with Department for Education guidance on 17 June 2013 along with evidence of the initial consultation and other information prescribed by regulation inviting further comment or objection to the proposals by the end of the representation period on 15 July 2013.
39. Copies of the Statutory Notice and the prescribed information for the proposal are also attached at Appendix B.
40. Only one representation was received to the proposal and this expressed support on behalf of Marston Moreteyne Parish Council.
41. In considering the proposal the decision maker may decide to reject, approve or to approve with modifications or conditions (e.g. the implementation date). In either case, the reasons for the final decision must be carefully recorded indicating the main factors considered and the reasons for the decision. A copy of the final decision must be forwarded to a range of bodies specified in guidance.
42. If the Council were to fail to decide these proposals within 2 months of the end of the representation period it must forward proposals, and any received representations, to the schools adjudicator for decision.
43. With regard to the capital works necessary to implement the proposals, it is proposed to procure these via the existing Local authority controlled SCAPE framework. Through this process, and following early engagement with the SCAPE contractors, the project can be procured and delivered on site ready for opening in September 2014. Early design work has been undertaken on the use of a part standardised design approach, tailored to meet the project's needs, and is now at the stage whereby a planning application is ready to be submitted. This would enable all consents to be in place ready for the commencement of construction at the end of 2013/early 2014.
44. However, this early work has also highlighted a number of unforeseen abnormalities related to the site, access, levels and services which were not evident when the initial indicative budget was developed. Working with the developer of the adjacent housing land, these can be overcome through mutually agreed variations to the original S106 agreement related to the school site (and school expansion land) and these have been agreed in principle with the developer. This would provide an alternative vehicular access to a larger school site area than originally proposed (through the acquisition of the expansion land at a reduced sum) and levels would be raised across the site to enable the services, access and other arrangements to work satisfactorily. These have been discussed at an early stage with both the Council's planners and highways officers who are supportive, in principle, of the changes but clearly this is still subject to approval by the Council's Development Management Committee.



45. The costs associated with the revised scheme, the acquisition of the larger school site area and the proposed funding thereof are set out in Appendix A to this report and within the detailed capital business case attached at Appendix C. The increased costs will be met through basic need grant and will not have a net impact on the Council through increased borrowing or a contribution from the Council's reserves.
46. The School's business case has been evaluated by the Council and the proposals comply with the Policy Principles for Pupil Place Planning in Schools and the school's ambition is aligned with the Council's Education Vision, as set out in the detailed capital business case for the project is attached at Appendix C.
47. Having followed the procedure required by regulation and in consideration of the key issues and factors for decision makers set out in guidance it is recommended that the proposal to expand Church End Foundation Lower school, as set out in this report and published by Statutory Notice issued on 17 June 2013, be approved with an implementation date of 1 September 2014. The detailed capital business case for the project, attached at Appendix C is also recommended for approval to enable commencement of the project and related expenditure.
48. The school is a foundation school and is therefore its own admissions authority. It is to operate a priority area for the new Marston Park site within its existing catchment area. Approval for this change to the school's current admission arrangements will be sought from the Office of the Schools Adjudicator by the school's Governing Body on Executive approval of the statutory proposal to enlarge the school.

#### **Redborne Upper School and Alameda Middle School**

49. On the 19 March 2013 the Council's Executive approved recommendations to invite the Academies of Redborne Upper and Alameda Middle to expand and to undertake any consultation and approval processes required as Academies by the Education Funding Agency. Each Academy was also asked to prepare business cases for approval by the Council's Executive in August 2013.
50. Proposals to significantly enlarge Academies are dealt with by the Education Funding Agency (EFA) which is responsible for operational work in relation to Academies. The significant enlargement of premises is defined in EFA guidance which sets out the process that must be followed by Academies seeking to make such changes.
51. Both Academies have received confirmation from the Education Funding Agency that the proposed scale of expansion set out in this report does not require its approval.
52. Each Academy has submitted a business case which has been evaluated by the Council and the proposals comply with the Policy Principles for Pupil Place Planning in Schools, as set out in the detailed capital business case for each project as attached at Appendix D and E.

- |     |   |
|-----|---|
| 53. | The detailed capital business case for each project is recommended for approval to enable commencement of the projects and related expenditure.   |
| 54. | The detailed business case for the proposal to expand Redborne Upper School does not include an additional capital grant of £422k which has been secured as a result of an application made by the Council on behalf of the Academy to the Education Funding Agency to meet the need for additional Post 16 places in the area as a result of demographic growth. This funding will be paid directly by the EFA to the Academy but will be pooled with the Council's financial contribution to procure the required capital works on the school site. |

**Appendices:**

Appendix A - New School Places Programme 2011/12 – 2017/18

Appendix B – Consultation materials, responses and Statutory Notice – Church End Lower School

Appendix C – Detailed Business Case - Church End Lower School

Appendix D – Detailed Business Case – Redborne Upper School

Appendix E – Detailed Business Case – Alameda Middle School