

Central Bedfordshire Council

EXECUTIVE

7 June 2016

Commissioning of New School Places in Arlesey for September 2017

Report of: Cllr Steven Dixon, Executive Member for Education and Skills
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This report relates to a Key Decision

Purpose of this report

1. To provide Executive with the outcome of the consultation by Bedfordshire East Multi Academy Trust (BEMAT) on behalf of 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.
2. To seek the Executive's approval of the proposal, subject to approval by the Department for Education (DfE), and for commitment to required capital expenditure.
3. The school referred to within the report serve the Wards of Arlesey, Stotfold and the Parish of Fairfield.

RECOMMENDATIONS

The Executive is asked to:

1. **note the response received to the consultation by Bedfordshire East Multi Academy Trust (BEMAT) on behalf of 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; and**
2. **approve the commencement of capital expenditure as set out in the report, subject to the approval of the proposal by the Education Funding Agency and subject to the grant of planning permission under Part 3 of the Town and Country Planning Act 1990.**

Children's Services Overview and Scrutiny

4. A report was presented to Children's Services Overview and Scrutiny Committee at its meeting on 15 March 2016 and the Committee indicated its support for the proposal outlined in this report and for the commencement of the recommended consultation, the outcome of which is set out within this report.

Pupil place planning for Middle and Upper School places in Arlesey

5. On 5 April 2016 the Council's Executive approved the recommendation of the report to support a consultation by Bedfordshire East Multi Academy Trust (BEMAT) on behalf of Etonbury Academy for the proposal 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.

The April report can be viewed as Agenda Item 11 at:

<http://centralbeds.moderngov.co.uk/ieListDocuments.aspx?CId=577&MId=4923&Ver=4>

6. The proposal was made with the support of the Council and its need to commission new school places as a result of the forecast further increases in size of the school's Year 5 catchment cohort, and the Academy's retention of its first Year 8 into Year 9 on site from September 2016 which produces a forecast deficit in provision from September 2017.
7. With the support of the Council BEMAT's consultation commenced on 12 April 2016 and concluded on 12 May 2016. The consultation was undertaken to comply with DfE guidance published for Academies wishing to make significant changes and included a public meeting. The consultation materials and a summary of responses received by BEMAT are attached at Appendix A to this report.
8. Issues arising through the consultation have been reflected upon in the summary report provided by BEMAT within Appendix A.
9. The business case that BEMAT has also prepared is attached at Appendix B and articulates how the proposal is aligned with the Council's Policy Principles on Pupil Place Planning in Schools.
10. BEMAT has considered the outcome of its consultation and has agreed that it wishes to proceed with the proposal. As a result, a significant change application has been submitted by the Trust to the Department for Education's Education Funding Agency to secure approval for the expansion of the Academy. The Trust has also continued to work with the Council in developing the design proposals for the new facilities required if the expansion is approved.

Design and procurement of the new provision

11. Working with their appointed education capital consultant and with support from the Council, the Academy has commissioned further design studies for the school's expansion. These have referenced Building Bulletin 103 which provides area guidelines for mainstream schools.
12. The proposed scope of the new provision will include an increase in general teaching and food technology classrooms, office space, group rooms and a staff room as well as improved school reception arrangements. The new provision will be located to ensure integration with the existing accommodation on the school site.
13. The resulting cost estimates have indicated that the project is affordable within the total capital budget established by the Council. The Academy intend with the support of the Council, to directly procure the project. This will follow a procurement exercise which will be undertaken when planning approval has been secured, if the Executive approves the recommendations contained within this report.
14. The governance of the project will be provided through a board that will include Council officers from the School Organisation & Capital Planning Team who will control the release of capital funding aligned with the achievement of key project milestones. This arrangement has overseen and provided the accountability required recently for the successful delivery of the Academy's previous phase of expansion.

Reasons for decision

15. The consultation undertaken on the proposal to expand Etonbury Academy has complied with the 2016 DfE Guidance for making significant changes to an existing Academy.
16. The proposal supports the Council's Policy Principle of investment in successful schools. Etonbury Academy was rated Good by Ofsted at its last inspection in 2012.
17. As set out in detail in the April report to the Council's Executive, the completion of the proposed project outlined within this report will ensure that the Council continues to meet its statutory obligations to secure sufficient school places for children in the area.
18. BEMAT has submitted a business case which has been evaluated by Council officers and is provided at Appendix B attached to this report. The proposal complies with the Council's Policy Principles for Pupil Place Planning in Schools and the Academy's ambition is aligned with the Council's Partnership Vision for Education 2015-2019.

19. 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 the Academy's proposal.

Council Priorities

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

Legal Implications

21. 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.
22. 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.
23. Department for Education (DfE) Guidance for Academies wishing to make significant changes, including enlargement of their premises, was published in March 2016.
24. The Guidance can be viewed at:

<https://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy>
25. Academy Trusts are to exercise their own judgments in deciding whether a change is significant although the proposal set out in this report by BEMAT would come within the definition of 'fast track significant change' as set out by 2016 DfE Guidance.
26. The process is overseen by the Education Funding Agency on behalf of the DfE and requires an Academy to undertake consultation, to obtain consent on behalf of the Secretary of State for Education from the Regional Schools Commissioner, advised by his Head Teacher Board, and to secure any capital required by the proposal before implementation.
27. The application 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 2016 DfE Guidance.

Financial Implications

28. The New School Places Programme is funded by developer contributions and Basic Need grant income from the Department for Education (DfE) and has a provisional gross expenditure outturn for 2015/16 of £23.2M. On current planning assumptions the programme 2016/17 to 2020/21 is now forecast with gross expenditure of £22M in 2016/17, £24M in 2017/18, £16.6M in 2018/19, £21.7M in 2019/20 and £7.7M in 2020/21.
29. The capital financial implications arising from approval of the recommendations of this report are contained within the Council's approved Medium Term Financial Plan and specifically its New School Places programme.
30. 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.
31. 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.
32. 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.
33. 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 Education and Skills, in consultation with the Director of Children's Services as required by the Council's Constitution.

Equalities Implications

34. 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.

35. 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.
36. 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.
37. As proposer of the enlargement of the premises of Etonbury Academy BEMAT has considered that there are no discrimination issues that arise from the change being proposed.

Risk Management

38. 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 A – Consultation materials and summary of responses

Appendix B – Business Case