

Temporary increase in Pupil Admission Numbers (PAN) and related capital expenditure in the wards of –

1 - Cranfield & Marston Moretaine at Thomas Johnson Lower School, Lidlington

2 - Biggleswade South at Biggleswade Academy (middle)

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

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This report relates to a decision that is Key

Purpose of this report

1. To seek approval for the commencement of capital expenditure for the temporary expansion of pupil numbers at Thomas Johnson Lower School to allow the school to admit up to 30 pupils by 2018 and Biggleswade Academy (middle) by an additional 60 pupils for 2018 and 2019. Life Academies Trust has conveyed that they will submit a free school application in the next wave to be announced by the DfE to meet the longer-term need for middle school places. If approved this additional cost of school places will be met by the DfE. The temporary expansion of pupil numbers in both schools is for the 2018 (and 2019 for Biggleswade Academy) cohorts. The proposed accommodation at Biggleswade is subject to town planning consultation and planning approval.
2. The schools referred to within the report serve the wards of Biggleswade South and Cranfield & Marston Moretaine.

Context

3. There is a forecast deficit of school places in Lidlington and Biggleswade. In Lidlington there is a lower school place deficit in 2018. This is a one year bulge and without the expansion the children in the village would not have a local school place.

The proposal is to expand the local school, Thomas Johnson Lower School, for one year to meet the need for school places. The school are supportive of an expansion. The alternative would be to transport young children to Church End Lower in Marston Moretaine, in excess of 2 miles away.

5. In Biggleswade there is a long-term forecast deficit of middle school places. The proposal is for Biggleswade Academy to expand in the short term to meet the immediate need. In the longer term Life Academies Trust (Biggleswade Academy is a school in this trust) will submit a free school application to the DfE. The long term need for additional middle school places is proposed to be met by a new free school.

RECOMMENDATIONS

The Executive is asked to:

1. **approve the commencement of capital expenditure as set out in this report, subject to the granting of planning permissions under Part 3 of the Town and Country Planning Act for the temporary expansion of Thomas Johnson Lower School and Biggleswade Academy; and**
2. **authorise the Director of Community Services, in consultation with the Director of Children's Services to enter into all appropriate legal documentation to implement the scheme.**

Overview and Scrutiny Comments/Recommendations

6. A report was presented to Children's Services Overview and Scrutiny Committee at its meeting on 21 November 2017 and the Committee were asked to indicate their support for the recommendations. The views of the Committee will be reported to Executive at its meeting.

Pupil Place Planning in the ward of Cranfield & Marston Moretaine

7. The School Organisation Plan (SOP) is reviewed on an annual basis and provides the Council with an outline of planned changes and identifies areas where additional school places may be necessary. The latest SOP was reviewed and published in September 2017 and can be found here:
<http://www.centralbedfordshire.gov.uk/school/organisation/place.aspx>
8. In the catchment area of Thomas Johnson Lower School there is a forecast deficit of school places in 2018. This is not a sustained deficit. The health authority data shows up to 1 form of entry living within the school's catchment requiring a school place by September 2018. The forecast number on roll in 2018 is anticipated to be:-

Forecast 2018 number on roll						
Date/ year group	N	YR	Y1	Y2	Y3	Y4
Total number on roll	10	28	14	14	15	16
number of classes	0.5	1	0.5	0.5	0.5	0.5

9. Thomas Johnson Lower School has a published admission number of 18. The proposed expansion will allow the school to admit up to 30 Reception Year children for 2018. There is only 1 lower school in the area. In February 2016, Thomas Johnson Lower was rated by OFSTED as a “Good” school.
10. There are no new lower school sites secured through the S106 planning agreements in the area. The forecast for school places in the area is unlikely to be sustainable for a new standalone school as it would struggle to fill and be revenue efficient for a number of years. The solution to manage the growth is therefore through the proposed temporary expansion of Thomas Johnson Lower School.
11. The school are supportive of a temporary expansion. Appendix A is a support letter from the school. In the same planning area the Council is expanding Church End Lower School to meet a deficit of school places arising from the Moreteyne Farm development. Whilst both schools are in the same planning area the catchment for Thomas Johnson Lower School is a considerable distance to Church End Lower School.
12. Every proposed school expansion is subject to feasibilities and early engagement with the Councils highway and planning officers to inform the design works when required. If a planning application is required this will be subject to a separate consultation, however it is not envisaged that the required works at the school will need any external remodelling.
13. The high level costs for this expansion is envisaged to be in the region of £100,000 to undertake the remodelling within the school to accommodate the additional children.
14. In order to support expansions commissioned by the Council, the school is eligible for additional revenue support for related costs funded through the Dedicated Schools Grant, Growth Fund, established by the Schools Forum.

Pupil Place Planning in the ward of Biggleswade South

15. The Biggleswade planning area includes the town of Biggleswade and villages of Northill, Caldecote, Shuttleworth and Dunton. The forecast for the town of Biggleswade was reviewed and updated in the latest SOP, published in September 2017.

16. The outcome of the revision is a forecast deficit in middle school provision in Biggleswade from 2018/19. This is a sustained deficit of over 3 forms of entry (30 places per year group) by 2021/22. This is shown below:-

	Total PAN, Sept 17	Total year 5, Jan 17	Forecast				
			2017-18	2018-19	2019-20	2020-21	2021-22
PAN/ forecast year 5	290	253	243	325	339	370	399
Balance of places at YR 5			47	-35	-49	-80	-109

17. There are 2 middle schools in Biggleswade; Edward Peake Middle School and Biggleswade Academy. Edward Peake Middle School has already been expanded by 1 form of entry in 2016 to meet a deficit of school places at the time.
18. Biggleswade Academy (lower school phase) was expanded by 1 form of entry in 2017 to meet a need for additional lower school places, as part of Phase 1. Phase 2 proposes to seek a temporary expansion by 2 forms of middle school entry for 2018/19 and 2019/20.
19. The academy is supportive of the expansion and understand the need to provide school places for local children. The current school site is constrained to allow for a two-year temporary expansion. The proposed expansion seeks to secure a parcel of Central Bedfordshire Council land, currently green space, adjacent to the school to allow for a new building and hard play. Subject to planning the land is expected to be leased to the academy to allow for the expansion.
20. Phase 2 of the expansion will allow the academy to admit an additional 2 forms of entry over two years. The forecast anticipates the growth in Biggleswade to continue and further middle school places are expected to be required in 2021/22. Life Academies Trust has expressed an interest to submit a free school application in the next wave to be announced by the DfE to meet the longer term need for middle school places. The need for additional school places is supported by the forecast. Phase 3 is expected to be an application to the DfE for a free school to address the long term need for places.
21. In December 2014, Biggleswade Academy was rated by OFSTED as a “Good” school. The academy is one of only two middle schools in the town and is in the area of basic need.

22. The academy will be subject to feasibilities and early engagement with the Councils highway and planning officers to inform the design works when required. The expansion is subject to a planning application and a separate consultation. The proposed additional accommodation at the academy will seek to meet BB103 DfE guidance of c800m² of new build including circulation and toilets (11 classbases), refurbishments and remodelling of the dining space, car parking and hard play.
23. There are no new middle school sites secured through the S106 planning agreements in the area. Subject to approval of phase 2 from the Executive and phase 3 from the DfE, it is expected that a free school will require the acquisition of additional land.
24. The high level costs for the 2 year temporary expansion is envisaged to be in the region of £3.9m. Phase 3 is expected to reduce the capital costs for the Council through a new free school application. Phase 3 is dependent on the DfE approval and therefore if unsuccessful it is likely that additional school places will still be required to meet a basic need and alternative capital plans will need to be considered.
25. The proposed expansions of pupil numbers at Biggleswade Academy and Thomas Johnson Lower School are temporary expansions and hence the revised guidance for prescribed alterations, published by the DfE in April 2016, requires local authorities to only undertake a statutory process for proposed expansions of maintained schools that meet a specified threshold.

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 (i.e. both pre statutory and statutory) the DfE expects that the local authority will consult interested parties to develop the statutory proposal prior to publication.
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, when required.
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 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 and processes for consultation and applications which, if the proposals are agreed, must be followed to ensure the proposals can be implemented when required.

Reason/s for decision

40. The forecast for lower and middle school places in the Marston Moretaine and Biggleswade school planning areas show a deficit of school places to meet the basic need in the area. Without the additional places local children will not be able to access a local school.
41. Ward Councillors have been offered briefings on the Council's forecasts of demographic growth and the need to plan for additional school places in the school planning area.
42. The proposals for the school expansions do not require a formal education consultation process as the increase is a temporary expansion, though there will be a need for a further planning consultation subject to the granting of planning permissions under Part 3 of the Town and Country Planning Act 1990. This is a local agreement between the Council and the school to meet a basic need for school places in the area.
43. In addition to Section 14 of the Education Act 1996, the Council's Policy principles states the need to provide local schools for local children, the need to create schools that are of sufficient size to be financially and educationally viable and the ability to support the expansion of local popular and successful school.

Council Priorities

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

Financial and Risk Implications

45. 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 gross expenditure is £14.1M (net nil) in 2017/18, £4M (net nil) in 2018/19, £8.5M (net nil) in 2019/20 and £12.3M (net nil) in 2020/21.
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 order to support expansions commissioned by the Council, the school is eligible for additional revenue support for related costs funded through the Dedicated Schools Grant, Growth Fund, established by the Schools Forum.
49. Capital expenditure within the New School Places Programme is subject to the Council's Code of Financial Governance.
50. The building work required at Thomas Johnson Lower and Biggleswade Academy, if approved, will be funded through a combination of S106 contributions from local developments and the Basic Need grant received from the DfE.
51. There is therefore no net cost to the Council for any of the two projects.

Equalities Implications

52. The 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.
53. 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.
54. This statutory duty includes requirements to:
 1. Remove or minimise disadvantages suffered by people due to their protected characteristics.
 2. Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
 3. Encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.
55. The proposal is not envisaged to have an adverse impact on any of the listed groups below:-

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|-----------------------|---|
| • Sex | N/A |
| • Gender Reassignment | N/A |
| • Age | Children will have access to sufficient school places |
| • Disability | N/A |
| • Race & Ethnicity | N/A |
| • Sexual Orientation | N/A |

- Religion or Belief (or No Belief) N/A
- Pregnancy & Maternity N/A
- Human Rights N/A
- Other Groups (rural isolation etc) N/A

Risk Management

56. The proposals set out in this report mitigates the risk on the Council of failing in its statutory duty to secure sufficient school places for the authority.
- 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 childcare and early year's places.
 - Risk of not achieving forecast numbers of children impacting the financial viability of the main school budget.

Conclusion and next Steps

57. Subject to the Council's Executive approval, Thomas Johnson Lower School will temporarily expand its pupil numbers to meet the basic need in the local area for September 2018 and Biggleswade Academy will temporarily expand its pupil numbers for 2018 and 2019 to meet a basic need for middle school places in the town. The Biggleswade Academy expansion is also subject 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 consultation.

Appendices

The following appendices are attached:

Appendix A – Letter from Thomas Johnson School

Background Papers

None

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