

## **Cabinet – 24 October 2018**

### **School Place Planning and Expansions**

**Portfolio:** Councillor Towe: Education and Skills

**Related portfolios:** Councillor Harris: Personnel and Business Support

**Service:** Children's Services

**Wards:** All

**Key decision:** Yes

**Forward plan:** Yes

#### **1. Summary**

- 1.1 This report updates on the progress of the 2018 programme of six school expansions approved by Cabinet.
- 1.2 This report advises on proposed changes to the current 2019 school expansion programme approved by Cabinet and the reasons for the proposed changes.
- 1.3 Data relating to new and emerging need for additional mainstream primary pupil places for September 2019 is presented and approval sought to consult on options to meet this need.
- 1.4 Proposals to procure a partner to provide professional services associated with the creation of places required to meet the need identified for September 2019 and the delivery of the Authority's longer term education capital delivery plan are set out in the report.

#### **2. Recommendations**

##### **2018 School Expansions**

- 2.1 That progress and challenges in relation to the delivery of 2018 school expansion schemes approved by Cabinet is noted.
- 2.2 That a modification to the decision to expand The Jane Lane School, is approved by Cabinet, changing the implementation date from September 2019 to September 2020.

##### **2019 School Expansions**

- 2.3 That the continued expansion of Old Church CE (C) Primary School, approved by Cabinet, is noted.

- 2.4 That the commencement of a statutory process to revoke the decisions to expand Leighswood School and Salisbury Primary School is approved by Cabinet. This is as a result in changes of circumstances that would make the implementation of these proposals inappropriate.
- 2.5 That a modification to the decisions to expand of Manor Primary School, St Michael's CE (C) Primary School, Short Heath Federation, Mary Elliot and Oakwood is approved by Cabinet, changing the implementation date from September 2019 to September 2020, in order to allow the Authority to respond to changing trends in demand for pupil places and the Education and Skills Funding Agency's (ESFA) expectation that the Authority will deliver school places more efficiently and effectively and improve value for money.
- 2.6 That authority to consult on options to meet the new and emerging need for pupil places from September 2019 is delegated to the Executive Director of Children's Services in consultation with the relevant Portfolio Holder.
- 2.7 That authority is delegated to the Executive Director of Children's Services, in consultation with the relevant Portfolio Holder, to award a contract for a strategic partner to develop and deliver proposals relating to the 2019 school expansion modifications set out above; develop and deliver proposals relating to any new and emerging need for pupil places in 2019 and to develop proposals relating to the longer term need for pupil places as part of the Authority's longer term education capital strategy.
- 2.8 That authority to refurbish existing space and / or provide temporary solutions to create the places required by September 2019, where this is required, is delegated to the Executive Director of Children's Services in consultation with the relevant Portfolio Holder.
- 2.9 That a further report is received by Cabinet to determine the proposed revocations and approve proposals to meet new need for pupil places, following consultation.

### **3. Report detail**

- 3.1 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'.
- 3.2 Cabinet received a report in October 2017 on the proposed enlargement of six primary schools for September 2019.
- 3.3 In December 2017, Cabinet received a report on the proposed enlargement of six special schools – four from September 2018, and two from September 2019
- 3.4 In April 2018, Cabinet received a report detailing revised budget estimates for the twelve school enlargements.

### 3.5 2018 Programme

3.5.1 Children's Services and Integrated Facilities Management are working with Pick Everard, the appointed project management consultants, Wilmott Dixon, the appointed contactor and schools to resolve ongoing issues associated with land remediation which are delaying the delivery of expansion schemes at Old Hall School, Shepwell School and Castle Business and Enterprise College.

3.5.2 Old Hall, an authority maintained special school in Short Heath ward catering for children of nursery and primary school age with complex educational needs is currently rated 'good' by Ofsted. The approval was for significant enlargement of the school, creating 16 additional places by September 2018.

The school will have a temporary modular building on site on 19 October to address immediate capacity issues caused by the delay in delivery, now anticipated to be April 2019 because of land remediation issues.

3.5.3 Shepwell School, an authority maintained short stay school principally for pupils of secondary school age with provision for children on the autistic spectrum, is in the Willenhall South ward and currently rated 'good' by Ofsted. The approval was for a significant enlargement of the school resulting in the creation of 15 additional places by September 2018.

Anticipated delivery because of land remediation issues is now April 2019

3.5.4 Castle Business & Enterprise College is a school for pupils with moderate learning difficulties and additional special educational needs, providing places for children and young people aged 7-19. It is in the Bloxwich West ward and is a local authority maintained school, currently rated 'outstanding' by Ofsted. The approval was for significant enlargement of the school's capacity by 30 places from September 2018.

The school will have a temporary modular building on site by the end of October to address capacity issues caused by the delay in delivery, now anticipated to be April 2019 because of land remediation issues.

3.5.5 The Jane Lane School is for pupils aged 7-19 with cognitive and learning difficulties. It is in the Bentley & Darlaston North ward, local authority maintained and currently rated 'good' by Ofsted. The approval was to increase capacity at the school by 30 places by September 2018.

The school has a mine shaft in the vicinity of the proposed modular building, including a gas main close to the mine shafts. The Coal Authority has rejected the proposed location of the modular and the planning application. Internal capacity assessments are ongoing to see if the existing building can be remodelled internally to accommodate the additional pupil numbers and whether the permanent build could be replaced with the 3 class modular, currently partially built off site.

In view of the above, approval is sought to modify the decision to expand The Jane Lane School, changing the implementation date from September 2019 to September 2020.

3.5.6 Leighswood School is a LA primary school currently rated ‘requires improvement’. A temporary modular classroom was placed on site to address a temporary increase in children moving into year 6 in September 2018.

3.5.7 Short Heath Federation is a voluntary controlled primary school rated ‘good’ by Ofsted. The approval was to increase capacity at the school by 30 places by September 2019.

A temporary modular classroom was placed on site to accommodate the increase in children that were admitted to the school from September 2018.

**3.6 Pupil place planning forecasts**

3.6.1 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 below:

**Table 1**

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

3.6.2 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.

3.6.3 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. It is planned to conduct a similar review of pupil placed planning data relating to children with special educational needs.

3.6.4 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.

<b>Planning Area</b>	<b>Total places available in Reception</b>	<b>Actual number on roll at the time of the May 2018</b>	<b>2019/20 Projected Reception admissions</b>	<b>2020/21 Projected Reception admissions</b>	<b>2021/22 Projected Reception admissions</b>
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

### **3.7 Education and Skills Funding Agency (ESFA)**

3.7.1 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.

3.7.2 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.

3.7.3 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.

3.7.4 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.

### **3.8 2019 Programme**

The 2019 school expansion programme is as follows:

3.8.1 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
<b>Total Births Per PA 2014 - 2015</b>	<b>Total Births Per PA 2015 - 2016</b>	<b>Total Births Per PA 2016 - 2017</b>	<b>Total Births Per PA 2017 - 2018</b>
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.

- 3.8.2 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
<b>Total Births Per Planning Area 2014 - 2015</b>	<b>Total Births Per Planning Area 2015 - 2016</b>	<b>Total Births Per Planning Area 2016 - 2017</b>	<b>Total Births Per Planning Area 2017 - 2018</b>
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

- 3.8.3 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
<b>Total Births Per Planning Area 2014 - 2015</b>	<b>Total Births Per Planning Area 2015 - 2016</b>	<b>Total Births Per Planning Area 2016 - 2017</b>	<b>Total Births Per Planning Area 2017 - 2018</b>
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 schools 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.

- 3.8.4 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 were 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
<b>Total Births Per Planning Area 2014 - 2015</b>	<b>Total Births Per Planning Area 2015 - 2016</b>	<b>Total Births Planning Area 2016 - 2017</b>	<b>Total Births Per Planning Area 2017 - 2018</b>
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.

- 3.8.5 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
<b>Total Births Per PA 2014 - 2015</b>	<b>Total Births Per PA 2015 - 2016</b>	<b>Total Births Per PA 2016 - 2017</b>	<b>Total Births Per PA 2017 - 2018</b>
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.

- 3.8.6 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
<b>Total Births Per Planning Area 2014 - 2015</b>	<b>Total Births Per Planning Area 2015 - 2016</b>	<b>Total Births Per Planning Area 2016 - 2017</b>	<b>Total Births Per Planning Area 2017 - 2018</b>
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.

- 3.8.7 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.

- 3.8.8 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.

### 3.9 **New need**

- 3.9.1 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
	<b>Total Births Per PA 2014 - 2015</b>	<b>Total Births Per PA 2015 – 2016</b>	<b>Total Births Per PA 2016 - 2017</b>	<b>Total Births Per PA 2017 - 2018</b>
<b>Planning Area 4 – 390</b>	475	456	541	494
<b>Planning Area 5 – 510</b>	586	623	627	562
<b>Planning Area 6 - 510</b>	511	532	550	534

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

### 3.10 Partner appointment

3.10.1 Our response to the recent scrutiny by the ESFA, their request for a detailed action plan and its future oversight of the use of Basic Need grant funding action plan has included a review of our approach to the delivery of our education capital programme.

3.10.2 Arcadis LLP were engaged in July 2018 to act as a critical friend in order to identify and present the delivery models available for Walsall's various schemes. Arcadis are an experienced service provider and have an extensive knowledge of the requirements for Education Capital Programmes and the criteria that is stipulated by the ESFA.

3.10.3 The Authority has identified the need to appoint a strategic partner who will work with the Authority to develop and deliver proposals relating to the 2019 school expansion modifications set out in this report and develop and deliver proposals relating to any new and emerging need for pupil places in 2019 responding to the changing trends in demand for pupil places.

3.10.4 The Authority are continuing to develop longer term plans for delivery of places and our wider Education Capital programme and expect to appoint a further partner to work with us from April 2019 for delivery of projects in September 2020 and beyond. Details of this proposal will follow in a cabinet report during 2019.

3.10.5 The appointment of a strategic partner will also help the Authority deliver school places more efficiently and effectively and improve value for money, responding to the points raised in the letter received from the ESFA. To achieve this the strategic partner will work with the Authority to develop proposals on the basis of the ESFA space standards and specification and will help with the identification appropriate construction frameworks, that will demonstrably improve value for money, assure delivery and / or improve the quality of places created, within the ESFA benchmarks.

## 4. Council Corporate Plan priorities

The proposal supports the Council's corporate priorities, which are:

- Economic growth for all people, communities and businesses.

- People have increased independence, improved health and can positively contribute to their communities.
- Internal focus – All council services are efficient and effective.
- Children have the best start and are safe from harm, happy, healthy and learning well.
- Communities are prospering and resilient with all needs met in safe and healthy places that build a strong sense of belonging and cohesion.

## **5. Risk management**

- 5.1 The provision of additional places will enable the Council to meet its statutory duty to ensure that there are sufficient school places to meet the increasing demand for primary places in the area and will create a greater opportunity for children to attend a local school.
- 5.2 The approach proposed to delivery with a strategic partner will help to mitigate delivery risks and support the Council's ability to deliver these places on time, to a high quality standard and within the ESFA cost benchmarks. It will enable a programme-wide approach to the management of project risk and enable early action and intervention which minimises the risk of challenges similar to those experienced with the 2018 programme from emerging in the future.

## **6. Financial Implications**

- 6.1 On the 25 April 2018 cabinet noted the progress of 12 primary and special school expansion schemes and approved revised budget estimates at a total cost of £21.793m. 6 of these schemes were expected to be completed by September 2018 at a total cost of £10.593m with the remaining 6 schemes to be completed by September 2019 costing £11.200m. These estimates include additional costs for allowances for fixed furniture and equipment (£4,500 per additional classroom), ICT equipment (£300 per pupil), internal fees and a contingency amount calculated at 20% of the total build costs for each expansion.
- 6.2 Previous expansion schemes have incurred additional costs above projected budgets as a result of unforeseen circumstances including ground works. . It is therefore prudent to ensure the full Basic Need allocation available is not fully committed in order to ensure an appropriate level of contingency remains. If costs do not exceed the current estimate, some Basic Need funding would remain uncommitted at the end of each project. This will then be carried forward into future years for further projects.

### **6.3 2018 School Expansions**

Of the 6 2018 expansions, 3 schemes (Old Hall, The Shepwell School and Castle Business & Enterprise College) are progressing as previously indicated as permanent expansions however the dates for completion have now moved as detailed in the report. For the other 3 schemes, 2 schemes (The Jane Lane School and Short Heath Federation) are now proposed to be modified delaying implementation to September 2020 and the remaining scheme (Leighswood School) is to be revoked. Table 1 summarises the previously reported budgets to

cabinet (25<sup>th</sup> April 2018) and the revised allocated budget following the above changes.

<b>Table 1</b>				
<b>Scheme</b>	<b>Budget as per cabinet 25/04/18</b>	<b>Updated Budget Estimate</b>	<b>Variance</b>	<b>Comments</b>
	<b>£</b>	<b>£</b>	<b>£</b>	
Old Hall	1,758,541	1,758,541	-	Ongoing review of forecasted costs with appointed contractors.
The Shepwell School	1,608,032	1,608,032	-	Ongoing review of forecasted costs with appointed contractors.
Castle Business & Enterprise College	1,461,201	1,461,201	-	Ongoing review of forecasted costs with appointed contractors.
Leighswood School	866,445	128,058	(738,387)	A temporary building is being used on this site. As per the report this scheme is to be revoked therefore no further costs will be incurred.
Short Heath Federation	3,473,331	3,473,331	-	Ongoing review of forecasted costs with appointed contractors.
The Jane Lane School	1,425,580	1,425,580	-	Ongoing review of forecasted costs with appointed contractors.
	<b>10,593,130</b>	<b>9,854,743</b>	<b>(738,387)</b>	

Regarding Jane Lane Special School expansion, it should be noted that costs of circa £570k are committed for works carried out and the costs of constructing a modular building for the site. Should for any reason the scheme not proceed and an alternative use for the modular is not identified within the education expansion programme, there is a risk these costs will need to be deemed abortive and therefore will not be capitalised or funded via Basic Need grant. Alternative revenue funding would need to be identified in this event however work continues to mitigate this risk.

#### 6.4 2019 School Expansions

Of the 6 2019 expansions, schemes are to be modified to September 2020 (Manor Primary School, St Michael's CE (C) School, Mary Elliot and Oakwood), 1 scheme is proceeding (Old Church CE (C) Primary School) and 1 scheme is being revoked as detailed in the report (Salisbury Primary School).

Table 2 summarises the previously reported budgets to Cabinet (25<sup>th</sup> April 2018) and the revised allocated budget following the above changes.

<b>Table 2</b>				
<b>Scheme</b>	<b>Budget as per cabinet 25/04/18</b>	<b>Updated Budget Estimate</b>	<b>Variance</b>	<b>Comments</b>
	<b>£</b>	<b>£</b>	<b>£</b>	
Manor Primary School	1,511,536	1,511,536	-	Ongoing review of forecasted costs with appointed contractors.
St Michael's CE (c) Primary School	908,161	908,161	-	Ongoing review of forecasted costs with appointed contractors.
Mary Elliot	2,175,624	2,175,624	-	Ongoing review of forecasted costs with appointed contractors.
Oakwood	2,566,336	2,566,336	-	Ongoing review of forecasted costs with appointed contractors.
Old Church CE (c) Primary School	1,349,905	1,349,905	-	Ongoing review of forecasted costs with appointed contractors.
Salisbury Primary School	2,689,207	11,825	<b>(2,677,382)</b>	Proposal to revoke means only initial planning fees incurred. Identified costs of £12k are deemed abortive costs and will be funded via corporately held reserves.
	<b>11,200,769</b>	<b>8,523,387</b>	<b>(2,677,382)</b>	

The underspend of £2.677m will be returned to the Basic Need fund and can be used for further expansion projects once identified. As detailed in the report, where a modification has been identified there may be a need for interim arrangements such as temporary modular units and / or refurbishments / remodelling of existing school space where possible. This may be at additional cost and would be funded through the Basic Need funding allocation.

## 6.5 Funding

The expansion projects will be funded from the Basic Need Capital Fund. The capital grant is allocated by the ESFA to local authorities, based on pupil place number forecasts, to deliver the additional places in schools to meet expected demand. Table 3 below summarises the total Basic Need allocations and the total committed and uncommitted balances based on the current allocated budgets per scheme.

<b>Table 3</b>			
<b>Grant Received</b>		<b>Planned Expenditure</b>	
	<b>£</b>		<b>£</b>
2017/18 C/fwd	17,595,557	Prior year commitments	3,518,357
2018/19 Allocation	11,786,912	2018/19 Expansions	9,854,743
2019/20 Allocation	11,981,629	2019/20 Expansions	8,523,387
2020/21 Allocation	1,542,934		
Balance C/F	<b>42,907,032</b>		<b>21,896,487</b>
<b>Total remaining uncommitted Basic Need funding</b>			<b>21,010,545</b>

As per the report, following updated pupil place planning figures, pressures for school places have been identified in planning areas 4, 5 & 6. To note this means some of the Local Authority's future Basic Need allocations and uncommitted balances as detailed above will be required to fund newly identified schemes.

The ongoing increase in revenue funding for the schools will be met from the Dedicated Schools Grant (whereby funding allocated to the Authority to support mainstream schools increases or decreases in line with overall pupil numbers, therefore if there is a growth in overall pupil numbers this will attract more DSG funding which will then fund the additional places that are being created.

## 6.6 Education and Skills Funding Agency (ESFA)

As detailed in the report, Walsall Council have previously not met national benchmarks for school expansions. The Council completed 5 large expansion schemes in 2016 and in each scheme, costs exceeded average costs and placing Walsall Council into the top decile in terms of cost per place for new schools.

Based on the budgeted costs reported to cabinet in April 2018, 3 of the 2018 schemes are within the national benchmarks including Leighswood Primary School, Castle Business & Enterprise College and Jane Lane Special School. The remaining 3 schemes are outside this benchmark.

Walsall Council are working with the ESFA and external partners to identify where improvements can be made so that greater efficiencies and improved value for money can be achieved.

## 7. **Legal implications**

7.1 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 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.

7.2 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'.

7.3 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.

7.4 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 as 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 LA should copy the proposal to [schoolorganisation.notifications@education.gsi.gov.uk](mailto:schoolorganisation.notifications@education.gsi.gov.uk) for monitoring purposes.

7.5 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.

7.6 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.

7.7 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.

7.8 The LA 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 LA 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.

## **8. Procurement implications/Social Value**

**8.1** The procurement process for the engagement of Arcadis LLP has been conducted in accordance with the Public Contract Regulations 2015, the Council's Contract Rules and the Social Value Policy.

**8.2** Arcadis were engaged through an established OJEU complaint framework agreement, ESPO 664-17 Consultancy Services.

**8.3** All new services will be evidenced by a written contract in a form approved by the Head of Legal and Democratic Services and shall be made and executed in accordance with the Council's Contract Rules.

## **9. Property implications**

**9.1** The proposed expansion programme will have a significant impact on the Council's educational estate, providing enhancements to the operational benefit of schools. The programme will entail extensive works to extend, alter and remodel the portfolio, and will in some instances see the construction of new buildings.

**9.2** In accordance with any well-planned construction programme it will be important to undertake pre-construction feasibility activity and site surveys to inform all necessary consents, as well as construction costs, and future maintenance responsibilities. Such consents will need to include planning and building regulations in addition to any specific requirements of other statutory bodies/undertakers.

## **10. Health and wellbeing implications**

There has been no indication that any of the proposals contained within the report would have any adverse impact on the health and wellbeing of staff and pupils based at Walsall schools.



## 11. Staffing implications

Additional teaching and support staff will be recruited to provide for the additional children to be admitted to each school.

## 12. Reducing inequalities

It is of crucial importance to the achievement of the Council's strategic objectives that the young people of Walsall are able to access the right provision to meet their needs in order to achieve appropriate qualifications, progressing to employment and / or training and make a positive contribution within the borough in the future.

## 13. Consultation

13.1 Consultation on proposals to reduce the PAN at Leighswood and Salisbury schools must run for a minimum of 6 weeks and must be completed by 31 January 2019.

### Background papers

DfE: School Admissions Code 2014

DfE: School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013

DfE: School Organisation Maintained Schools, Guidance for proposers and decision makers, (January 2014)

Cabinet: October 2017

Cabinet December 2017

Cabinet April 2018

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Sally Rowe  
Executive Director  
16 October 2018



Councillor Towe  
Portfolio Holder  
16 October 2018