

**Meeting:** Executive  
**Date:** 19 August 2014  
**Subject:** Commissioning of New School Places for Implementation from September 2015 and September 2016 in Central Bedfordshire

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

**Summary:** This report outlines three projects within the Council's New School Places Programme where local pressures of demographic growth require new school places to be provided from September 2016 in Biggleswade and in Silsoe and a further project to provide new school places in Stotfold with a target implementation date of September 2015. The report seeks approval to commence the first three projects which have been subject of a previous report to Executive in December 2013. For the remaining project to provide new school places in Stotfold the report seeks approval to commence consultation on the permanent expansion of the school, the outcome of which will be reported to the Council's Executive in December 2014, and to commence capital expenditure to relocate pre school provision within the school's existing site as a result of the need to accommodate existing pressures on the school's capacity.

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

**Contact Officer:** Karen Oellermann, Assistant Director, Commissioning and Partnerships

**Public/Exempt:** Public

**Wards Affected:** Biggleswade North, Biggleswade South, Stotfold and Langford, Silsoe and Shillington.

**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 proposals outlined in this report are contained within the Council's New School Places Programme 2014/15 – 2019/20. All of the projects for which approval to commence is now sought are capital funded through the Basic Need Grant and S106 contributions as outlined in Appendix D to this report. The current programme represents a total investment of £106M in New School Places since its commencement in 2011/12. The four projects recommended for commencement in this report account for £16.8M of S106 and grant expenditure. In December 2013 the Department for Education (DfE) announced the allocation of Basic Need Grant to the Council for 2014/15 to 2016/17 representing a significant increase on previous years and was reflected in the detailed capital business case for the programme which has been approved as required by the Council's constitution for the New School Places Programme. The proposed relocation of Pippin Pre School on the Roecroft Lower School site in Stotfold is a change to the approved business case for the programme although expenditure remains aligned with the Council's approved capital programme and Medium Term Financial Plan. If the recommendations within this report are approved a revised business case will be submitted for approval as required by the Council's constitution.
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 and will increase accordingly in an expanded school.
3. 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 Growth Fund established by the Schools Forum.
4. 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 Children's Services, in consultation with the Deputy Chief Executive/Director of Children's Services as required by 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 2013 and the School Organisation (Prescribed Alterations to Mainstream Schools) (England) Regulations 2013.

7. DfE regulations and guidance 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 able to propose the expansion of maintained schools and is also decision maker for those proposals, two of which have been subject of previous consultations as set out in this report with recommendations to now approve the proposed expansions of Edward Peake CofE VC Middle School and Silsoe CofE VC Lower School.
8. In considering the proposals 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 decisions must be carefully recorded indicating the main factors considered and the reasons for the decision. A copy of the final decisions must be forwarded to a range of bodies specified in the guidance.
9. 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.
10. As reported to the Council's Executive on 10 December 2013 the proposed expansion of Silsoe CofE VC Lower School also requires the school's relocation to a new site within the village. The transfer to the new site, although represented clearly within the consultation documents, did not in itself require a separate statutory proposal by the Governing Body of the Voluntary School as the distance between the existing and new school sites is less than two miles, the qualifying distance set out in regulation.
11. If the school's relocation and expansion is approved as recommended within this report it will be the Council's legal obligation to transfer the footprint of any permanent structures on the new site, as a Voluntary School, to the Diocese of St Albans. The existing school site will be surplus to requirements and the Executive approval will trigger the commencement of processes to seek Secretary of State consent to dispose of the existing site and playing fields.
12. The Secretary of State will consider the suitability of the land for use by a potential Academy (including a potential free school promoter) as part of the process. Approval to dispose of the Children's Centre constructed on the existing site will also be subject to separate approvals by the DfE as a result of clawback provisions within the original grants used to establish the provision. The asset value of these buildings must be reinvested in similar provision elsewhere in the area.
13. The Secretary of State's approval of an application to dispose of the land cannot be guaranteed however the Church of England Diocese of St Albans has indicated its support of the proposal to seek to dispose of the existing site and playing field and to utilise the resulting capital receipt to offset a proportion of the Basic Need Grant which is to be allocated to the project through the Council's New School Places programme.

14. The DfE guidance for decision makers of school organisation proposals contains a number of key factors to be considered along with the views submitted throughout the consultation process, including all objections to and comments on the proposals. The guidance is clear that these factors should not be taken to be exhaustive and all proposals should be considered on their individual merits.
15. The factors outlined in statutory guidance for school organisation proposals include:
- Consideration of consultation and representation period
  - Education standards and diversity of provision
  - Demand
  - School size
  - Proposed admission arrangements
  - National curriculum
  - Equal opportunity issues
  - Community cohesion
  - Travel and accessibility
  - Capital
  - School premises and playing fields.
16. The DfE has also produced guidance for Academies wishing to make significant changes including proposals to enlarge premises. The process, which is overseen by the Education Funding Agency on behalf of the DfE requires an Academy to undertake consultation and to obtain consent of the Secretary of State before implementation. As an Academy Stratton Upper School was invited to expand by the Council's Executive in March 2013 to provide required additional school places across the upper school age range in Biggleswade. As a result the Academy has followed the process set out by the DfE and its approval will be sought subject to approval by the Council's Executive of the recommendation set out in this report.

**Risk Management:**

17. All proposals to commission new school places and to allocate related capital investment outlined in this report implement the identified need to manage demographic growth in the previously published school organisation plan and mitigate the risk on the Council of failing in its statutory duty to provide sufficient school places.

18. 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, of anticipated levels of government grant and of capital receipts.

Potential for overspend on any project within the programme

- Inability of schools to recruit suitable additional staff.

19. 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 utilised or achieve the expenditure of funds in an appropriate and timely manner.

20. The commissioning of projects in the New School Places Programme 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 Schools or Academies, with appropriate safeguards in place as set out in the Procurement section below.

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

21. Staff and Trades Unions are consulted on all proposals to expand schools and Academies as part of the informal and statutory process required by regulations and DfE guidance.

22. 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.

23. 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:**

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

25. Public authorities have a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and to foster good relations in respect of the following protected characteristics: age, disability, gender re-assignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
26. This statutory duty includes requirements to:
- Remove or minimise disadvantages suffered by people due to their protected characteristics.
  - Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
  - Encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
27. As decision maker for the proposals relating to Edward Peake CofE Middle School, Silsoe CofE VC Lower School and for the commissioning of upper school places at Stratton Upper School the Council has considered that there are no race or disability discrimination issues that arise from the changes being proposed.

#### **Public Health:**

28. Extended Services around School and Early Years settings will be further developed as a result of growing school populations.
29. 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

#### **Community Safety:**

30. Whilst it is acknowledged that schools have an important role under Section 17 of the Crime and Disorder Act 1998 to work alongside a range of other agencies to ensure safety in their local communities, the expansion of any school does have the potential to increase community safety issues around the school's location. These could include 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 need to work with these schools to ensure that community safety issues are considered and appropriate measures are put in place to mitigate any risks. The potential to further promote and support robust partnerships is one of the principles by which options for new school places are evaluated.

### **Sustainability:**

31. 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:**

32. 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 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 to time and on budget, the Council will support this arrangement with appropriate oversight and governance in place.
33. 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 subject of 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 is given.

### **RECOMMENDATIONS:**

#### **The Executive is asked to:**

1.
  - i. **confirm that the procedures established by The Education and Inspections Act 2006 (EIA 2006) and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, have been complied with in bringing forward the proposals to expand Edward Peake CofE VC Middle School, Biggleswade and Silsoe CofE VC Lower School as outlined in this report;**
  - ii. **confirm receipt of a representation in respect of the proposal to expand Silsoe CofE VC Lower School and the statutory notice as set out in Appendix A, issued on the 2 June 2014 under Section 19(1), of the Education and Inspections Act 2006. No representations were received in respect of the proposal to expand Edward Peake CofE VC Middle School and the statutory notice as set out in Appendix B, issued on the 2 June 2014 under Section 19(1), of the Education and Inspections Act 2006;**
  - iii. **approve the statutory proposal to expand Edward Peake Cof E VC Middle School, Biggleswade from its current capacity of 480 places to provide a total of 600 places with an implementation date of September 2016 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 September 2015;**

- iv. **approve the statutory proposal to expand Silsoe CofE VC Lower, Silsoe from its current capacity of 135 places to provide a total of 225 places, a 8 place SEN provision for children with Behaviour Emotional and Social Difficulties and a 45 place pre school with an implementation date of 1 September 2016 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 September 2015.**
- 2. **approve the proposal to expand the Academy of Stratton Upper School in Biggleswade from its current capacity of 1250 places to provide 1650 places with a phased implementation date of 1 September 2016, thereby approving the commencement of the project and related expenditure, subject to the approval of the Education Funding Agency and the grant of planning permission under Part 3 of the Town and Country Planning Act 1990 by 1 September 2015;**
- 4. **approve the commencement of consultation and the publication of statutory notices for the proposal to permanently expand Roecroft Lower School, Stotfold from its current capacity of 300 places to provide a total of 450 places with an implementation date of September 2015. The school will also be invited to prepare a business case which will be subject to approval by the Council's Executive in its final determination of the proposal in December 2014;**
- 6. **approve the capital expenditure from the Council's New School Places Programme, as indicated in Appendix D to relocate Pippin Pre School within the boundary of Roecroft Lower School, Stotfold to enable existing and future pressures on Roecroft Lower School's accommodation to be managed.**

*Reason for Recommendations:*

*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. Commitment to expenditure and final approval of the proposal set out in recommendation 4 will be determined by the Council's Executive in December 2014, informed by the outcome of the consultation exercises and business case which is to be prepared by the School.*

### **Executive Summary**

- 34. This report outlines three proposals within the Council's New School Places Programme where local pressures of demographic growth within each school's existing catchment area require additional school places to be provided by September 2016. These relate to Edward Peake CofE VC Middle School and Stratton Upper School in Biggleswade and Silsoe CofE VC Lower School in Silsoe.



35. Each of the three proposals for implementation in September 2016 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.
36. These proposals were originally reported to the Council's Executive on the 10 December 2013 and each was invited to undertake consultation as required by regulation, and to prepare a business case the outcome of which is set out in the relevant appendices to the report. These three expansions are now recommended for approval, to commence each project and related capital expenditure.
37. This report also recommends commencement of statutory consultation to permanently expand Roecroft Lower School in Stotfold as a result of continued and forecast demographic growth in that area and the admission to the school of a third reception class from September 2014, an increase which is forecast to be sustained in future years.
38. The report also sets out the rationale for relocating existing pre school provision currently accommodated within the main school building, to an alternative location on the school site.
39. In December 2013 the Council's Executive also invited Houghton Regis Academy to prepare a business case to expand from its current capacity of 480 places to provide 900 places for pupils aged 11 to 16 years of age, plus Sixth Form with a phased implementation date from September 2016 as a result of the anticipated commencement of the proposed North Houghton Regis development.
40. Likewise, subject to timing and rate of housing developments in Arlesey and Houghton Regis, the Council's Executive also approved commencement of the processes as set out in that report to invite Academy/Free School proposals for the establishment of new Primary and Lower school provision in those areas.
41. As a result of delayed housing development it is now forecast that these new places will not be required within the original proposed timeframe and it is likely that these projects will not be reported to Executive before March 2015 at the earliest.

#### **Edward Peake CofE VC Middle School and Silsoe CofE VC Lower School**

42. 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.
43. On the 10 December 2013 the Council's Executive approved the commencement of consultation and the publication of statutory notices for the proposals to expand Edward Peake CofE VC Middle School and Silsoe CofE VC Lower School in Silsoe.

44. The initial consultation period for both proposals commenced on 3 March 2014 to 31 March 2014. The Council worked in partnership with each school to undertake the consultation which included public and staff meetings, to ensure that the process followed that set out in Department for Education guidance and regulation.
45. The consultation materials, minutes of the public and staff meetings and copies of all responses, is attached at Appendices A and B to this report. The initial consultation for the proposal to expand Edward Peake CofE VC Middle School received 58 responses in total of which 84% indicated support. The initial consultation for the proposal to expand Silsoe CofE VC Lower School received 24 responses in total of which 87% indicated support.
46. As a result of the responses received to the initial period of statutory consultation statutory notices (under Section 19(1) of the Education and Inspections Act 2006) were published in line with Department for Education guidance on 2 June 2014 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 30 June 2014.
47. Copies of the Statutory Notice and the prescribed information for each proposal are also attached at Appendices A and B.
48. No representations were received to the proposal to expand Edward Peake CofE VC Middle School. A letter of support from the St Albans Diocese was the only representation received to the proposal to expand Silsoe CofE VC Lower School. The representation is attached to this report as part of Appendix A.
49. Each School has submitted a business case which has been evaluated by Council officers. The proposals comply with the Policy Principles for Pupil Place Planning in Schools and each school's ambition is aligned with the Council's Education Vision. Each school's business case is attached at Appendices E and F.
50. 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 proposals to expand Edward Peake CofE VC Middle School and Silsoe CofE VC Lower School, as set out in this report and published by Statutory Notice issued on 2 June 2014, be approved with an implementation date of 1 September 2016.

### **Stratton Upper School**

51. The DfE has also produced guidance for Academies wishing to make significant changes including proposals to enlarge premises. In response to the invitation from the Council's Executive in December 2013, the Academy consulted on its proposed expansion between 14 May 2014 to 20 June 2014. The Academy's Governing Body met on the 30 June 2014 and determined to proceed with the proposal and submit an application to the DfE. The Academy has also produced a business case which is attached to this report at Appendix C.

52. The business case has been evaluated by Council officers and the proposal complies with the Policy Principles for Pupil Place Planning in Schools and the school's ambition is aligned with the Council's Education Vision. It is recommended to approve the proposed expansion of the Academy to enable commencement of the project and related expenditure.
53. The Academy must still seek the approval of the Education Funding Agency so the Council's approval will be subject to the Secretary of State's consent.

### **Roecroft Lower School and Pippin Pre School**

54. In April 2009 Central Bedfordshire inherited the legal obligation to implement the former County Council's statutory proposal to relocate Roecroft Lower School and enlarge it by a full form of entry to provide a total of 300 lower school places (2 form entry) on its new site by September 2010 to accommodate demographic growth as a result of the major housing development on land south of Stotfold.
55. In November 2009 the Council's Executive approved the capital funding to relocate and enlarge Roecroft Lower School but with an amended implementation date of September 2011 and the final design for the new school was approved by the Council and included flexibility for potential further expansion. The new school site also accommodated Pippin Pre School, a 60 place, Ofsted Outstanding committee managed non-profit making registered charity, within the main school building, but as a separate and independent provision.
56. Pupil numbers in the enlarged school have grown since it was completed and it has accommodated total numbers on roll of 158 in 2011, 194 in 2012, 242 in 2013 and 269 in 2014 (January school census) with limited spare capacity now remaining as its planned year groups of 60 feed through the school.
57. In December 2013 the Council approved the expansion of St Marys Academy in Stotfold to also provide a total of 300 lower school places (2 form entry) by September 2015. The rate of continued housing development, the local impact of the increased birth rate which is evident also at national level and the inability of neighbouring authorities to accommodate the preference of some Stotfold parents applying for a school place outside of the area all contributed to the additional pressure on local places.
58. Pupil forecasting undertaken in March 2014 with January school census, area health authority and housing trajectory data was compared to school capacities in the area and enhanced with information on admissions applications made in the Starting School round for September 2014 which closed in January 2014. This indicated the further need to provide additional Year R places for September 2014 ahead of those that would be added to local capacity through the expansion of St Marys Academy in 2015, at a level that would be sustained.
59. The resulting admissions allocation process for the national offer day of 16 April 2014 illustrated the impact for catchment applicants who were unsuccessful in achieving their preference of a Stotfold school place with next nearest allocations displacing children beyond their local community.

60. As a result and with the School's consent, the Council commissioned an additional reception class to be admitted at Roecroft Lower School in September 2014, utilising a single surplus classroom. A further allocation of these places took place on 24 April 2014 providing a local place to all on time catchment applicants.
61. Area health authority data indicates total pre school numbers of children already living within the area who may seek a reception year place in a mainstream school in Stotfold of 112 in 2015, 126 in 2016 and 126 in 2017. In addition, through to 2018 further housing development on existing housing sites, on land with approved planning applications and site allocations could eventually provide 328 dwellings and associated pupil yield of just below 15 additional pupils per year group. For all previously unforeseen proposals of housing development brought forward in the Stotfold area the Council's School Organisation, Admissions and Capital Planning Service is seeking capital and land from developers to accommodate additional growth.
62. This data illustrates the sustained demographic demand in the Stotfold catchment area for five forms of entry (150 places per year group) of Lower School provision, an increase of one form of entry (30 places per year group) over existing accommodation provided by St Marys Academy and Roecroft Lower School.
63. As a result of the third reception class admitted in September 2014, Roecroft Lower School will require additional capacity to accommodate a further potential intake of 90 children to Year R in September 2015. The permanent enlargement of the school is recommended as a result of the evidence of sustained demographic demand.
64. In terms of the Council's Policy Principles for Pupil Place Planning in schools this proposal will provide local places for local children promoting sustainable modes of travel and will create a lower school of the maximum size of 450 places. It will mean expansion of a popular and Ofsted rated Outstanding school. A feasibility study has already been commissioned to inform the design process and ensure that capital investment in the expansion of the school also seeks opportunities to create inspirational learning environments for the school and to maximise community use.
65. In addition, the outcome of an initial evaluation of site options for the additional accommodation required by the school in September 2015 and, if approved also for the permanent enlargement of the school, has indicated the need to relocate Pippin pre school by re-providing its accommodation in an alternative location on the school site.
66. Design work is now underway on this proposal in liaison with the pre school and planning consent is intended to be sought in September 2014 to enable the new accommodation to be constructed in time for handover in February 2015. The capital cost of this work, indicated in Appendix D, will be met from the Council's New School Places Programme, funded by DfE grant.

## **Conclusion**

67. The proposed expansions of Silsoe CofE VC Lower School and Edward Peake CofE VC Middle School have followed required statutory processes and are now recommended for Executive approval.
68. The proposal to expand the permanent capacity of the academy of Stratton Upper School has been subject of DfE required consultation and is now recommended for Executive approval, subject to DfE approval.
69. The proposal to expand Roecroft Lower School, in accordance with the Education and Inspections Act 2006, constitutes a significant expansion of the existing school which requires both informal consultation and the publication of a Statutory Notice before the Council can finally determine the proposal.
70. Therefore, it is recommended that Executive approve the commencement of informal and statutory consultation on the proposals to expand the community school of Roecroft Lower School to provide additional places as outlined within this report, the outcome of which will be reported to the Council's Executive for determination in December 2014.

## **Appendices:**

Appendix A – Silsoe CofE Lower School, consultation materials, responses, Statutory Notice, representation received.

Appendix B – Edward Peake CofE Middle School, consultation materials, responses, Statutory Notice

Appendix C –Stratton Upper School Business Case

Appendix D –New School Places Programme 2013/14 – 2017/18 – Projects for September 2016 implementation

Appendix E - Silsoe CofE VC Lower School Business Case

Appendix F - Edward Peake CofE VC Middle School Business Case