

# Individual Executive Member Decision

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<b>Title of Report:</b>	<b>Developing Proposals for a New School</b>
<b>Report to be considered by:</b>	Individual Executive Member Decision
<b>Date on which Decision is to be taken:</b>	26 August 2014
<b>Forward Plan Ref:</b>	ID2872

**Purpose of Report:** To initiate the exploration the potential for a new primary school in West Berkshire.

**Recommended Action:** To approve the statutory process to obtain expressions of interest for a new school.

**Reason for decision to be taken:** Pupil numbers in West Berkshire continue to grow and there is increasing pressure in terms of the Council's school capacity and its ability to meet its statutory duty in terms of providing a school place to its resident children.

**Other options considered:** Expansion of existing sites – this has been the approach in recent years but potential for expansion has now been exhausted

**Key background documentation:** Papers presented to the Education Capital Group (place Planning sub-group).

Portfolio Member Details	
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## Implications

<b>Policy:</b>	Developing our 'new schools' policy.
<b>Financial:</b>	None at this stage.
<b>Personnel:</b>	Dedicated project time required, to be funded from capital allocation.
<b>Legal/Procurement:</b>	Staff contribute to project development.
<b>Property:</b>	Staff time.
<b>Risk Management:</b>	To ensure sufficient places in place to meet demand.

Is this item relevant to equality?	Please tick relevant boxes	Yes	No
Does the policy affect service users, employees or the wider community and:			
• Is it likely to affect people with particular protected characteristics differently?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Is it a major policy, significantly affecting how functions are delivered?		<input checked="" type="checkbox"/>	<input type="checkbox"/>
• Will the policy have a significant impact on how other organisations operate in terms of equality?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to functions that engagement has identified as being important to people with particular protected characteristics?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
• Does the policy relate to an area with known inequalities?		<input type="checkbox"/>	<input checked="" type="checkbox"/>
<b>Outcome</b> (Where one or more 'Yes' boxes are ticked, the item is relevant to equality)			
Relevant to equality - Complete an EIA available at <a href="http://www.westberks.gov.uk/eia">www.westberks.gov.uk/eia</a>			<input checked="" type="checkbox"/>
Not relevant to equality			<input type="checkbox"/>

## Consultation Responses

### Members:

**Leader of Council:** Gordon Lundie

**Overview & Scrutiny Management Commission Chairman:** Brian Bedwell

**Ward Members:** N/a

**Opposition Spokesperson:** David Allen

**Local Stakeholders:** N/a

**Officers Consulted:** Rachael Wardell, Ian Pearson, Richard Turner, Mark Lewis

**Trade Union:** N/a

Is this item subject to call-in?	Yes: <input checked="" type="checkbox"/>	No: <input type="checkbox"/>
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## Supporting Information

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### 1. Background

- 1.1 Section 14(1) of the Education Act 1996 placed a legal duty on local authorities to secure sufficient primary and secondary school places.
- 1.2 The Education Act 2011 introduced the academy/free school presumption to the Education and Inspections Act 2006. Where a Local Authority thinks there is a need for a new school in its area, it must seek proposals to establish an academy/free school (with effect from February 2012).
- 1.3 The LA can determine how to consult on the proposed new school and is required to be clear about the details of the school they wish to be established to aid potential proposers. The LA must ensure that the widest possible range of groups or organisations that might be interested in establishing the new school are aware of the opportunity to do so. The DfE will highlight the consultation on its website, encouraging key stakeholders to do the same and sign-posting proposals to existing sponsors or potential sponsors.

### 2. Growth in Pupil Numbers

- 2.1 The number of primary school pupils in West Berkshire has grown significantly over the past 5 years. In 2009, there were 12,238 primary school pupils and by 2014 this has risen to 13,115. Perhaps more significantly, the number of pupils in the Reception year intake has risen, and the trend analysis shows that year on year larger Reception cohorts are coming through. In 2009, the Reception intake was 1797 pupils, with a similar number in 2010 and 2011. Growth began in 2012 (1936 pupils), with an especially large cohort of 2017 pupils in 2013 and 1932 pupils for 2014.

### 3. Financial Implications

- 3.1 The annual return submitted to government in 2013 outlined our forecast demand for places and compared this to our capacity and capital spending plans. The outcome from this return was a 2-year 2015/16 - 2016/17 basic need allocation totalling £14.6m. The development of a substantive solution to meet basic need pressure was included in the Capital Strategy 2014/15 – 2018/19, approved by Executive, where £7.7m was allocated towards the cost of providing a new school.

### 4. Conclusion

- 4.1 The paper outlines the rationale for exploring the potential for a sponsor for a new school in West Berkshire, following the required statutory processes. The paper has also confirmed that there is capital funding allocated to support the costs of a new build.
- 4.2 It is proposed that the Council undertakes an *expressions of interest* exercise.

## **5. Recommendations**

- 5.1 To approve the recommendation to undertake a statutory process with regard to building a new school in West Berkshire, with expressions of interests sought for Newbury.

# Executive Report

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## 1. Introduction

- 1.1 Section 14(1) of the Education Act 1996 placed a legal duty on local authorities to secure sufficient primary and secondary school places.
- 1.2 The Education and Inspections Act 2006 (EIA, 2006) means that when providing those places local authorities must also promote:
- Parental choice
  - Diversity
  - High standards
  - Fulfilment of every child's educational potential
  - Fair access to educational opportunity.
- 1.3 Local authorities also have to take account of and respond to parental views and concerns about the quality of local schools. The EIA 2006 puts the local authority in the role of strategic commissioner of provision for children and young people.
- 1.4 In its strategic role, the Council must ensure there is a response to changes in demand over time by securing the increase or removal of capacity, which can be achieved in a number of ways, including:
- working in partnership to engage others in the provision of free schools or academies;
  - extending the capacity at existing schools, either by the use of permanent extensions or, in exceptional cases, by modular buildings; or through changing the use of spaces;
  - reducing places at existing schools, for example by removing or relocating modular buildings or changing the use of spaces;
  - promoting the reorganisation of schools, including amalgamating, relocating or closing schools, changing the age range or range of special needs of the school;
  - reviewing and re-aligning catchment areas.
- 1.5 Many of these changes take time to achieve, bearing in mind the need to consult the school (governors, staff and parents) and the community, secure relevant approvals, obtain capital resources, plan, design, seek tenders and carry out building work. There is likely, therefore, to be a significant planning period that has to be included in the forward planning process.
- 1.6 Judgements about how best to manage school places across West Berkshire are not only concerned with ensuring that there are sufficient places available, but also about enhancing the quality of provision where surplus places are considered for removal and promoting the highest possible standards where additional places are required. Effective school organisation ensures the right number of good schools,

which are educationally and financially viable, of the right size and in the right locations.

- 1.7 The paper outlines the rationale for considering a new primary school for 2016/17 to meet basic need pressures in West Berkshire, and how this school project would be funded.

## 2. The Legal Context for establishing a new school

- 2.1 The Education Act 2011 changed the arrangements for establishing new schools and introduced the academy/free school presumption to the Education and Inspections Act 2006. Where a Local Authority thinks there is a need for a new school in its area, it must seek proposals to establish an academy/free school. The change to regulations came into effect from February 2012.
- 2.2 The government has subsequently issued non-statutory advice to clarify the requirements dated February 2014. The advice explains that the LA is under a duty to seek proposals to establish an academy/free school. The LA can determine how to consult on the proposed new school and with whom, and is required to be clear about the details of the school they wish to be established to aid potential proposers. The LA must take all necessary steps to ensure that the widest possible range of groups or organisations that might be interested in establishing the new school are aware of the opportunity to do so.
- 2.3 The process also includes notification to the DfE who will highlight the consultation on its website, encouraging key stakeholders to do the same and sign-posting proposals to existing sponsors or potential sponsors.
- 2.4 The consultation and evaluation of bids takes some considerable time, and it is anticipated that this process, including bringing recommendations through the corporate cycle, would not be completed until Spring 2015.

## 3. Rationale

- 3.1 In actual terms the number of primary school pupils in West Berkshire has grown significantly over the past 5 years. In 2009, there were 12,238 primary school pupils and by 2014 this has risen to 13,115.

	2009	2010	2011	2012	2013	2014
Total	12238	12349	12404	12483	12772	13115

- 3.2 Perhaps more significantly, the number of pupils in the Reception year intake has risen, and the trend analysis shows that year on year larger Reception cohorts are coming through. In 2009, the Reception intake was 1747, with a similar number in 2010 and 2011. Growth began in 2012 and has continued, with an especially large cohort in 2013.

	2009	2010	2011	2012	2013	2014
Total	1747	1722	1788	1836	2017	1932

- 3.3 The growth in primary pupil numbers has, so far, been addressed through:
- re-configuring schools to provide additional classroom space, for example, by replacing at IT suite with wifi and laptops,
  - adding modular classrooms on to a site or building a permanent extension,
  - changing the use of spaces around, for example swapping Year 6s and Reception area to accommodate more Reception children and replacing toilets in both areas to the right size, building replacement outdoor space for Reception as required by law.
- 3.4 The potential to address a continuation of high levels of primary pupil numbers through these methods has been exhausted in many schools.
- 3.5 The pupil forecasting in 2013 indicated large growth in Newbury (Planning Areas 3 & 5 combined).
- 3.6 The pupil forecasting for 2013, when tested against the September 2013 actual numbers, was proven to be within the expected 2% variance for West Berkshire as a whole.
- 3.7 The pupil forecasting for 2014 has confirmed the same level of growth across West Berkshire, and this round has had the benefit of the addition of GP registration data, which provides a more accurate count than ONS estimates.
- 3.8 The pupil forecasting process has been the subject of review by the Education Capital Group, which has included scrutiny by Members.
- 3.9 Pupil admissions applications for 2014 confirm a high level of demand in West Berkshire especially in urban areas. It will be possible to undertake further analysis to confirm the accuracy of the 2014 forecasts compared to the January school census before a final decision is made.
- 3.10 At this stage, permission is sought to explore interest in operating a new primary school in Newbury, and it is at a later stage that a final decision on a way forward would be determined by Members.

#### **4. Finance**

- 4.1 The annual return submitted to government in 2013 outlined our forecast demand for places and compared this to our capacity and capital spending plans. The outcome from this return was a 2-year 2015/16 - 2016/17 basic need allocation totalling £14.6m. The development of a substantive solution to meet basic need pressure was included in the Capital Strategy 2014/15 – 2018/19, approved by Executive, where £7.7m was allocated towards the cost of providing a new school.

#### **5. Conclusions**

- 5.1 The paper has outlined the rationale for exploring the potential for a sponsor for a new school in West Berkshire, following the required statutory processes. The paper has also confirmed that there is capital funding allocated to support the costs of a new build.
- 5.2 The historic and forecast data supports the new for a new school and indicates that this would be required in Newbury. It is proposed that the Council undertakes an

*expressions of interest* exercise, and aligns the future decision-making process against the further forecast and actual data which will be available at that time.

## **6. Recommendations**

- 6.1 To approve the recommendation to undertake a statutory process with regard to building a new school in West Berkshire, with expressions of interests sought for Newbury.

## **Appendices**

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There are no Appendices to this report.