

Schools for the Future - Commissioning of New School Places in the ward of Biggleswade North through the Expansion of Edward Peake Church of England VC Middle School, Biggleswade for September 2020

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

Responsible Director: 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 preliminary and statutory consultations undertaken regarding the proposal to expand Edward Peake Middle School, Biggleswade by 2 forms of entry (60 places in each year group) by September 2020.
2. To seek approval for the proposed expansion and commitment to the required capital expenditure. There is no net cost to the Council for the proposed expansion.
3. The school referred to within the report is in the ward of Biggleswade North.

RECOMMENDATIONS

The Executive is asked to:

1. **approve the new school places required in Biggleswade to meet the Councils statutory duty under The Education and Inspections Act 2006 by 2 forms of entry (60 places in each year group) for Edward Peake Church of England VC Middle School, Potton Road, Biggleswade, Bedfordshire, SG18 0EJ, by September 2020; and**
2. **authorise the Director of Children's Services in consultation with the Executive Member for Families, Education and Children to 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.**

Overview and Scrutiny Comments/Recommendations

4. A report was presented to Children's Services Overview and Scrutiny Committee at its meeting on 12 March 2019. The Committee recommended that the Executive:
 - support the proposal for new school places required in Biggleswade to meet the Council's statutory duty under The Education and Inspections Act 2006 by 2 forms of entry (60 places in each year group) for Edward Peake Church of England VC Middle School, Potton Road, Biggleswade, Bedfordshire, SG18 0EJ, by September 2020.
 - Support the proposals to authorise the Director of Children's Services in consultation with the Executive Member for Families, Education and Children to approve the commencement of capital expenditure as set out in the report, subject to the granting of planning permissions under Part 3 of the Town and Country Planning Act.

Schools for the Future

5. Edward Peake Middle school is committed to work with the cluster of schools in the area and move to a two tier, once the cluster decides to a change in age range. The modelling of future school provision, to date, shows the school as a prospective secondary school. This proposed expansion will future proof the school.
6. Schools in Biggleswade are in advance 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. The town of Biggleswade is expected to see significant growth.
7. The Council's 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 Biggleswade are still in discussions regarding 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.
8. 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.

- 9. 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 jeopardise the site and ensure maximum use of the site for either a primary or secondary school.

Pupil Place Planning in the Ward of Biggleswade North

- 10. 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 Schools 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>

- 11. The outcome of the revision is a forecast deficit in middle school provision in Biggleswade from 2020/21. This is a sustained deficit of over 2 forms of entry (60 places per year group). This is shown below: -

			Forecast				
	Total PAN	Total year 5, Jan 18	2018-19	2019-20	2020-21	2021-22	2022-23
PAN/ forecast year 5	290	245	276	298	336	364	362
Balance of places at YR 5			14	-8	-46	-74	-72

- 12. There are two middle schools in Biggleswade; Edward Peake C of E VC Middle School and Biggleswade Academy. Edward Peake was expanded under the New School Places programme by 1 form of entry in May 2016, as part of phase 1. Biggleswade Academy is a lower/ middle school and was expanded under the New School Places Programme by 1 form of entry in 2017 to provide the required statutory accommodation and to meet a deficit of lower school places in 2017.
- 13. The Diocese of St Albans is supportive of the expansion and understand the need to provide school places for local children. Whilst the current school site is of sufficient size to accommodate the expansion, the council is seeking to provide the school an additional parcel of land. The parcel of land is subject to a s106 agreement where the housing development has not hit the trigger for the release of the land.
- 14. The expansion will allow the school 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.

15. In October 2016, Edward Peake was rated by OFSTED as a “Good” school. The school is one of two middle schools in the town and is closest to the area of basic need.

Consultation results

16. The Council’s School Organisation Team undertook a preliminary consultation on the proposed expansion by two forms of entry for September 2020 between 9 October and 13 November 2018 and a statutory consultation between 4 January and 1 February 2019.
17. A meeting for staff and governors and a public meeting were both held at the school on the 5 November 2018, both of which were well attended.
18. The combined consultations received a total of 76 responses for the proposed expansion via the Council’s on-line response facility, from local residents, parents, staff and governors.
19. A total of 37 response were received at the preliminary consultation and a total of 39 responses were received at the statutory consultation.
20. A summary of the response is set out in the table:-

	Preliminary consultation	Statutory consultation	Total in support	Total not in support
Strongly agree	12		12	
Agree	9		9	
Support		18	18	
<i>Neither</i>	2			
Do not support		21		21
Disagree	6			6
Strongly disagree	8			8
Totals			39	35
			51.3%	46%

21. Over 51% of respondents supported the proposed expansion. 12 respondents strongly supported the proposal.

22. Where respondents raised key concerns, officers have addressed the individual issues as set out below:

Issues raised by respondents	Response
Current facilities are insufficient in including music, DT, computing, outside areas.	Additional provision provided at the school will seek to meet the standards set by the Department for Education, Building Bulletin 103 guidance. This has been approved by the Councils Executive.
Concerns about parking/traffic/local infrastructure	The physical enlargement scheme and any associated traffic measures will be the subject of a separate town planning process. A detailed transport assessment and any required measures to mitigate the impact of additional traffic will form part of the town planning application and part of this process will be formal consultation with the local community and the highways authority. The school will develop a school travel plan which will proactively promote safe and sustainable travel to school. Officers will work with the school to ensure that the school travel plan takes account of the additional pupils that would result from the proposed expansion.
Big schools are not good for wellbeing of students, concern that additional growth will impact on student's quality of education	There is not a direct relationship between the size of a school, the standards it achieves and its overall effectiveness. Schools of differing sizes can, and do, perform very well. The key factors which contribute to school standards and effectiveness are the quality of leadership and management, and of learning and teaching. Where these factors are equal, larger schools have some significant benefits. The larger budget provides greater flexibility in terms of staffing and resources (including SEN provision and school clubs); there is a better distribution of management responsibilities; there are improved opportunities for staff promotion within the school leading to better capacity to sustain leadership; and consequently, the school is less vulnerable to turbulence.
A brand-new middle school is needed	Based on forecast basic need, officers are proposing a 2-form entry expansion to meet the immediate need. The Council sees significant benefits through the expansion of existing good, local schools where the leadership and governance structures are in place to build on current success. In educational, sustainability and value for money terms it would not consider endorsing the provision of a new 2 form entry middle school.

	The Council continue to engage with prospective developments to secure future school sites.
How does this link to 2-tier school plans?	The Council is engaging with all the school in Biggleswade about a possible two-tier structure. The proposed expansion will secure the site for the immediate need for the school places but also future proof designs for further change of age range, if agreed by the cluster.
Will it meet demand, given the scale of development in Biggleswade?	Biggleswade is expected to see significant growth and officers continue to maximise the opportunity to secure additional land and funds to provide school places. Additional sites have already been secured and the need for school places will continue to be monitored to assess the scale of the demand.
Why was this not considered at the last expansion?	The timing of school expansions is subject to the rate of housing completion, birth data and migration. The Council reviews this on an annual basis and officers must make a judgment when places are required to ensure the council meets its duty to provide school places but also not to over supply school places in a town.
Will there be enough Upper School places as a result	Stratton Upper school was expanded to meet the basic need for places. It has been future proofed to provide additional places as and when the council forecast an additional need.

23. The School governors are now in detailed discussions with officers on the designs of the new build. While there are still significant areas of concern to be explored by both school leaders and governors, they are, in principle, increasingly supportive of the direction of travel. Officers will continue to meet with governors and senior staff to finalise the proposal, ensuring a high quality, expanded and improved building through a robust delivery programme.
24. The school 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.
25. No new middle school sites have currently been secured through the S106 planning agreements in Biggleswade.
26. The high-level costs for the expansion are envisaged to be in the region of £8.0m.
27. 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.

Reasons for decision

28. The forecast for new school places in the Biggleswade school planning area shows 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.
29. Ward Councillors were offered a briefing on the Council's forecasts of demographic growth and the need to plan for additional school places in the school planning area.
30. The proposal for the school expansion requires the Council to undertake a two-stage consultation process and there will also 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.
31. 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

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

Legal Implications

33. 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.
34. 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.
35. 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.

36. Department for Education guidance for proposers and decision makers regarding significant changes to a maintained school was revised and published in October 2018.
37. This guidance can be viewed at:
<https://www.gov.uk/government/publications/school-organisation-maintained-schools>
38. 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. The Council will also need to ensure that the Statutory process and timescales as set out in Section 5 of the Department for Education Guidance is complied with.
39. 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.
40. Key risks include:
- Failure to comply with legal and statutory duties/guidance leading to any decision being open to challenge in the courts.
 - 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

41. 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 £6M) in 2021/22.
42. The high-level costs (subject to 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 & planning)
Edward Peake C of E VC Middle School	£1.13m	£7.13m	£8.27m

43. 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.
44. 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.
45. 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.
46. 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.
47. Capital expenditure within the New School Places Programme is subject to the Council's Code of Financial Governance.
48. The new school places at Edward Peake C of E VC School, if approved, will be funded through a combination of S106 contributions from local developments and the Basic Need grant received from the DfE.
49. Therefore, there is no net cost to the Council for the proposed project.

Equalities Implications

50. The decision-making process set out in regulation for proposals to expand Council maintained schools requires an evaluation on a project by project basis of any equalities and human rights issues that might arise.
51. 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.
52. 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.

53. 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

54. Subject to approval from the Council’s Executive, plus the granting of planning permission under Part 3 of the Town and Country Planning Act 199, Edward Peake C of E VC Middle School will be expanded to meet a basic need for new school places in the town.

Appendices

The following appendix is attached:

Appendix A – Statutory consultation document – ‘Proposal to expand Edward Peake C of E VC Middle School, Biggleswade to provide new middle school places for children in Biggleswade, Bedfordshire’: published 4 January 2019

Background Papers

None

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