

Central Bedfordshire Council

EXECUTIVE

5 April 2016

Commissioning of New School Places in Biggleswade and Arlesey for September 2017

Report of: Cllr Mark Versallion, Executive Member for Education and Skills
(mark.versallion@centralbedfordshire.gov.uk)

Advising Officer: Sue Harrison, Director of Children's Services
(sue.harrison@centralbedfordshire.gov.uk)

This report relates to a Key Decision

Purpose of this report

1. This report seeks support for proposed consultations by Biggleswade Academy Trust and the Governing Body of St Andrews Church of England (C of E) Voluntary Controlled (VC) Lower School, Biggleswade, each to expand by 1 form of entry (30 places in each lower school year group) by September 2017.
2. The report also seeks the support of the Council's Executive for the consultation by Etonbury Academy, Arlesey, to expand by 1 form of entry (30 places in Year groups 5-8 and 80 places in Year groups 9-11) from September 2017 to provide a total of 180 places in each Year group 5 – 11.
3. The schools referred to within the report serve the Wards of Arlesey, Stotfold and Langford, Biggleswade North and Biggleswade South.

RECOMMENDATIONS

1. **Support the proposed commencement of consultation by Biggleswade Academy Trust to expand by 1 form of entry (30 places in each lower school year group) by September 2017.**
2. **Support the proposed commencement of consultation by the Governing Body of St Andrews Church of England VC Lower School, Biggleswade, to expand by 1 form of entry (30 places in each lower school year group) by September 2017.**
3. **Support the proposed consultation by Etonbury Academy, Arlesey, to expand by one form of entry (30 places in Year groups 5-8 and 80 places in Year groups 9-11) from September 2017 to provide a total of 180 places in each Year group 5 – 11.**

Children's Services Overview and Scrutiny

4. This report was presented to Children's Services Overview and Scrutiny Committee at its meeting on the 15 March 2016 and the Committee was asked to indicate its support for the recommendations set out within the report. The views of the Committee will be reported to Executive at its meeting.

Pupil place planning for Lower School places in Biggleswade

5. Since 2013 the Council has commissioned an additional 300 lower school places in Biggleswade, required as a result of demographic growth in the area, most significantly due to increases in housing on the land east of Biggleswade and adjacent developments.
6. The additional places have been provided by the expansion of St Andrews CofE VC Lower School on a new site in the Kings Reach area. The construction of the new school site is now complete and it accepted its first intake in September 2015.
7. In July 2015 the demographic forecasts for the Council's School Place Planning pyramid area covering Biggleswade and the surrounding rural area were revised with refreshed data as part of the annual review of the Council's School Organisation Plan.
8. The outcome confirms a further sustained 2 form entry (60 places per year group) forecast deficit in Lower School provision in the town by 2018/19 with pressure building from Sept 2016 when at least 1 additional reception class will be required, and a further new reception class required from Sept 2017.
9. Other than the now complete satellite site for St Andrews C of E VC Lower School there are no new school sites secured through S106 in the town, on Kings Reach or any other new development area other than St Andrews.
10. The anticipated rate of growth in the town's lower school year groups is also such that a new standalone school would not fill and be revenue efficient for a number of years. The solution to manage the further growth in places is therefore through the expansion of existing schools.
11. The town is served by 3 lower schools, St Andrews, Lawnside Lower and Biggleswade Academy, all rated Good by Ofsted. Of these, Lawnside Lower is on a restricted and land locked site that does not currently meet Department for Education guidelines for its gross site area and is therefore not suitable for expansion.

12. In December 2015 Executive approved acquisition of a parcel of land to be used for expansion purposes in conjunction with the new St Andrews C of E VC Lower School, Chestnut Avenue, on the Kings Reach development in Biggleswade.
13. Biggleswade Academy Trust is formed of the predecessor schools of Holmemead Middle School which converted as an Academy in March 2012 and Southlands Lower School which joined the Trust as an Academy in March 2013.
14. Since September 2013, Biggleswade Academy Trust has also provided education and wrap-around care for children aged 2 to 13 following a merger with Brigham Pre-School located on the school site and in December 2015 the Council also approved a merger with The Lawns Nursery School and Children's Centre.
15. Both Biggleswade Academy Trust and St Andrews C of E VC Lower School are members of the Biggleswade Community Union of Schools (B.C.U.S.). This is a group of local schools who work together on joint priorities such as transition, new school provision and joint development priorities to ensure the town's educational provision is as supportive and seamless as possible for children and young adults between the ages of 0-19.

Expansion of Lower School Places in Biggleswade from September 2016

16. Biggleswade Academy Trust is located centrally within the town and has indicated its willingness to admit children above its published admission number and accommodate the additional reception class required in September 2016.
17. To do so it has commissioned a new build with Ivel Valley School that is to be procured by the Trust to replace temporary accommodation on the school site and also to manage an increase in Early Years places required by the area special school. Further permanent accommodation will be required to enable the new reception class to continue through subsequent year groups.
18. The Academy has submitted an application to the Education Funding Agency following feasibility studies supported by the Council, for capital funding in 2016/17 to expand and also address a number of accommodation issues on the school's site. If successful, the Academy and Council would be able to pool capital resources to permanently provide 1 of the additional forms of entry in growth in new lower school places required in the Biggleswade area.
19. St Andrew's new satellite school site is in the centre of the main housing development that is the predominant source of the growth in demographic demand for school places in Biggleswade.

The school is growing quickly with pupil numbers and could only accommodate an additional reception class from September 2017 if additional physical accommodation is provided.

20. Following acquisition by the Council in December 2015 of the land adjacent to the new school site, feasibility studies have been undertaken and are now complete to enable a further 1 form entry expansion of St Andrews Lower to be deliverable by Sept 2017.

Pupil place planning for Middle and Upper School places in Arlesey

21. In 2013 the Council's forecasts confirmed an anticipated deficit in middle and upper school places serving the Arlesey, Stotfold and Fairfield area from September 2015.
22. Working in partnership with the Council, Bedfordshire East Multi Academy Trust (BEMAT) developed a proposal to expand Etonbury Academy to provide the additional Middle School places required to serve its catchment and also to change the age range of the Academy to provide the additional Upper School places required in the catchment of Samuel Whitbread Academy.
23. Etonbury Academy was rated Good by Ofsted at its last inspection in 2012.
24. In May 2013 the Council's Executive considered a detailed business case submitted by BEMAT and approved the capital expenditure required for the expansion of Etonbury Academy from its original capacity of 480 places to provide a total of 600 middle school places and a further 300 places to serve the upper school age range with an implementation date of September 2015.
25. The Academy's proposal was subsequently approved by the Department for Education and the Council has worked in partnership with BEMAT to deliver a range of new school facilities at Etonbury including a community sports and fitness centre along with a 3G AstroTurf pitch on expansion land adjacent to the school site, leased by the Council.
26. In July 2015 the demographic forecasts for the Council's School Place Planning pyramid area covering Etonbury's catchment were revised with refreshed data as part of the annual review of the Council's School Organisation Plan. A separate review had also been undertaken of the forecasts of middle and upper school places through to 2024.
27. The increasing size of Year 5 catchment cohorts that has been accommodated by the Academy above its published admission number of 150 in the past 2 years has been enabled as a result of the new accommodation and smaller cohorts feeding out of the school in Year 8.

28. The forecast further increases in size of the Year 5 catchment cohort, and the Academy's retention of its first Year 8 into Year 9 on site from September 2016 produces a forecast deficit in provision from September 2017.
29. As a result, and as options are further considered by the Council for managing a forecast additional total requirement for catchment places equivalent to a new 5 form entry (1050 place) school serving children from 9 to 16 in the longer term, it is proposed to further expand Etonbury Academy to provide a total of 6 forms of entry (180 places in each year group) from September 2017.
30. This proposal will provide the Academy with coherent size of year groups from Year 5 through to 11 with students continuing to have choice to express a preference to access Samuel Whitbread from Year 9 and an enhanced offer at Key Stage 4 across both of these BEMAT schools.

Conclusion

31. Each of the 3 schools in this report supports the proposals to expand and provide new school places for their local communities.
32. As a maintained mainstream school the Governing Body of St Andrews C of E VC Lower School can propose an enlargement of premises without following a formal statutory process and the school has indicated an intention, subject to the support of the Council's Executive, to consult with the support of Council officers with its local community and other stakeholders.
33. The school's consultation document is attached to this report at Appendix 3.
34. As Academies, Biggleswade Academy Trust and Etonbury Academy can similarly propose an enlargement of their premises and must consult with stakeholders as a requirement of the Department for Education.
35. Each Academy's consultation documents are attached to this report at Appendix 2 and 4. A map indicating the location of each of the schools subject of this report is attached at Appendix 1 to this report.
36. The consultees for all 3 proposals will include parents and carers of pupils at the schools and at their feeder schools, the head teachers and governing bodies of all other Central Bedfordshire schools, all members of Central Bedfordshire Council and local town and parish councils.

37. The outcome of the consultations along with a business case submitted by each school to illustrate the alignment of their proposal with the Council's Policy Principles for Pupil Place Planning in Schools will be reported to the Council's Executive for final approval.
38. The Executive will consider the outcome of the Etonbury proposal in June 2016 and for Biggleswade Academy Trust and St Andrews CofE Lower School a report will be presented in August 2016.
39. Executive approval of each proposal will enable the schools to continue to work in partnership with Council officers to influence the design and delivery of the new provision, funded through developer contributions and Department for Education basic need grant, within the Council's New School Places Programme.

Reasons for decision

40. The recommended consultations on the proposals to expand the schools in this report are to ensure the Council continues to meet its statutory obligations to provide sufficient school places.
41. Commitment to capital expenditure and therefore final approval of each proposal will be determined by the Council's Executive, informed by the outcome of the consultation exercise undertaken by each Governing Body and the business case which each will also prepare.
42. Ward Councillors have received briefings on the Council's forecasts of demographic growth and the need to plan for additional school places in these areas and are supportive of each school's proposal.

Council Priorities

43. The report supports Central Bedfordshire's Five Year Plan 2015- 2020 and the specific priority of Improving Education and Skills.

Legal Implications

44. 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.
45. 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.

46. 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) Regulations 2013 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
47. 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.
48. This guidance can be viewed at:
<https://www.gov.uk/government/publications/school-organisation-maintained-schools>
49. As a consequence of changes introduced by these 2013 Regulations 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 St Andrews C of E VC Lower School.
50. 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.
51. The Governing Body of St Andrews CofE Lower School will also be expected to liaise closely with the Local Authority to ensure that the proposal is aligned with wider place planning/ organisational arrangements and that any necessary consents have been gained.
52. The Governing Body is also expected to ensure that there is effective consultation with parents and other interested parties and will be supported throughout the consultation, to gauge demand for the proposed change and provide consultees with sufficient opportunity to give their views.
53. The Governing Body will need to work with the Council to ensure that the new accommodation is suitable and the necessary capital funding and planning permission has been secured before the expansion can be implemented. Once the change has been implemented, the Governing Body must inform the Secretary of State.
54. Department for Education (DFE) Guidance for Academies wishing to make significant changes, including enlargement of their premises, was published in January 2014.

55. The Guidance can be viewed at:
- <https://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy>
56. Academy Trusts are to exercise their own judgments in deciding whether a change is significant although it is anticipated that the proposals set out in this report by BEMAT and Biggleswade Academy Trust would come within the definition of 'fast track significant change' as set out by 2014 DfE Guidance.
57. The process is overseen by the Education Funding Agency on behalf of the DfE and requires an Academy to undertake consultation, to obtain consent of the Secretary of State and to secure any capital required by the proposal before implementation.
58. The business case submitted to the Education Funding Agency must be rigorous enough for a decision to be made on whether the change is necessary. Details of minimum content are set out in the 2014 DfE Guidance.

Financial Implications

59. The New School Places Programme is funded by developer contributions and Basic Need grant income from the Department for Education (DfE) and on current planning assumptions the programme 2016/17 to 2020/21 is now forecast with gross expenditure of £20.2M in 2016/17, £25M in 2017/18, £19M in 2018/19, £17M in 2019/20 and £7.7M in 2020/21.
60. 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.
61. 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.
62. 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.

63. 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.
64. There are no financial implications arising out of a decision to support the commencement of consultations as outlined in this report.

Equalities Implications

65. 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.
66. 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.
67. 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.
68. As commissioner of the new school places that will be provided through the proposals set out in this report the Council has considered that there are no specific discrimination issues that arise from the change being proposed.

Risk Management

69. The proposal 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.
- 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 showing the location of each school subject of this report

Appendix 2 – Biggleswade Academy Trust's expansion consultation documents

Appendix 3 – St Andrews C of E Lower School's expansion consultation documents

Appendix 4 – Etonbury Academy's expansion consultation documents