

10 January 2019

Pupil place planning and school expansions

Ward(s) All

Portfolios: Councillor Chris Towe – Education and Skills

Executive Summary:

This report summarises the decisions made by Cabinet on 21 November 2018 in relation to the school expansion programme.

Extracts of the pupil place planning information, Education and Skills Funding Agency (ESFA) expectations regarding value for money and the legal considerations contained within the 21 November Cabinet report, that formed the basis of Cabinet's decision making, are contained within the report.

Reason for scrutiny:

The report was requested by the Chair of the Education Overview and Scrutiny Panel to provide Committee Members with an opportunity to further develop understanding of the Council's statutory duty to provide sufficient school places.

Recommendations:

To note the report.

Background papers:

Cabinet report 21 November 2018.

Resource and legal considerations:

The Education and Skills Funding agency expectations regarding the efficiency, effectiveness and value for money of places created are set out in report as are the legal considerations contained in the Cabinet on 21 November.

Council Corporate Plan Priorities:

This report supports the council's corporate plan priority, specifically the priority that children have the best start and are safe, happy, healthy and learning well.

Citizen impact:

Having enough good school places in the right areas is a crucial part of the education system. Without this, parental choice may be limited and the learning environment may be less effective, putting educational outcomes at risk.

Environmental impact:

There are no environmental impacts for this report.

Performance management:

Not applicable to this report.

Consultation:

Statutory consultation in relation to Cabinet's decision of 21 November to revoke 2 proposed expansions and options to meet newly identified need in primary planning areas 4, 5 and 6 is underway.

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1. A summary of decisions taken by Cabinet on 21 November regarding school expansions

1.1 A school place planning and expansion report considered by Cabinet on 21 November 2018 approved:

- The continued expansion of Old Church CE (C) Primary School.
- The commencement of a statutory process to revoke the decisions to expand Leighswood School and Salisbury Primary School because of changes of circumstances that make the implementation of these proposals inappropriate.
- The modification of decisions to expand of Manor Primary School, St Michael's CE (C) Primary School, Short Heath Federation, Mary Elliot and Oakwood, changing the implementation date from September 2019 to September 2020. This will allow the Authority to respond to changing demand for pupil places, deliver school places more efficiently and effectively and improve value for money.
- The commencement of consultation on options to meet the new and emerging need for pupil places from September 2019.

2. Report detail

The following sections of the report cover off the Council's statutory duties, pupil place planning forecasts, ESFA expectations and legal requirements which collectively informed Cabinet's decision, set out above.

2.1 Statutory duty

The Council has a duty to ensure there are sufficient school places for resident children who want a school place. A local authority has a general duty, under section 14 of the Education Act 1996, to secure that there are available, in its area, sufficient schools 'in number, character and equipment to provide for all pupils the opportunity of appropriate education'.

Cabinet received a report in October 2017 on the proposed enlargement of six primary schools for September 2019.

In December 2017, Cabinet received a report on the proposed enlargement of six special schools – four from September 2018, and two from September 2019.

The report to Cabinet 21 November 2018 and the proposed changes to the proposed programme of expansions was informed by a review of pupil place planning data / forecasts and scrutiny by the Education and Skills Funding Agency (ESFA).

2.2. Pupil place planning forecasts

The pupil place planning forecast for primary school places for primary planning areas 1, 2, 7, 8 and 9, that informed the 2019 primary school expansion programme approved by Cabinet on 25 October is shown in table 1 over page:

Planning Area	Total places available in Reception	Actual number on roll at the time of the May 2017 Census	2018/19 Projected Reception admissions	2019/20 Projected Reception admissions	2020/21 Projected Reception admissions	2021/22 Projected Reception admissions
Planning Area 1	472	476	473	488	491	500
Planning Area 2	495	495	449	493	455	458
Planning Area 7	375	370	337	384	391	398
Planning Area 8	195	195	214	155	218	220
Planning Area 9	285	284	284	293	292	297

A delay in the release of ONS (Office of National Statistics) information last year meant projections relied upon older ONS data, January census and trends.

The recent inclusion of actual birth data has strengthened the accuracy and reliability of pupil place forecasting information. A peer review of pupil placed planning data and methodology by Essex County Council, commissioned in the summer of 2018 determined the revised data collection, analysis and methodology now provides a good insight into pupil projections.

The revised and validated pupil place planning forecasts for primary school places for primary planning areas 1,2,7,8 and 9 are shown in table 2. There have been some significant changes in the forecasted demand for places.

Planning Area	Total places available in Reception	Actual number on roll at the time of the May 2018	2019/20 Projected Reception admissions	2020/21 Projected Reception admissions	2021/22 Projected Reception admissions
Planning Area 1	472	472	442	457	487
Planning Area 2	495	489	493	489	509
Planning Area 7	375	359	209	208	204
Planning Area 8	195	199	155	149	148
Planning Area 9	285	281	271	254	297

2.3 Education and Skills Funding Agency (ESFA)

Walsall Council was one of a number of local authorities visited by the ESFA during 2017 / 18 to discuss ways to make the most of Basic Need funding, deliver school places more efficiently and effectively and improve value for money.

Walsall is in the top decile in terms of cost per place for new schools. In order to ensure a real positive change the ESFA have requested the Authority develop and agree a local action plan with target savings to be delivered over a four – year period.

In addition to this specific local scrutiny of Walsall’s creation of school places by the ESFA, a letter received from Lord Agnew (Parliamentary Under Secretary of State for the School System) about Basic Need allocations for school places to be delivered by 2021, sent to all local authorities informs of the ESFA’s intention to set new conditions applying to Basic Need grant allocated for the financial year 2019 /20 onwards.

These new conditions, will enable the department to request information on costs and efficiency plans where it is considered necessary, as it has done in Walsall’s case. It will also allow the ESFA to withhold Basic Need funding for a specified number of places and instead directly deliver construction of these places centrally, in circumstances where they consider plans to improve efficiency are not being delivered effectively.

2.4 2019 Programme

The 2019 school expansion programme is as follows:

- 2.4.1 Old Church CE (C) Primary School: an additional 15 pupils have been admitted on roll over number from September 2018 in line with the increase of the Published Admission Number from September 2019. The School were able to accommodate the children in 2018; however, when another 15 arrive in September 2019, the School will not be able to accommodate.

PLANNING AREA 1			
REC 19-20	REC 20-21	REC 21-22	REC 22-23
Total Births Per PA 2014 - 2015	Total Births Per PA 2015 - 2016	Total Births Per PA 2016 - 2017	Total Births Per PA 2017 - 2018
442	457	487	453

Planning permission has been granted at Old Church School and is in place. No change to the approved expansion of Old Church is proposed.

- 2.4.2 Leighswood Primary School: Cabinet approved an extra 15 places in the reception year group at this School (Primary Planning area 8) from 1 September 2019 from 75 to 90 (2.5FE to 3FE).

The revised and validated pupil place projections show there are sufficient school places within planning area 8 to accommodate the children who need places without the need to expand Leighswood.

PLANNING AREA 8			
REC 19-20	REC 20-21	REC 21-22	REC 22-23
Total Births Per Planning Area 2014 - 2015	Total Births Per Planning Area 2015 - 2016	Total Births Per Planning Area 2016 - 2017	Total Births Per Planning Area 2017 - 2018
155	149	148	134

Planning area 8 can currently accommodate 195 children within the school places currently available in the area. Progressing with the expansion of Leighswood School, currently rated 'requires improvement' by Ofsted, would mean the surplus of places exceeds the number required.

It is proposed to commence a statutory process to revoke the decisions to expand Leighswood School and to consult to reduce the Published Admission Number (PAN) of Leighswood School from September 2020, from 90 to 75.

- 2.4.3 Salisbury Primary School: Cabinet approved the expansion of this school (Primary Planning area 1) from 1 September 2019 increasing reception places from 45 to 60 (1.5 FE to 2FE).

PLANNING AREA 1			
REC 19-20	REC 20-21	RECEPTION 21-22	RECEPTION 22-23
Total Births Per Planning Area 2014 - 2015	Total Births Per Planning Area 2015 - 2016	Total Births Per Planning Area 2016 - 2017	Total Births Per Planning Area 2017 - 2018
442	457	487	453

Planning Area 1 can accommodate 472 places within the school places currently available. The proposed expansion of Old Church School, also in Planning Area 1 and judged 'good' by Ofsted will provide the 15 additional places required. Progressing with the expansion of Salisbury Primary School, will mean the surplus of places exceeds the number required. 38 reception children were admitted on roll by Salisbury Primary School in September 2018. This is significantly lower than the School's published admission number.

It is proposed to commence a statutory process to revoke the decision to expand Salisbury school and to consult to reduce the Published Pan Number from September 2020 from 60 – 45.

- 2.4.4 St Michael's CE (C) Primary School: Cabinet approved an increase the number of places (Primary Planning area 9) from 45 – 60 from 1 September 2019 (1.5FE to 2FE).

The revised and validated pupil place projections show a shortfall of places within Planning Area 9. An increase in places is required to accommodate the requirements for the planning area.

St Michael's CE (C) Primary School admitted an additional 15 pupils on roll over number from September 2018 in line with the increase of the Published Admission Number from September 2019. The School was able to accommodate the children

in 2018; when a further 15 arrive in September 2019 the school will not be able to accommodate.

PLANNING AREA 9			
REC 19-20	REC 20-21	REC 21-22	REC 22-23
Total Births Per Planning Area 2014 - 2015	Total Births Per Planning Area 2015 - 2016	Total Births Planning Area 2016 - 2017	Total Births Per Planning Area 2017 - 2018
271	254	297	285

Planning Area 9 can accommodate 285 children by increasing the school by 0.5 form of entry (15 students). The area will be able to accommodate 300 students and therefore the forecasted pressures.

It is proposed to seek a modification to the decision of the current implementation date from September 2019 to September 2020 for St Michael's School in order to allow the Authority to review, assess and respond to changing trends in demand for pupil places, to ensure school places are delivered efficiently and effectively and improve value for money. It is proposed to create the places required by September 2019 through the use of temporary modular units and/or refurbishment/remodelling of existing school space where possible.

- 2.4.5 Short Heath Federation: Cabinet approved an expansion of Short Heath Federation (Primary Planning area 2), Rosedale CE Infants School and Short Heath Junior School, from 1 September 2019, increasing the number of places in reception at Rosedale CE infant school from 60 -90.

The revised and validated pupil place projections show a shortfall of places within the planning area and an increase in places is required to accommodate the requirements for the Planning Area.

An additional 30 pupils have been admitted on roll over number from September 2018, the Published Admission Number (PAN) formally increased from September 2019. A temporary double modular has been put on site at the School to accommodate the increase in pupils.

PLANNING AREA 2			
REC 19-20	REC 20-21	REC 21-22	REC 22-23
Total Births Per PA 2014 - 2015	Total Births Per PA 2015 - 2016	Total Births Per PA 2016 - 2017	Total Births Per PA 2017 - 2018
493	489	509	456

The planning area can currently accommodate 495 students by increasing the Published Admission Number in the planning area by 1 form of entry – 30 students, the area will be able to accommodate 525 students and manage the increase in pupils.

Birth data and further investigations show that the expansion at this school is still required. From September 2019, another modular will be required to accommodate the next cohort of 90 pupils that will start on roll in Reception class.

Planning for the School has not yet been submitted and advice is being taken to ensure that a plan is in place to accommodate the increase of places that will be required for September 2019.

It is proposed to seek a modification to the decision of the current implementation date from September 2019 to September 2020 for Short Heath Federation to allow the Authority to review and respond to changing trends in demand for pupil places, to ensure school places are delivered efficiently and effectively and improve value for money. It is proposed to create the places required by September 2019 through the use of temporary modular units and/or refurbishment/remodelling of existing school space where possible.

- 2.4.6 Manor Primary School: Cabinet approved a proposal to expand this School (Primary Planning area 7) from 1 September 2019, increasing the number of reception places from 45 to 60 (1.5FE to 2).

PLANNING AREA 7			
REC 19-20	REC 20-21	REC 21-22	REC 22-23
Total Births Per Planning Area 2014 - 2015	Total Births Per Planning Area 2015 - 2016	Total Births Per Planning Area 2016 - 2017	Total Births Per Planning AreaA2017 - 2018
209	208	204	209

The revised and validated pupil place planning projections show there are sufficient school places within Planning Area 7 to accommodate the children who need places without the need to expand Manor Primary School, currently rated 'good' by Ofsted. However, admittance of an additional 15 children into reception in September 2018, at the request of the Authority, has created a 'bulge' year, which will be replicated in 2020, meaning the school will be accommodating 30 additional children by September 2019.

It is proposed to seek a modification to the decision of the current implementation date from September 2019 to September 2020 for Manor Primary School in order to allow the Authority to review, reassess and respond to changing trends in demand for pupil places, to ensure school places are delivered efficiently and effectively. It is proposed to create the places required by September 2019 through the use of temporary modular units and/or refurbishment/remodelling of existing school space where possible.

- 2.4.7 Mary Elliot: is a school for secondary age pupils with complex special educational needs and learning difficulties. In May 2017, there were 86 Year 7 –Year 11 pupils on roll and 40 post 16 students. It is in Birchills, Leamore ward and is a local authority maintained school currently rated as Good by Ofsted. It has a current capacity of 110 places with 127 commissioned places this year. Cabinet agreed the proposal is to provide 30 additional places at Mary Elliot School to 140 by September 2019 at the December 2017 meeting.

It is proposed to seek a modification to the decision of the current implementation date from September 2019 to September 2020 for Mary Elliot School to allow the Authority to review and respond to changing trends in demand for pupil places to ensure school places are delivered efficiently and effectively and improve value for money. It is proposed to create the places required by September 2019 through

the use of temporary modular units and/or refurbishment/remodelling of existing school space where possible.

- 2.4.8 **Oakwood**: is a school for nursery and primary age pupils with Severe Learning Difficulties (SLD), Profound & Multiple Learning Difficulties (PMLD) plus Medical Needs. In May 2017, there were 7 nursery age and 67 primary age pupils on roll. It is in Aldridge North & Walsall Wood ward. It is a local authority maintained school and is currently rated as Outstanding by Ofsted.

It has a current capacity of 66 places with 75 commissioned places this year. 6 new places have been created in the School this year by creating a meeting room in a 'shepherd's hut' in the schoolyard. The proposal is to provide an additional 32 places in all – 6 have already been created and a further 26 places are proposed for the longer term.

Cabinet agreed the proposal to increase capacity at the School by 32 places to 98 places by September 2019 at the December 2017 meeting.

It is proposed to seek a modification to the decision of the current implementation date from September 2019 to September 2020 for Oakwood School to allow the Authority to review and respond to changing trends in demand for pupil places to ensure school places are delivered efficiently and effectively and improve value for money. It is proposed to create the places required by September 2019 through the use of temporary modular units and/or refurbishment/remodelling of existing school space where possible.

3 New need

The revised and validated data has highlighted pressures for school places within planning areas – 4, 5 & 6 detailed in the table over page.

	REC 19-20	REC 20-21	REC 21-22	REC 22-23
	Total Births Per PA 2014 - 2015	Total Births Per PA 2015 – 2016	Total Births Per PA 2016 - 2017	Total Births Per PA 2017 - 2018
Planning Area 4 – 390	475	456	541	494
Planning Area 5 – 510	586	623	627	562
Planning Area 6 - 510	511	532	550	534

This report seeks delegated authority to develop and consult on options that will meet the identified need for additional places by September 2019.

4. Legal implications

- 4.1 In drafting this report, full consideration has been given to the Department of Education guidance entitled: *Making 'prescribed alterations' to maintained schools*, April 2016. This is the statutory guidance from the Department for Education which

decision makers must have regard to it when carrying out functions relating to making 'prescribed alterations' to maintained schools.

- 4.2 The purpose of this guidance is to ensure that additional good quality school places can be provided quickly where they are needed; that local authorities and governing bodies do not take decisions that will have a negative impact on other schools in the area, and that changes can be implemented quickly and effectively where there is a strong case for doing so. In line with these aims it is expected that, where possible, additional new places will only be provided at schools that have an overall Ofsted rating of 'good' or 'outstanding'.
- 4.3 It is the responsibility of the Local Authority to ensure that it acts in accordance with the relevant legislation, in this case *The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2013*, when making changes to a maintained school.
- 4.4 Local authorities are under a statutory duty to ensure the sufficiency of school places in their area. They can propose an enlargement of the premises of community foundation and voluntary schools. When doing so they must follow the statutory process set out in the Prescribed Alterations Regulations (see part 5) if:
- the proposed enlargement of the premises of the school is permanent (longer than three years) and would increase the capacity of the school by: o more than 30 pupils; and 25% or 200 pupils (whichever is the lesser).
 - the proposal involves the making permanent of any temporary enlargement (that meets the above threshold).

Where a proposal seeks to increase the school's pupil number to over 2,000 or would result in an increase of over 50% of the school's current capacity, the Local Authority should copy the proposal to: schoolorganisation.notifications@education.gsi.gov.uk for monitoring purposes.

- 4.5 If it proves necessary, due to a major change in circumstance or unreasonably difficult to implement a proposal as approved, the proposer can seek modifications (e.g. to the implementation date) from the decision-maker, in this case Cabinet, before the approved implementation date. However, proposals cannot be modified to the extent that new proposals are substituted for those that have been published.

Details of the modification must be published on the website where the original proposals were published.

- 4.6 If the proposer cannot implement an approved proposal because circumstances have changed so that implementation would be inappropriate or implementation of the proposal would be unreasonably difficult, the proposer must publish a revocation proposal, to be determined by the decision-maker, to be relieved of the duty to implement. A revocation proposal must contain:
- a description of the original proposal as published;
 - the date of the publication of the original proposal; and
 - a statement as to why the duty to implement the original proposal should not apply.

- 4.7 The proposer must publish the revocation proposal on the website and a brief notice of the proposal, including the website address where the proposal is published in a local newspaper. The proposal must contain details of how copies can be obtained; details of where to send comments to; and the date by which comments must be sent.
- 4.8 The Local Authority decision-maker, who must determine the revocation proposal within two months of the end of the representation period, must arrange for the revocation determination to be published on the website where the original proposal and revocation proposal were published. The Local Authority decision-maker must also arrange for the following persons to be notified of the revocation decision together with reasons:
- the local Church of England diocese;
 - the local Roman Catholic diocese; and
 - the governors and trustees of a foundation, foundation special or voluntary school that is subject to the proposal.

The same persons also have the right of appeal to the Schools Adjudicator (within four weeks of determination of the revocation proposal) if they disagree with the decision to revoke the proposal.