

Central Bedfordshire Council

EXECUTIVE

1 August 2017

Commissioning of New Middle School Places in Cranfield and Marston Moretaine by September 2018

Report of: Cllr Steve Dixon, Executive Member for Education and Skills
(steven.dixon@centralbedfordshire.gov.uk)

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

This report relates to a decision that is Key

Purpose of this report

1. To provide the Executive with the outcome of the consultation undertaken by the Governors of Holywell Academy, Cranfield regarding the proposal to expand the school by 1 form of entry (30 places in each school year group) by September 2018. This is phase 2 of the expansion of the school to a 6 form entry school.
2. To seek the Executive's approval for the proposed expansion, subject in respect of Holywell Academy Trust approval also by the Department for Education (DfE), and for the Council's commitment to the required capital expenditure.
3. The school referred to within the report serves the Ward of Cranfield and Marston Moretaine.

RECOMMENDATIONS

The Executive is asked to:

1. **note the responses received to the consultation by the Governors of Holywell Academy Trust, Cranfield to expand by 1 form of entry (30 places in each school year group) by September 2018, and**
2. **approve the commencement of capital expenditure as set out in the report, subject in respect of Holywell Academy Trust approval of the proposal by the Department of Education, and subject to the granting of planning permissions under Part 3 of the Town and Country Planning Act 1990.**

Overview and Scrutiny Comments/Recommendations

- The report was originally presented to Children’s Services Overview and Scrutiny Committee at its meeting on the 14 March 2017 and the Committee was asked to indicate its support for the recommendation to commence consultation set out within the report. The Committee recommended that they support the proposal and endorsed the report to the Executive.

Pupil place planning for Cranfield

- On 4 April 2017 the Council’s Executive approved the recommendation of the report to support a consultation by the Governors of Holywell Academy Trust, Cranfield to expand by one 1 form of entry (30 places in each school year group) by September 2018.

The April report can be viewed as Agenda Item 15 at:

<http://centralbeds.moderngov.co.uk/ieListDocuments.aspx?CId=577&MId=5136&Ver=4>

- The need to commission new school places as a result of the 2016/17 demographic forecasts for the Council’s School Place Planning pyramid area covering Cranfield and Marston Moretaine was reported as follows:-

	Total PAN, Sept 16	Total year 5, Jan 16	Forecast				
			2016-17	2017-18	2018-19	2019-20	2020-21
PAN/ forecast year 5	150	157	160	161	172	179	187
Balance of places at YR 5			-10	-11	-22	-29	-37

- The forecasts confirmed up to a sustained 1 form entry (30 places per year group) deficit in Middle School provision in Cranfield by 2018/19 and with pressure building again for school places in September 2020.
- With the support of the Council the consultation for Holywell Academy commenced on 24 April and finished on the 25 May 2017. The consultation included a public drop in event at Holywell Academy on the 3 May 2017 and on the 8 May 2017 a meeting with the school staff. The public consultation was undertaken to comply with DfE guidance published for Academies wishing to make significant changes.

9. The consultation letter was sent/emailed to staff and governors of Holywell School, parents/carers of current pupils of the school, Cranfield Parish Council, the local Church of England and Roman Catholic dioceses, Members of Central Bedfordshire Council, other schools and academies in Central Bedfordshire, local neighbouring authorities and the local MP. A press release was also issued.
10. A total of 180 responses were received to the consultation. The schools consultation report is attached in Appendix A.
11. A summary of the key points in support of the expansion set out in the schools report are as follows: -
 - 90% of the respondents were overall supportive of the proposal to expand the school by 1 form of entry.
 - 86% of Holywell parents responding were in favour of the proposal
 - 96% of Cranfield Academy/Wootton Lower school parents were in favour of the proposal
 - 100% of governors who responded were in favour of the proposal
12. Where concerns were raised in the consultation the Governors of Holywell Academy have addressed this in the report (Appendix A). The key concerns raised in the report centred on traffic management and the plans for the buildings, which will be subject to a town planning consultation, out of catchment children securing a school place which in the long term will become more challenging and acceptable levels of funding for the school which is managed equitably and transparently by the Council.
13. The proposal has been the subject of feasibility studies and early engagement with the Council's planning and highways officers to inform further design work to ensure that the required expansion on the site can be implemented following the necessary submission and approval of planning applications with mitigating measures agreed where necessary.
14. The town planning application will be subject to a separate consultation with the local community and will be informed by reviews of the school's travel plans to reflect the increased intake to the site and the need to ensure a continued focus on the promotion of the use of sustainable modes of transport to the school, recognising the potential for increased traffic movement at peak times around school sites.
15. The business case that Holywell Academy Trust has prepared is attached in Appendix B and articulates how the proposal is aligned with the Council's Policy Principles on Pupil Place Planning in Schools.

16. Holywell Academy Trust has considered the outcome of its consultation and at the governing body meeting held on the 29 June 2017 and has agreed that it wished to proceed with the proposal. As a result, a significant change application will be 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.

Reason/s for decision

17. The consultation undertaken by the Governors on the proposal to expand Holywell Academy Trust has complied with DfE Guidance for making significant changes to an existing Academy, published in March 2016.
18. The proposal supports the Council's Policy Principle of investment in successful schools. Holywell Academy was judged as a Good school (October 2014).
19. As set out in detail in the April report to the Council's Executive, the completion of the proposed projects outlined within this report will ensure that the Council continues to meet its statutory obligations to secure sufficient school places for children in the surrounding areas of Cranfield and Marston Moretaine.
20. The schools business case which has been evaluated by Council officers and is provided in Appendix B to this report. The proposals comply with the Council's Policy Principles for Pupil Place Planning in Schools.
21. The Ward Councillors have received briefings on the Council's forecasts of demographic growth and the need to plan for additional school places in the school planning areas and is supportive of the proposal.

Council Priorities

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

Design and procurement of the new provision

23. Working with their appointed education capital consultant and with support from the Council, Holywell Academy has commissioned design studies for the school's expansion. These have referenced Building Bulletin 103 which provides area guidelines for mainstream schools.

24. 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.
25. 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.

Legal Implications

26. 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.
27. 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.
28. 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.
29. Department for Education Guidance for proposers and decision makers regarding school organisation in maintained schools was published in April 2016 to support the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
30. This guidance can be viewed at:
<https://www.gov.uk/government/publications/school-organisation-maintained-schools>
31. The guidance for prescribed alterations, published by the Department for Education (DfE) in April 2016, requires local authorities to undertake a statutory process for proposed expansions of maintained schools that meet a specified threshold.

Although the requirement for a 2 stage consultation process has been removed (ie both pre statutory and statutory) the DfE expects that the local authority will consult interested parties to develop the statutory proposal prior to publication. The statutory process has been followed in this case.

32. The local authority is expected to ensure that there is effective consultation with parents and other interested parties to gauge demand for the proposed change, and provide consultees with sufficient opportunity to give their views. LGSS Law is satisfied that the proper consultation process has been followed.
33. The Council will need to ensure that the new accommodation is suitable and the necessary capital funding and planning permission have been secured before the expansion can be implemented.
34. Department for Education (DFE) Guidance for Academies wishing to make significant changes, including enlargement of their premises, was published in March 2016.
35. The Guidance can be viewed at:
<https://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy>
36. Academy Trusts are required to exercise their own judgments in deciding whether a change is significant, although it is anticipated that the proposals set out in this report for Arnold Academy would come within the definition of 'fast track significant change' as set out by 2016 DfE Guidance.
37. The process is overseen by the Education and Skills 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.
38. The business case submitted to the Education and Skills Funding Agency by an academy 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.
39. There are statutory processes for consultation and applications which, if the proposal is agreed, must be followed to ensure the proposal can be implemented when required.

Financial and Risk Implications

40. The New School Places Programme (NSP) is funded by developer contributions and Basic Need grant income from the Department for Education (DfE) and on the current forecast (June 2017) for the NSP programme for 2017/18 is gross expenditure of £13.9M (net nil) in 2017/18, £3M (net nil) in 2018/19, £8M (net nil) in 2019/20 and £12M (net nil) in 2020/21.
41. The additional middle school places at Holywell Academy will receive a total of £868,299 from s106 developer contributions of which £306,944 has been received by the Council. The total capital expenditure for the proposed expansion is expected to be in the region of £2.4m. The Council will therefore need to make a contribution in the region of £1.5m, funded from the New Schools Places grant.
42. The Council received news of a basic need capital grant for additional school places for 2019/20 of £10.198m which will be used to cover the costs of the New School Places programme.
43. The Council's rolling five year new school places programme is dynamic with perpetual changes in forecasts of income and expenditure across financial years including those arising from variances in S106 totals and trigger points and in the timing and therefore cost profile of many projects.
44. Given the volatility in forecasts of S106 income the School Organisation and Capital Planning Team meet each quarter with the S106 Monitoring Officer and the outcome of these reviews and the impact on established forecasts within the MTFP will be reported through the Council's capital monitoring report.
45. All new school and expansion projects are briefed to provide buildings that are designed in line with DfE area guidelines for mainstream schools but are subjected to value engineering with resulting final construction costs at or below the national benchmarked average for new school places.
46. 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.
47. 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.

48. In previous years where necessary and where Schools and Academies were undertaking significant expansion on commission from the Council additional revenue support for relevant costs could be accessed on application through the DSG funded Growth Fund established by the Schools Forum. At present, the School Forum is considering a Growth Fund Package whereby school will not need to apply for the funds. Schools will be informed of their entitlement to the Growth Fund, this will provide for a faster release of funds, transparency in terms of what schools will receive and equity amongst schools. This change is proposed to be effective in 2017/18, subject to School Forum approval.
49. 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

50. The consultation and decision making process set out in regulation for proposals to maintained schools and academies requires an evaluation on a project by project basis of any equalities and human rights issues that might arise.
51. Central Bedfordshire Council has a statutory duty to promote equality of opportunity, eliminate unlawful discrimination, harassment and victimisation and foster good relations in respect of nine protected characteristics; age disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.
52. 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.

53. The proposed consultations are not envisaged to have an adverse impact on any of the listed groups below:-

I.	Sex	N/A
II.	Gender Reassignment	N/A
III.	Age	Middle aged pupils will have access to sufficient school places
IV.	Disability	N/A
V.	Race & Ethnicity	N/A
VI.	Sexual Orientation	N/A
VII.	Religion or Belief (or No Belief)	N/A
VIII.	Pregnancy & Maternity	N/A
IX.	Human Rights	N/A
X.	Other Groups (rural isolation etc)	N/A

Risk Management

54. The proposal set out in this report has been developed and evaluated against the key criteria for decision makers that are outlined in guidance. Likewise the proposal has followed the procedures set out in regulation. This mitigates the risk on the Council of failing to comply with the relevant statutory requirements.

55. The key risks mitigated by the process that has been followed include:

- I. Failure to discharge legal and statutory duties/guidance.
- II. Failure to deliver the Council's strategic priorities.
- III. Reputational risks associated with the non delivery of required school places.

56. If approved, the Council and the Governing Body and Trustees of the schools will develop and implement change management plans that will include risk assessment and management criteria to ensure the effective delivery of the objectives set out in the proposal document

Conclusion and next Steps

57. Subject to approval by the Council's Executive, Holywell Academy will expand by 1 form of entry for September 2018. The expansion is also subject to the approval by the Department of Education and to the granting of planning permission under Part 3 of the Town and Country Planning Act 1990. There will be a further town and country planning public consultation.

Appendices

Appendix A: Holywell Academy report on the consultation and responses on the proposed expansion of the School

Appendix B: Holywell Academy Business Case

Report author(s):

Victor Wan, Head of School Organisation, Admissions and Capital Planning.

Victor.wan@centralbedfordshire.gov.uk