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EXECUTIVE MEETING:

31 March 2015

Commissioning of New School Places in Leighton Linlade and Cranfield

Report of: Cllr Mark Versallion Executive Member for Children's Services
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Advising Officer: Sue Harrison, Director of Children's Services
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Key Decision

Purpose of this report

1. To report the outcome of the consultation undertaken at the invitation of the Council by the Governing Body of Cranfield Church of England Academy on the proposal to provide new school places from September 2016. The Academy serves a catchment area within the Cranfield and Marston Moretaine Ward.
2. To report the outcome of the consultations undertaken with the support of the Council by the Governing Bodies of Leedon Lower Community School and Clipstone Brook Lower Community School on the proposals to provide new school places from September 2015. These two schools serve the Leighton Buzzard South Ward.
3. To provide the Council's Executive with each school's business case for expansion and to recommend approval of each proposal and commencement of the capital projects.
4. To delegate authority to the Director of Children's Services to approve contractual arrangements to undertake the required capital works for each of the three proposals within this report.

RECOMMENDATIONS

1. **Approve the proposal to expand Cranfield Church of England Academy from its current capacity of 300 places to provide 450 places over two sites with an 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 August 2015.**

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- 2. Approve the proposal to expand Leedon Lower Community School from its current capacity of 300 places to provide 450 places with a phased implementation date of 1 September 2015, 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 June 2015.**
- 3. Approve the proposal to expand Clipstone Brook Lower Community School from its current capacity of 225 places to provide 375 places with a phased implementation date of 1 September 2015, 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 June 2015.**
- 4. Delegate authority to the Director of Children's Services to approve contractual arrangements to undertake capital works required to deliver the proposed projects in this report.**

Children's Services Overview and Scrutiny

5. This report was presented to Children's Services Overview and Scrutiny Committee at its meeting on the 10 March 2015 and the Committee was asked to support the recommendations set out within the report. The views of the Committee will be reported to Executive at its meeting.

New Lower School Places in Cranfield

6. On the 14 May 2013 the Council's Executive received a report setting out the background of forecast demographic growth in Cranfield as a result of two significant housing developments planned in the area at land to the rear of Central Garage off Flitt Leys Close and at Home Farm, totalling approximately 535 dwellings in total.
7. The area is served by Cranfield Church of England Academy which is in the immediate proximity of the new developments and therefore ideally placed to cater for the growing local population.
8. The Council's Executive approved a recommendation to invite the Academy to prepare a business case, and to undertake consultation and approval processes required as an Academy by the Education Funding Agency to expand from its current capacity of 300 places to provide 450 places across its current site and onto a new second site.

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9. The outcome was originally intended to be subject to approval by the Council's Executive in December 2013 with a proposed implementation date of September 2015.
10. In November 2013 the development to the rear of Central Garage off Flitt Leys Close was approved for some 135 homes and the new school site was also allocated within the development to be transferred to the Council on request. The development started to build out on site in 2014.
11. The Home Farm development, originally given outline planning approval in 2007 has however been delayed and the anticipated additional demand from that development for local school places within the lower school age range has not therefore been forthcoming to date.
12. In June 2014 an application to modify the original planning obligation attached to the 2007 planning permission was received by the Council and as a result it is now anticipated that the development will commence in 2015.
13. The Academy has been over subscribed by on time starting school applications for September 2015 and all of the current 60 reception places on offer will therefore be allocated. In previous years the Council has also received a large number of late starting school applications and subsequent in year applications between September and November due to the fluidity of the local demographic and specifically the influence of Cranfield University.
14. As a result and with the Flitt Leys Close development continuing to build out, a third Reception class is to be provided for September 2015 at Cranfield Academy's current site. The Academy will utilise temporary accommodation for the 2015/16 academic year which is to be relocated from Church End Lower School in Marston, no longer required as a result of the completion of that school's recent permanent expansion, in advance of its own permanent new build second site if this proposal receives Executive approval.
15. In response to the Council's Executive decision in May 2013 the Academy consulted from May to July 2013 on the proposal to expand the school onto a second site. This consultation was repeated in December 2014.
16. The consultation materials and a summary of responses received are attached at Appendix A to this report. The consultations for the proposal to expand the Academy received 46 responses in total of which 45 respondents indicated support.
17. The Academy's Governing Body has confirmed its support for the proposal and the Academy has worked with the Council in developing a design proposal for the new school site to provide a one form entry

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(150 place) lower school with additional provision for 45 nursery places also required by the growing demographic in the area.

18. It is intended that the new school will be procured through the OJEU compliant public sector owned national SCAPE Framework for major works that also offers new school standardised design solutions. These include Sunesis which is a joint venture between Scape and Willmott Dixon offering a range of designs and recently commissioned by the Council at Forest End, Marston, at Greenleas Kestrel Way in Leighton Buzzard and St Andrews Lower School in Biggleswade.
19. Sunesis provides the Council with certainty of programme, cost and quality with defined layouts and specifications that are aligned to DfE area guidelines for school buildings while also providing opportunities to make variations where an appropriate educational justification exists or site constraints prevail.
20. The proposed design will be the subject of consultation meetings with the local community in Cranfield to assist in addressing concerns relating to site access and transport issues to inform a planning application to the Council in May 2014.
21. The Academy, which was rated as Good with Outstanding features by Ofsted at its last inspection in October 2014, as it was also in June 2010, is aware that it will also be required to seek EFA approval if this Executive recommendation is approved.

New Lower School Places in Leighton Linslade

22. On the 9 December 2014 the Council's Executive received a report setting out the background of forecast demographic growth in Leighton Linslade from September 2015.
23. The report outlined the specific requirement for an additional 2 forms of entry of lower school provision from 2015/16 to cater for children living within the catchments of lower schools to the south of Leighton Linslade as the majority of forecast unmet demographic demand is being driven by pupil yield from new and anticipated housing towards the south east of the town.
24. Advice was also provided that feasibility studies are also underway on options for additional middle school places, anticipated to be required in September 2016 and 2017 in the Leighton Linslade area, the outcome of which will be subject of a report to Executive in 2015.
25. The report was clear that the need to provide additional lower, and in due course middle school places to serve the Leighton Linslade area from 2015 was as a result of the existing demographic and further yield expected from the south east of the town. In addition, the report outlined future growth forecast from the Land East of Leighton housing

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development that will eventually include two 2 form entry lower schools, or a total of 120 places per year group. The timing of the phased introduction of this new provision will be in line with the rate of development on site, but is expected to be required from September 2017.

26. Ward Councillors in the area received a briefing on the Council's forecasts of demographic growth and the need to plan for additional school places in the area from September 2015.
27. As a result the Council's Executive approved recommendations to support the commencement of consultations by the Governing Bodies of Leedon Lower Community School and Clipstone Brook Lower Community School to permanently expand each school from 1 September 2015. Both schools are within walking distance of the new housing developments and are Ofsted Good schools with sites capable of expansion, key principles of the Council's commissioning of new school places.
28. Each school was also invited to prepare a business case which would be subject to approval by the Council's Executive in its decision to approve the proposals.
29. The Governing Body of Leedon Lower Community School undertook a consultation between 15 December 2014 and 23 January 2015. The school has provided a summary of the results, including two objections received from local schools. The Governing Body has also provided its own reaction to the main issues that arose attached at Appendix B.
30. The Governing Body of Clipstone Brook Lower Community School undertook a consultation between 12 December 2014 and 23 January 2015. The school has also provided a summary of the results, including two objections received from local schools, attached at Appendix C.
31. The majority of respondents to each proposal were supportive although concerns were raised in relation to transport, the need for additional school places and the potential to make other schools unviable if a significant surplus of school places were to be created.
32. The main issue recorded as a concern by residents living in the proximity of each school related to traffic and the potential of an expanded school to increase congestion in and around the immediate area of the school. Throughout the consultation it has been made clear that it is increases in the local demographic that is driving the need for more school places and these local children could walk, although parents may chose to drive as a result of work or other family commitments.
33. Section 508A of the Education Act 1996 (as amended by the Education and Inspections Act 2006) places a duty on local councils to promote

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the use of sustainable transport on the home to school journey. The Council's Highways Officers have assisted in the development of the proposals and a range of highways measures are proposed to improve vehicle and pedestrian routes to and from each school site. These will support the planning applications that have been submitted for each proposal.

34. Each school is also being supported to review and refresh its own travel plan to reduce the number of vehicle trips to the school site by encouraging and/or developing alternative travel options and to raise awareness about travel issues such as air pollution and road safety.
35. The need for places was set out clearly in the report to Executive in December 2014. The report explained that in total there are currently approximately 640 school places in each lower school year group in schools within the Leighton Buzzard planning area. From September 2014 the 640 places available in Year R are accommodating a total of approximately 550 children.
36. The report set out that the number of children who will be of reception age in September 2015 and already living in the area, including additional yield from new housing to be built and occupied in the forthcoming year was forecast to be approximately 700.
37. The accuracy of that forecast is verified by the 660 on-time first preferences now received by the Council for starting school in Leighton Buzzard schools in September 2015. Schools in this area have historically attracted a high number of late applications with 49 late applications for September 2014 received from parents living in Leighton Buzzard with a further 9 late applications from Linslade although it is anticipated that targeted promotion of the 2015 admissions round will have reduced the potential for this high level to be repeated.
38. In September 2016 the size of the Year R cohort is predicted to be approximately 600 and in September 2017 approximately 680. Although the deficit in 2015 requires the additional 2 forms of entry (60 places) in reception in that year alone, it is acknowledged that this may not be immediately sustained in 2016/17 but is forecast to be required from 2017/18 as the area continues to see significant housing development to the south of the town.
39. One of the responses to the consultation questioned the rationale to provide the additional school places from September 2015 and quoted the Council's own School Organisation Plan which makes reference to the need for growth to be accommodated from 2017. The reference was however in relation to pupil yield anticipated from the housing development on land east of Leighton Buzzard which will eventually require an additional two Lower Schools each accommodating 2 forms of entry.

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40. The proposals in this report are intended to accommodate growth in the existing demographic and from further pupil yield from housing development in the south east of the town which is forecast to see a further 1000 dwellings built in the next five years.
41. The Council must balance the need for sufficient school places in the short term, the forecast of fluctuations in the existing demographic over the next two years, the specific area of need in the locality and the inevitability of additional yield from housing in the area, against the supply of places in existing schools when seeking to commission new places. This is particularly relevant given the challenge for less popular schools in the area to achieve sufficiently high sustainable intakes to make them financially efficient and educationally viable.
42. It would be inappropriate to bring forward new places that are not required by the demographic but the Council also has a duty under the section 9 of the Education Act 1996 and s86 of the School Standards and Framework Act 1998 to promote parental choice and the DfE suggests a surplus of 5-10% in places should be provided across an area to give operational flexibility and to enable parents to have a level of choice for schools.
43. Each school has worked with the Council in developing a design proposal for the expanded school sites to provide an additional one form entry (150 places).
44. The designs have taken account of existing accommodation in comparison with DfE area guidelines for school buildings to ensure that facilities are available that are appropriate for teaching and learning for the size and age range of the schools.
45. The expansion of Clipstone Brook Lower Community School will provide an extension for new classrooms including cloakrooms, toilets and a library area. A new staffroom and drama room will also be provided and externally a revised access drive and parking will be provided in addition to an extension of hard play.
46. The expansion of Leedon Lower Community School will provide new classrooms in a separate block to the existing. An extension of the school's entrance lobby and the main hall is to be provided and improvements are to be made to increase accessibility for disabled students.
47. Both schools are rated as Good by Ofsted at their last inspections and the Governing Body of each school has reiterated its support for the proposed expansions.

Reasons for decision

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48. Each of the three proposals set out in this report represent the commissioning of new school places required by the Council to ensure it continues to comply with its legal obligation to meet the needs of the local demographic.
49. Each of the proposals has followed the processes required by DfE guidance on Governing Body proposals to make changes to maintained schools and separate guidance for Making Significant Changes to an Academy.
50. Each School has submitted a business case which has been evaluated by Council officers and is provided within the Appendices attached to this report. The proposals comply with the Council's Policy Principles for Pupil Place Planning in Schools and each school's ambition is aligned with the Council's Education Vision.
51. Each project is fully capital funded through the Council's New School Places Programme, as set out in the financial implications section of this report.

Council Priorities

52. 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.

Legal Implications

53. 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. S14A of the Education Act 1996 imposes a duty to consider parental representations about the exercise by local authorities of their functions in relation to the provision of primary and secondary education.
54. 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.
55. 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.
56. The relevant officers have confirmed that the Council has complied with the legal process with regard to the proposals set out in this report and the information supplied supports this position.

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57. New DfE guidance for proposers and decision makers regarding school organisation in maintained schools was published in January 2014 by the Department of Education to support the new School Organisation (Prescribed Alterations to Mainstream Schools) (England) Regulations 2013.
58. This guidance can be viewed at:
<https://www.gov.uk/government/publications/school-organisation-maintained-schools>
59. The Council is able to propose the expansion of maintained schools and is also decision maker for those proposals. As a consequence of changes introduced by the new 2013 regulations and guidance Governing Bodies are now able to propose to make a range of changes to their schools without following a formal statutory process, this includes expansion. These new powers have been used by the Governing Bodies of Leedon Lower Community School and Clipstone Brook Lower Community School in proposing permanent expansion.
60. Each Governing Body has been required to adhere to the usual principles of public law: they must act rationally; they must take into account all relevant considerations; and they must follow a fair procedure. Therefore, each Governing Body has liaised with the Local Authority and has undertaken consultation with parents and other interested persons on the proposed changes. They must ensure that they have secured capital funding and any consents necessary for making changes to land and buildings, including Planning consents before the changes can be implemented. Once the changes have been implemented, the Governing Body must inform the Secretary of State.
61. New DfE guidance for making significant changes to an existing academy was also published in January 2014 by the Department of Education. The guidance set out the range of potential changes that an Academy could propose and the process that would need to follow to secure the approval of the Secretary of State.
62. A proposal to increase the physical size of the school, including setting up a satellite school, is considered a fast track change and does not require a business case to be submitted but does require the Academy to provide the Secretary of State (through the Education Funding Agency) with all relevant information to show that it has consulted with appropriate stakeholders (including the diocesan authority in relation to a faith school), secured funding, secured planning permission and that the proposal is aligned with place planning in the local authority area.
63. Expansion of any existing academy onto a satellite site will only be approved by the Secretary of State if it is a genuine continuance of the same school. The Secretary of State will consider the reason for the expansion, the admission and curriculum arrangements, the proposed Governance and administration arrangements and the physical

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characteristics of the school to determine the level of integration between the two sites. The more integration, the more likely the change can be considered to be an expansion rather than a new school.

64. The proposal to expand Cranfield Academy as set out in this report will be required to follow this process if the Executive recommendation is approved.

Financial Implications

65. The Council's New School Places Programme is funded by developer contributions and Basic Need grant income from the Department for Education (DfE) although on published planning assumptions the programme also reflects a significant capital contribution that the Council would be required to provide from its own resources of approximately £2.1M in 2015/16, £7.3M in 2016/17, £18.3M in 2017/18 and £11.8M in 2018/19.
66. These forecast net costs and profiles of income and expenditure reflect the outcome of the 2014 annual review of the Council's New School Places programme, demographic forecasts, housing trajectories on new developments, the capital cost of commissioning new places and anticipated income.
67. In February 2015 the DfE announced its Basic Need Grant allocation to the Council for 2017/18 of £21M as a result of the Council's data forecast return to the Education Funding Agency in 2014.
68. Previous planning assumptions of a lower level of grant income had indicated that the Council would be required to provide £18.3M in 2017/18 from its own resources. This has now been reduced to £3.5M in 2017/18 as a result of the new allocation.
69. The forecast net cost to the Council in 2018/19 of £11.8M continues to assume Basic Need Grant at a similar level to the 2016/17 allocation of £6.2m. The announcement of the 2018/19 allocation is not anticipated to be made before February 2016.
70. The Council's Capital Programme was reviewed during 2014/15 and a number of changes to profiles, reductions and additions were made to the New School Places Programme. On 10 February 2015 the Council's capital programme 2015/16 to 2018/19 was recommended for approval by Executive to the Council meeting on 26 February 2015. The construction costs and profile anticipated for the projects in this report were reflected in that review and are contained within the revised capital programme.

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71. 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.
72. 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.
73. 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.
74. 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 Director of Children's Services as required by the Council's constitution.

Procurement

75. The tendering and approval process for awarding construction contracts will be in accordance with the Council's Code of Procurement Governance and the thresholds indicated in section 5 of the Council's constitution.
76. As outlined in this report, it is anticipated that the expansion of Cranfield Academy will be procured through the SCAPE framework on a NEC contract.
77. The expansions of Leedon Lower Community School and Clipstone Brook Lower Community School will both be procured through JCT Intermediate contracts and will be offered as a package to achieve improved cost efficiencies.
78. A delegation is proposed to the Director of Children's Services to approve contractual arrangements to undertake capital works required to deliver the proposed projects in this report.
79. 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.

Equalities Implications

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80. 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.

81. 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.

82. 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.

83. As decision maker for the proposals set out in this report the Council has considered that there are no race or disability discrimination issues that arise from the change being proposed.

Appendices

The following Appendices are attached

Appendix A – Cranfield CofE Academy – consultation materials and business case

Appendix B – Leedon Lower Community School – consultation materials and business case

Appendix C – Clipstone Brook Lower Community School – consultation materials and business case