

Central Bedfordshire Council

Executive

5 February 2019

Schools for the Future – Commissioning New School Places in the ward of Leighton Buzzard North through the expansion of Gilbert Inglefield Academy and Vandyke Upper School for September 2020

Report of: Cllr Steven Dixon,
Executive Member for Families, Education and Children
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Responsible Director(s): Sue Harrison, Director of Children's Services
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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 governing body of Gilbert Inglefield Academy regarding the proposal to expand the school by 2 forms of entry (60 places in each year group) by September 2020.
2. To provide the Executive with the outcome of the consultation undertaken by the governing body of Vandyke Upper School (academy) regarding the proposal to expand the school by 2 forms of entry (60 places in each year group) by September 2020.
3. To seek approval for the proposed expansions and commitment to the required capital expenditure, subject to approval also by the Department for Education for both expansions.
4. The schools referred to within the report are in the ward of Leighton Buzzard North.

RECOMMENDATIONS

The Executive is asked to:

- 1. approve the new school places required in Leighton Buzzard to meet the Councils statutory duty under The Education and Inspections Act 2006 by noting the positive responses received to the consultations by the governing bodies of Gilbert Inglefield Academy and Vandyke Upper School to expand each school by 2 forms of entry (60 places in each year group) by September 2020; and**
- 2. to authorise the Director of Children's Services in consultation with the Executive Member for Families, Education and Children to approve the capital expenditure as set out in this report. This is subject to approval of the proposals by the Department for Education, and subject to the granting of planning permissions under Part 3 of the Town and Country Planning Act.**

Overview and Scrutiny Comments/Recommendations

1. A report was presented to Children's Services Overview and Scrutiny Committee at its meeting on 22 January 2019 and the Committee were asked to indicate their support for the recommendations. The views of the Committee will be set out at Appendix C.

Schools for the Future

2. Schools in Leighton Buzzard and Linslade are in discussions with the Council, the Diocese, academy trusts and governors on the future direction of school structures and a potential move to a 2-tier model of primary and secondary schools.
3. The Councils Executive approved on the 7 August 2018 that it would actively promote new schools to be built as primary or secondary schools. At the time of writing this report, no new school sites are in a position to be progressed and schools in the Leighton Buzzard are still in discussions to possible age range changes. Any programme for a change in age range involving the prescribed alterations under the statutory requirement is likely to require further Executive approval in the future and will not be in place before the additional school places are required in 2020.
4. The Council has a statutory duty to ensure everyone who wants a school place has one and a policy principle to ensure these places are in the area of demand. The Council would be at risk of not meeting its statutory requirements and principles if these places were not approved either in a 3 tier or 2 tier school structure.

- All new school places required at existing schools, before an area decides to move to a 2-tier model, will be future proofed in design to ensure that future works (if required) do not jeopardies the site and ensure maximum use of the site for either a primary or secondary school.

Pupil Place Planning in the ward of Leighton Buzzard North – Gilbert Inglefield Academy proposal

- The School Organisation Plan (SOP) is reviewed on an annual basis and provides the Council with an outline of planned changes for the next 5 years and identifies areas where additional school places may be necessary. The SOP is a tool used by School for the Future to understand the basic need for school places for the next 5 years but is also used to understand further growth in Central Bedfordshire when the Local Plan is adopted. The latest SOP was reviewed and published in December 2018 and can be found here:
<http://www.centralbedfordshire.gov.uk/school/organisation/place.aspx>
- The outcome of the revision is a forecast deficit in middle school provision in Leighton Buzzard from 2020/21. This is a sustained deficit of over 2 forms of entry (30 places per year group). This is shown below: -

	Total PAN	Total year 5, Jan 18	Forecast				
			2018-19	2019-20	2020-21	2021-22	2022-23
PAN/ forecast year 5	615	573	529	578	698	644	682
Balance of places at YR 5			86	37	-83	-29	-67

- There are four middle schools in Leighton Buzzard; Gilbert Inglefield Academy, Brooklands School, Leighton Middle School and Linslade Lower School. Leighton Middle School has already been expanded under the New School Places Programme by 1 form of entry in 2017 to meet a deficit of school places at the time.
- The governing body of Gilbert Inglefield Academy is supportive of the expansion and understand the need to provide school places for local children. The current school site is of sufficient size to accommodate the expansion. The school currently has capacity to admit over the published admission number (PAN) and has agreed to take up to 2 additional forms of entry, if required, in 2020 without additional capital works over the 2 forms of permanent expansion at the school.
- The expansion will allow the academy to admit an additional 2 forms of entry from September 2020 forecast from the growth in the town and children currently at the lower schools.

11. In June 2016, Gilbert Inglefield Academy was rated by OFSTED as a “Good” school. The academy is one of four middle schools in the town and is in the area of basic need.

Consultation results

12. Gilbert Inglefield Academy undertook a public consultation on the proposed expansion by two forms of entry for September 2020 between 11 October and 15 November 2018.
13. A public meeting was held at 6:30pm on 18 October and a meeting was facilitated on the 5 November with staff and governors.
14. The consultation for the proposed expansion received 31 written responses from local residents, staff and governors.
15. Of the total 31 responses, 26 responses were in support of the proposal (84%): -

Responses received	31	
Support	26	81%
Not support	5	19%

16. Key concerns arising from the consultation were related to the level of disruption for existing pupils, in particular around their SAT examinations, whether there would be additional facilities for staff and whether there would be any financial burden on the school. All efforts will be made to ensure the Health and Safety of pupils, staff and parents are not compromised and any significant disruptive work is undertaken in consultation with the school. The school will have facilities that meet the DfE building guidance BB103 and the school is expected to be protected under the growth fund allocations.
17. Appendix A from the governing body supports the proposed expansion of the school and that it wishes to proceed the plans for the 2 form of entry expansion.
18. The academy will be subject to further feasibilities and early engagement with the Councils highway and planning officers to inform the design works when required. The expansion is subject to a town planning application and a separate public consultation on the design of the build proposed. The building of the new facilities is expected to be via a phased approach.
19. Whilst there are new school sites secured through the S106 planning agreements in the area to the east of Leighton Buzzard, these will not become available until the new dwellings start to be built and occupied. This will be monitored on an annual basis. All new schools are designated as free schools and will be subject to further DfE approval, when this is required.

20. The high-level costs for the expansion are envisaged to be in the region of £7.0m.
21. 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. Schools Forum approved the formulae for funds in 2019/20 at its meeting on the 19 November 2018.
22. The revised guidance published by the DfE on 25 October 2018 'Making significant changes to an open academy and closure by mutual agreement' requires academies to consult stakeholders on a proposed significant change that that will affect their funding agreement. Academies are subsequently required to submit either a 'fast track' application or a 'full business case', dependent upon the type of expansion, to the DfE for their approval. This proposed expansion of Gilbert Inglefield Academy meets the criteria for a 'fast track' application.

Pupil Place Planning in the ward of Leighton Buzzard North – Vandyke Upper School

23. The revision of the School Organisation Plan (SOP) forecast a deficit in upper school provision in both the north and south Leighton Buzzard pyramids from 2020/21. This is a deficit of over 2 forms of entry (30 places per year group). This is shown below: -

			Forecast				
	Total PAN	Total year 9, Jan 18	2018-19	2019-20	2020-21	2021-22	2022-23
PAN/ forecast year 9	620	519	545	574	642	664	642
Balance of places at YR 9			75	46	-22	-44	-22

24. The latest SOP, which was reviewed and published in December 2018, can be found here: <http://www.centralbedfordshire.gov.uk/school/organisation/place.aspx>
25. There are two upper schools in Leighton Buzzard; Cedars Upper School (academy) and Vandyke Upper School (academy). Vandyke Upper School has already been expanded under the New School Places Programme under phase 1 by 200 places in 2014 to meet a deficit of school places at the time. Cedars Upper School is not in the area of demand.
26. The governing body of Vandyke Upper School is supportive of the expansion (Appendix B) and understand the need to provide school places for local children. The current school site is of sufficient size to accommodate the expansion.
27. The expansion will allow the academy to admit an additional 2 forms of entry from September 2020.

28. In March 2015, Vandyke Upper School was rated by OFSTED as a “Good” school. A short inspection by OFSTED in May 2018 confirmed that the school had maintained this rating. The academy is one of two upper schools in the town and is closest to the area of demand.

Consultation results

29. A public consultation on the proposed expansion of Vandyke Upper School by two forms of entry for September 2020 was held between 11 October and 15 November 2018.

30. A public meeting was held at 6.00pm on 17 October 2018. Two families attended the meeting. Two meetings for staff and two student meetings were held during the school day.

31. A total of 17 written responses were received. One was from a neighbouring local authority, Buckinghamshire County Council, which raised no objections. One was from a current student, one was from a governor. Two were from staff, the others were from current parents although several also fitted in other categories too: -

Responses received	17	
Support	15	88%
Not support	2	12%

32. A summary of the feedback received was posted on the school website. 15 responses were in support of the proposals (88%). 2 of the responses did not support the proposals. The reasons given included possible disruption to existing students and a more general concern about housing growth and development in the town.

33. 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 town planning application and a separate public consultation.

34. As stated in paragraph 19 there are new school sites secured through the S106 planning agreements in the area, which will become available when the triggers for the s106 are hit. The need for new schools will be monitored against the rate of dwellings being completed.

35. The high-level costs for the expansion are envisaged to be in the region of £11.2m.

36. Similar to the proposed expansion of Gilbert Inglefield Academy, Vandyke Upper is eligible for additional revenue support for related costs funded through the Dedicated Schools Grant, Growth Fund, established by the Schools Forum.

37. The academy is subject to revised guidance published by the DfE on 25 October 2018 'Making significant changes to an open academy and closure by mutual agreement' requires academies to consult stakeholders on a proposed significant change that that will affect clauses in their funding agreement. This proposed expansion of Vandyke Upper School meets the criteria for a 'fast track' application.

Reasons for decision

38. The forecast for new school places in the Leighton Buzzard school planning area show a deficit of school places to meet the basic need in the area. Without additional places local children will not be able to access a local school.
39. 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.
40. The proposals for the school expansions require the academies to undertake a consultation process and 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.
41. 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 schools.

Council Priorities

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

Legal Implications

43. 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.
44. 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.

45. 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.
46. Department for Education guidance for proposers and decision makers regarding significant changes to an open academy was revised and published in October 2018 to support the Academies Act 2010. This guidance can be viewed at: <https://www.gov.uk/government/publications/making-significant-changes-to-an-existing-academy>
47. 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.
48. 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 a 'fast track significant change' as set out by 2018 DfE Guidance.
49. 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.
50. 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 2018 DfE guidance.
51. In both cases there are statutory processes for consultation and applications which, if the proposals are agreed, must be followed to ensure the proposals can be implemented when required.
52. 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.
53. 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.

Financial and Risk Implications

54. 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 £7M (net nil) in 2018/19, £23.9M (net nil) in 2019/20, £33.8M (net nil) in 2020/21 and £15.6M (net £5.9M) in 2021/22.
55. The high level costs (subject to below ground level conditions, highways, tender and town planning) for the additional school places at the proposed expansions are set out below: -

School	S106 contributions	DfE Basic Need grant	High level cost (subject to tender, highways, ground conditions & planning)
Gilbert Inglefield Academy	0m	£7.0m	£7.0m
Vandyke Upper School	£6.1m	£5.1m	£11.2m

56. The Council is to receive a capital grant of Basic Need for additional school places for 2020/2021 of £2,994,760 which will be used to cover the cost of the New School Places Programme
57. 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. The academies will be encouraged to seek additional funding from the DfE Condition Improvement Fund.
58. 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.
59. 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.
60. Capital expenditure within the New School Places Programme is subject to the Council's Code of Financial Governance.
61. The new school places at Gilbert Inglefield Academy and Vandyke Upper School, if approved, will be funded through a combination of S106 contributions from local developments and the Basic Need grant received from the DfE.

62. Therefore, there is no net cost to the Council for either of the proposed projects.

Equalities Implications

63. 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.

64. 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.

65. This statutory duty includes requirements to:

- Remove or minimise disadvantages suffered by people due to their protected characteristics.
- Take steps to meet the needs of people from protected groups where these are different from the needs of other people.
- Encourage people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

66. The proposal is not envisaged to have an adverse impact on any of the listed groups below: -

- | | |
|--------------------------------------|---|
| ▪ 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 |

Conclusion and next Steps

67. Subject to approval from both the Council's Executive and the DfE, plus the granting of planning permission under Part 3 of the Town and Country Planning Act 199, both Gilbert Inglefield Academy and Vandyke Upper School will be expanded to meet a basic need for new school places in the town.

Appendices

The following appendices are attached:

Appendix A – Gilbert Inglefield governors support letter

Appendix B – Vandyke governors support letter

Appendix C – Overview and Scrutiny Comments

Background Papers

None

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