

Central Bedfordshire Council

EXECUTIVE

7 July 2015

Commissioning of New Middle School Places in Leighton Buzzard

Report of: Cllr Mark Versallion, Executive Member for Education and Skills
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Key Decision

Purpose of this report

1. To seek Executive support for the proposed consultation to provide new Middle School places in Leighton Buzzard from September 2016. The school referred to within the report serves the Wards of Leighton Buzzard South, Leighton Buzzard North, Linslade, Eaton Bray, Heath and Reach.

RECOMMENDATIONS

1. **Support the proposed commencement of consultation by the Governing Body of Leighton Community Middle School to permanently expand from a 4 form of entry (480 place) middle school for pupils aged 9 to 13 to a 5 form of entry (600 place) middle school for pupils aged 9 to 13, increasing the school's published admission number from 120 to 150 with effect from 1 September 2016.**

The school will also be invited to prepare a business case which will be subject to approval by the Council's Executive in its consideration of the proposal in October 2015.

Children's Services Overview and Scrutiny

2. This report was presented to Children's Services Overview and Scrutiny Committee at its meeting on the 15 June 2015 and the Committee was asked to indicate its support for the recommendation set out within the report. The views of the Committee will be reported to Executive at its meeting.

New Middle School Places in Leighton Buzzard

3. 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.
4. The report also outlined that 1,657 dwellings are forecast to be built out in the Leighton Buzzard & Linslade area within the current 5 year forecast period, including:
 - 175 dwellings at the former RAF Stanbridge
 - 142 at Pratts Pit/ Billington Park
 - 461 at Grovebury Farm
 - 165 at Brickyard Quarry
 - 75 at Pulford Corner, and
 - 575 dwellings within the land east of Leighton development (of 2,500 dwellings planned in total)
5. Of these, the East of Leighton Linslade extension will itself eventually require at least an additional 4 forms of entry (120 extra pupil places per age group) across all phases of education to be provided within the development. This is the equivalent of 2 new 300 place lower schools, 1 new 480 place middle school and the expansion of existing upper school provision by 500 places including sixth form.
6. It is clear that significant additional demographic demand for school places will be driven by pupil yield from the remainder of new and anticipated housing forecast to be built out towards the south east of the town.
7. On the 31 March 2015 the Council's Executive approved proposals to expand two lower schools in the south of Leighton Linslade to meet forecast demand for lower school places required from September 2015.
8. The reports to Executive in December 2014 and March 2015 also advised 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.
9. In total there are currently 560 places in each middle school year group in schools within the school place planning area which serves Leighton Buzzard and Hockliffe, up to Heath and Reach.
10. By the end of the current academic year the 560 places available in total in Year 5 which is the transfer point for children from Lower Schools, will be accommodating a total of approximately 513 children.

11. For September 2015, at the close of the national deadline for Transfer to Middle, the Council had received 497 applications in total for Transfer to a Middle School in this area with further late applications expected to be received in respect of 30 Year 4 children in Leighton Buzzard lower schools whose parents had not made an on time application.
12. This figure is forecast to rise to a total of approximately 546 children who will be accommodated in Year 5 in the 2015/16 academic year as a result of additional yield from new housing to be built and occupied in this period.
13. The number of children who will be seeking Transfer to Middle in the 2016/17 academic year including those already living in the area and additional pupil yield from new housing to be built and occupied is forecast to be approximately 600, rising further to 650 in 2017/18.
14. Feasibility studies continue in respect of the need to manage growth in 2017/18 but the additional places required within the middle school age range in 2016/17 are proposed to be provided through the permanent expansion of Leighton Middle School which serves a catchment area that includes the housing growth area in the south east of the town. Appendix 1 shows the location of the school and its catchment.
15. It is proposed to expand the school from a 4 form of entry (480 place) middle school for pupils aged 9 to 13 to a 5 form of entry (600 place) middle school for pupils aged 9 to 13, increasing the school's published admission number from 120 to 150 from September 2016.
16. The school was judged as 'Good' by Ofsted in its last inspection in December 2013 and is popular, being significantly oversubscribed by 18% in 2013, 45% in 2014 and 67% in 2015 against its current published admission number of 120.
17. An analysis of the school's site and accommodation indicates that it is capable of expansion and options for additional accommodation and facilities are being considered through a feasibility study led by the Council working with the school.
18. The school has indicated an intention, subject to the support of the Council's Executive, to commence consultation with the support of Council officers with its local community and other stakeholders in early July 2015. Ward Councillors have also received a briefing on the Council's forecasts of demographic growth and the need to plan for additional school places in the area.
19. The outcome of those consultations along with a business case submitted by the school will be reported to the Council's Executive in October 2015 for final approval to commence the expansion project, funded through the Council's New School Places Programme.

Reasons for decision

20. The recommended consultation on the proposal to expand Leighton Middle School is 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.
21. Commitment to capital expenditure and therefore final approval of the proposal will be determined by the Council's Executive in October 2015, informed by the outcome of the consultation exercise undertaken by the Governing Body and the business case which it will also prepare.

Council Priorities

22. 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

23. Section 14 of the Education Act 1996 places a duty on Councils to secure sufficient primary and secondary school places to provide appropriate education for pupils in its area. S14A of the Education Act 1996 imposes a duty to consider representations about the exercise by local authorities of their functions from the parents of qualifying children in relation to the provision of primary and secondary education. Qualifying children include all those of compulsory school age or under.
24. The Education and Inspections Act 2006 gives Councils a strategic role as commissioners, of school places and includes duties to consider parental representation, diversity and choice, duties in relation to high standards and the fulfilment of every child's educational potential and fair access to educational opportunity.
25. The main legislation governing school organisation is found in sections 6A-32 of the Education and Inspections Act 2006, The School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2013 and the School Organisation (Prescribed Alterations to Mainstream Schools) (England) Regulations 2013.
26. Department for Education Guidance for proposers and decision makers regarding school organisation in maintained schools was published in January 2014 to support the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.

27. This guidance can be viewed at:
<https://www.gov.uk/government/publications/school-organisation-maintained-schools>
28. As a consequence of changes introduced by these 2013 Regulations (at Schedule 2, paragraph 12) and Statutory Guidance, Governing Bodies are now able to propose to make a range of changes to their schools without following a formal statutory process. These include significant expansion such as that proposed to Leighton Middle School.
29. Governing Bodies are 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. The Governing Body of Leighton Middle School will also be expected to liaise closely with the Local Authority and will be supported throughout the consultation with parents and other interested persons, to gauge demand for the proposed change and provide them with sufficient opportunity to give their views .
30. The Governing Body must ensure that it has suitable accommodation, has 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.

Financial Implications

31. The New School Places Programme is funded by developer contributions and Basic Need grant income from the Department for Education (DfE) although on current 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, £3.5M in 2017/18 (reduced from £18.3M following the DfE announcement in February 2015 of the Basic Need allocation to the Council for 2017/18) and £11.8M in 2018/19.
32. The revenue implications of the forecast expenditure (MRP and Interest) based on the current MTFP assumptions and assuming that spend will occur evenly in each year is £97k in 2015/16, £517k in 2016/17, £970k in 2017/18 and £1,652k in 2018/19.
33. 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.

34. The day to day running costs of school provision is met through revenue funding which is made available to each school as part of the Dedicated Schools Grant (DSG) and is based primarily on the numbers of pupils attending and will increase accordingly in an expanded school.
35. Where necessary and where Schools and Academies are undertaking significant expansion on commission from the Council additional revenue support for relevant costs can be accessed on application through the DSG funded Growth Fund established by the Schools Forum.
36. 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.

Equalities Implications

37. 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.
38. 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.
39. 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.
40. As commissioner of the new school places that will be provided through the proposal of Leighton Middle School the Council has considered that there are no race or disability discrimination issues that arise from the change being proposed.

Risk Management

41. The proposal to commission new middle 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.
- Inability of schools to recruit suitable additional staff
- Failure to secure planning consents
- 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.

Appendices

The following Appendices are attached

Appendix 1 – Map of Leighton Buzzard showing location of Leighton Middle School and its catchment area