

Cabinet – 14 December 2022

Secondary Place Sufficiency

Portfolio: Councillor Mark Statham

Service: Children's and Customer

Wards: All

Key decision: Yes

Forward plan: Yes

1. Aim

To address the additional need for school places within secondary schools 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'.

2. Summary

The Council has a statutory 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 ensure that there are available, in its area, sufficient schools 'in number, character and equipment to provide for all pupils the opportunity of appropriate education'.

To meet its statutory responsibilities Walsall Council needs to ensure it understands where the pressures on school places will come from. These pressures include changes in the population, housing developments, and cross border migration.

The projections of future demand for school places are based on birth data sourced from the Office of National Statistics, historical pupil retention data from the school census, pupil yield from housing developments obtained from the council's planning department and inward and outward migration data.

For mainstream pupil place planning purposes, the borough has been divided into planning areas. There are 4 secondary planning areas – Appendix 1. These areas were drawn up taking account of ward boundaries, geographical features (such as major roads and housing developments), and patterns from historical school admissions data.

3. Recommendations

- 3.1 That Cabinet notes the potential increase in the number of secondary school places in Walsall that may be required.
- 3.2 That Cabinet approve the proposal to provide additional secondary school places at the school sites set out in this report to meet the increase in demand for school places from September 2023.
- 3.3 That Cabinet approve the creation of temporary secondary school places as a at Grace Academy, Pool Hayes Academy and Joseph Leckie Academy, creating 150 places for September 2023 at a cost of £1,672,200.
- 3.4 That Cabinet approve a design and feasibility study for the permanent expansion at Pool Hayes Academy and Joseph Leckie Academy at a cost of £639,840. Once full financial costs are established, a further paper will be brought to Cabinet for approval.
- 3.5 That Cabinet delegate authority to the Executive Director: Children's and Customer, in consultation with the Portfolio Holder for Education and Skills, to enter into agreements up to the values noted in 3.3 and 3.4 of this report for the temporary solutions for September 2023 and feasibility studies for the permanent expansions.

4. Report detail

- 4.1 To plan pupil places effectively the Council must be open and transparent in communicating the details on the pressures on school places in each planning area. The Council must also manage expectations and avoid any adverse impact on schools regarding school development proposals. When new capacity is needed, it is important to establish guidelines to ensure that this new capacity is provided appropriately and in the right place:
 - We should seek to meet demand locally to allow children a school place within a reasonable walking distance from their home.
 - Our planning of school places should reflect our school improvement strategy: we should work to make all schools good or outstanding. When seeking to expand schools, we should favour the expansion of schools where there is proven demand and well-established and successful leadership and management at a good or outstanding school.
 - We should consider the impact of any changes on the viability and standards at existing schools. Where necessary we should work with schools to provide optimum forms of entry appropriate to the capacity of the school site and the level of demand for that school. On occasions, over time, it may be appropriate to reduce the capacity of some schools as others grow in size.
 - The guidelines set out above will need to be balanced against the need to make best use of scarce capital resources and the physical practicalities of available sites.

The Local Authority adopts an annual cycle to school organisation and place planning, linked to the Department for Education School Capacity (SCAP) survey for mainstream schools. This survey is submitted in July each year and comprises four parts:

- capacity of schools
- forecasts of pupil numbers per national curriculum year group by planning area
- additional places due to be created by planning area
- place planning commentary by planning area of local circumstances e.g., migration, changes of school category

The school organisation service prepares and submits this survey and its component parts, and during the yearly planning cycle updates its core data including changes to school capacity data following alterations and expansion of the school estate, planning department data on housing completions in each planning area, school census numbers and school admission application numbers and preferences.

The outcome of the validated and moderated submission by the DfE is an allocation of funding known as basic need funding. This capital grant is allocated to all LAs who have a forecasted demand for places above their existing capacity to help in meeting the statutory duty in making sure there are enough school places for children in our area.

Year 7 places for September 2022

As part of allocation of school places for September 2022, it became evident of a significant variance to required number of places against previous years modelled forecasted demand.

Whilst there will always be several contextual factors that change the forecasted demand, there are 3 main contributing reasons:

1. More pupils than previously modelled submitted preferences for Walsall schools, leading to less than forecasted numbers seeking out of borough school places.
2. More pupils from out of borough schools than previously modelled submitted preferences for Walsall school places.
3. The delayed opening of the Swift Free School has removed the availability of up to 180 school places being available

The increased demand resulted in all secondary schools being contacted prior to National Offer Day – 1 March 2022 to ask for places to be increased. Schools worked with the Local Authority to provide additional places, within their schools without the need for additional accommodation, by exceeding their Published Admission Number (PAN) to allow more children to be offered a place within their school.

Year 7 places for September 2023

As part of the SCAP submission this summer, the school organisation team has revised the forecasted model based on the variances in the in/out of borough demands. The submitted SCAP model, therefore shows an absolute shortfall of 296 Y7 places against the schools published admission numbers for September 2023.

The current forecasting model for secondary pupil places for Year 7 intakes shows the following:

Planning Area	Measure	Sep-23	Sep-24	Sep-25	Sep-26	Sep-27	Sep-28	Sep-29
Total	Agreed Intake	3743	3743	3743	3743	3743	3743	3743
	Projected Intake	4039	3998	3933	3936	3911	3946	3832
	Surplus / (Shortfall)	(296)	(255)	(190)	(193)	(168)	(203)	(89)

In addition to the SCAP forecasts, a 'planning' tolerance has been added as a risk factor to allow for some additional migration impacts of in/out of borough preferences. A 1-2% factor would increase the shortfall by 40-81 places for September 2023.

Future projections are reviewed regularly based on the October census information, and on-time applications for school places to ensure the forecasted model is as accurate as possible with known information.

The expected shortfall of places across the Local Authority over the coming years is significant, therefore additional capacity is needed across the borough to ensure sufficient places are available.

- 4.2 Through ongoing conversations with schools and academy trusts/governing bodies, additional places have been secured for September 2023. To date, 11 schools (shown in green in the table below) have offered an additional 187 places without requiring any works to be undertaken at the site.

Some of these schools have previously admitted a lower number of pupils, however the additional places offered by the schools is reflective of the school sites and their ability to manage additional pupils.

Three schools have offered an additional 150 places however there is a requirement for some building related works to be undertaken to allow the schools to offer these additional places.

Schools	Flatline PAN	Uplift	Admitting 2023	Additional places by uplift	Works Required/Not required
Aldridge	270	10	280		No works required
Barr Beacon	252	7	259		No works required
Bloxwich	180	5	185		No works required
Blue Coat	150	10	160		No works required
Brownhills	150	10	160		No works required
Sheffield	240	20	260		No works required
Shire Oak	270	30	300		No works required
St Francis	180	15	195		No works required
Streetly Academy	260	10	270		No works required
West Walsall	210	20	230		No works required
Willenhall	180	50	230		No works required
Total places without any works required				187	
Grace	180	40	220		Works Required
Joseph Leckie	240	60	300		Works Required
Pool Hayes	200	50	250		Works Required

Total places with some works				150	
	3,743	337	4,080	337	

The number of places required for September 2023 as submitted on the School Capacity (SCAP) return was 4039. If approval is given to create the places with works at the three schools above, together with the additional places offered at schools with no works required, then this requirement has been met and exceeded with 4080 places being secured.

Officers are in continued dialogue with schools and Trusts on an individual basis, together with Walsall Association of Secondary Heads (WASH) as a collective of schools to review existing school capacities and opportunities to increase admission numbers to increase the 'planning' tolerance beyond the 41 places already secured.

Key Milestone dates

Throughout the admissions cycle there are key milestone dates when the forecasted data for additional places can be validated. These include:

- October, January and May Census data of pupils on roll
- Number of 'on-time' applications received at 31 October
- Transfer file dates within the coordinated scheme with other local authorities on preference data
- Timely following up of 'late' applications for those pupils who do not apply 'on-time'

Schools will exceed the Published Admission Number (PAN) for September 2023 to admit additional pupils into the cohort – the additional places offered will allow more pupils to secure one of their preferences for school admission and lead to less pupils being offered a non-preference school which will reduce admission appeals and home to school transport assistance for those pupils offered a place at alternative schools.

Works Required

For the schools that have indicated they require building works to accommodate the additional pupils the Council has undertaken a Net Capacity Assessment (NCA) - a calculation of teaching and non-teaching spaces within the school. The NCA and subsequent schedule of accommodation has been used to determine what shortfalls in the existing spaces the schools have. Utilising the NCA, the works required at the 3 schools are summarised below, together with estimated costs:

1) Grace Academy – 40 pupils per year (200 pupils across the next 5 years)

Works include installation of internal walls to seal in an open plan atrium at the school which will create an additional classroom, support is then required

to “fit-out” the room to a suitable standard providing furniture, fixings, and equipment as well as ICT for the suite.

Grace Academy	£	Comments/Assumptions
Estimated cost	125,000	Works
Contingency and Risk	25,000	Based on 20% of works
Fees -15%	22,500	Design fees and Corporate landlord oversight
FFE & ICT	64,500	£4500 one off cost Furniture & Equipment and £300 ICT per pupil for next 5 years
Total	237,000	

Note: The estimates are provided by IFM team based on the framework.

2) Pool Hayes Academy – 50 pupils per year (250 pupils across the next 5 years)

For the school to take on additional pupils in September 2023, whilst a permanent solution is agreed and secured, works required are

- 4 mobile classrooms
- 1 temporary toilet block
- 1 temporary office
- conversion of sports studio into a science classroom

Pool Hayes Academy-50 pupils (250 pupils over 5 years)	£	Comments/Assumptions
Estimated cost	480,000	Works
Contingency and Risk	96,000	Based on 20% of works
Fees -15%	86,400	Design fees and Corporate landlord oversight
FFE & ICT	33,000	£4500 one off cost Furniture *4 and £300 per pupil for one year
Total	695,400	

Note: The estimates are provided by IFM team based on the framework.

To expand the school on a permanent basis by a new modular classroom block for September 2024, works required are:

- 7 x general classroom
- 2 x Toilet Blocks
- 2 x offices

Pool Hayes Academy-50 pupils (250 pupils over 5 years)	£	Comments/Assumptions
Estimated cost	2,590,000	Works
Contingency and Risk	518,000	Based on 20% of works
Fees -15%	466,200	Design fees and Corporate landlord oversight
FFE & ICT	73,500	£4500 one off cost Furniture*3 and £300 per pupil for next 4 years
Total	3,647,700	

Note: The estimates are provided by IFM team based on the framework.

3) Joseph Leckie Academy – 60 pupils (300 pupils across the next 5 years)

For the school to take on additional pupils in September 2023, whilst a permanent solution is agreed and secured, works required are:

- refurbishment of 4 classrooms
- refurbishment of two toilet blocks,
- external canopies for increase in dining facilities
- refurbish MUGA surface

Joseph Leckie-60 pupils(300 pupils over 5 years)	£	Comments/Assumptions
Estimated cost	510,000	Works
Contingency and Risk	102,000	Based on 20% of works
Fees -15%	91,800	Design fees and Corporate landlord oversight
FFE & ICT	36,000	£4500 one off cost Furniture*4 and £300 per pupil for one year
Total	739,800	

Note: The estimates are provided by IFM team based on the framework.

To expand the school on a permanent basis by construction of a new modular block, works required are:

- 7 x Classroom
- 1 x staff work room
- Plant equipment room

Joseph Leckie-60 pupils (300 pupils over 5 years)	£	Comments/Assumptions
Estimated cost	2,742,000	Works
Contingency and Risk	548,400	Based on 20% of works
Fees -15%	493,560	Design fees and Corporate landlord oversight
FFE & ICT	85,500	£4500 one off cost Furniture*3 and £300 per pupil for next 4 years
Total	3,869,460	

Note: The estimates are provided by IFM team based on the framework.

4.3 In summary, the capital needed to provide the additional places for September 2023 across Grace Academy, Pool Hayes Academy and Joseph Leckie Academy is £1,672,200

Academy	£
Grace Academy- Permanent solution	237,000
Pool Hayes Academy-temporary solution	695,400
Joseph Leckie-temporary solution	739,800
Total	1,672,200

(The recommendation at section 3.3 seeks approval for this funding.)

For the continuation of the increase in pupil numbers at Pool Hayes and Joseph Leckie, the estimated costs are £7,517,160

Academy	£
Pool Hayes Academy-50 pupils (250 pupils over 5 years)	3,647,700
Joseph Leckie-60 pupils (300 pupils over 5 years)	3,869,460
Total	7,517,160

As these are estimated costs, it is proposed that these projects are commissioned to full feasibility stage, including full pre-construction ground and other surveys, design solutions up to RIBA stage 4 (technical design) planning application submission and procurement works sufficient to confirm detailed project costs. The estimated costs expected to allow the schemes to progress to this stage are £639,840.

- 4.4 As part of the procurement and delivery of these works, academies have the option to deliver their own capital schemes outside of Local Authority procurement exercises. In such circumstances, capital grant agreements, setting out the terms of the use of public funding provided by the LA, are signed by the Academy Trust, placing a legal obligation to deliver the project and provide the agreed number of places.

These agreements would normally cover areas such as accounts and records, information management, warranties, data protection, insurance and liabilities etc. The agreements should also set minimum terms regarding the repayment of grant should the agreed places be removed or no longer be made available by the Academy without prior agreement with the LA.

It is proposed that the LA will enter into grant agreements with each Academy Trust to allow them to proceed with the design, procurement, and delivery of the projects to provide the additional pupil places. Formal gateway and milestone reviews will be included within the agreements to ensure LA maintains oversight and assurance that the projects are continuing in line with agreed timelines and the projects remain value for money in terms of capital costs.

The corporate landlord team, together with legal services will co-ordinate the grant agreements process.

5. Council Plan Priorities

Providing sufficient secondary school places in the borough is in line with the council corporate plans, to ensure children and young people have access to high quality education and training opportunities and that schools are more inclusive.

6. **Risk management**

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 secondary places in the area and will create a greater opportunity for children to attend a local school.

7. **Financial implications**

- 7.1 The estimated build/alteration costs for the proposed Secondary School expansions are to be funded from the Basic Need Grant.

Basic Need is a non-ringfenced grant given under Section 31 of the Local Government Act 2003, by the Department for Education (DfE) to Local Authorities (LAs). The purpose of the funding is to support LAs in the creation of mainstream places through the expansion / remodelling of existing schools.

The total grant funding for Basic Need is summarised in the table below.

Allocations	Basic Need
Carry Forward of Grant Allocation 2021/22	£22,190,218
Grant Allocation 2022/23	£0
Confirmed Grant Allocation 2023/24	£10,748,251
Total Funding Available	£32,938,469

Note: *Funding beyond 2023/24 will be dependent on the commitment from central government to provide mainstream places and has not been confirmed.*

- 7.2 Current basic needs balance stands at £20.188m after the approved expansion commitments (£12.75m) from previous cabinet reports. However, subject to cabinet approval for new SEN strategy (in progress for Dec 22), there will not be any further work for Mary Elliot and Oakwood expansions and replaced by other planned expansions which would result into £3.7m returned into basic needs. This adjustment makes circa £23.9m of uncommitted Basic Need grant available for mainstream place provision across all phases of Walsall Schools.

Basic Need Funding	£
Total Basic Need to 2023/24	£32,938,469
Cabinet Approved Expansion Budgets	
Mary Elliot	(£2,176,000)
Oakwood	(£2,566,336)
New Leaf PRU	(£8,008,000)
Total Funding Available	£20,188,133

- 7.3 Historically there have been significant risks associated with increased costs for existing school expansions. It is therefore prudent to put 20% budget to account for the risk in the form of contingency allowance given the current inflationary pressures, increased cost of labour and material and other economic challenges.

The contingency level for Walsall is currently set at 20% using the estimated costs as a basis and would be monitored as each scheme progresses.

Academy	Estimated cost	Contingency and Risk 20%	Fees - 15%	FFE & ICT	Total
Grace Academy	125,000	25,000	22,500	64,500	237,000
Pool Hayes Academy	480,000	96,000	86,400	33,000	695,400
Joseph Leckie Academy	510,000	102,000	91,800	36,000	739,800
Total cost	1,115,000	223,000	200,700	133,500	1,672,200

If the estimated costs do not increase further, a level of Basic Need funding would remain uncommitted, at the end of each project. This funding would then be carried forward to support the creation of school places in future years

- 7.4 The capital needed to provide the additional places for September 2023 across Grace Academy, Pool Hayes Academy and Joseph Leckie Academy is £1,672,200.

School Expansion	Total Cost
Grace Academy	£237,000
Pool Hayes Academy	£695,400
Joseph Leckie Academy	£739,800
Total to be Funded from Basic Need	£1,672.200

Of the current (without any adjustments) Basic Need Funding of £20.188m, this would leave £18.51m uncommitted for future school expansion schemes.

- 7.5 Value for money – Total cost per pupil place

In the latest Education Building and Development Officers Group (EBDOG) survey (published July 2022) which benchmarks the cost of school expansions, the average cost per place for a secondary school place is £18,625. The costs for the three expansions listed below would fall within this benchmark and represent value for money.

School Expansion	Cost (Including abnormals)	Total Pupil Places Created	Total Cost Per Pupil Place
Grace Academy	£237,000	40	£5,925
Pool Hayes Academy	£695,400	50	£13,908
Joseph Leckie Academy	£739,800	60	£12,330

- 7.6 The on-going increase in revenue funding for the schools will be met from the Dedicated Schools Grant, whereby funding is allocated to the Academies to support increases or decreases in line with pupil numbers at each school. Therefore, if there is growth in overall pupil numbers, this will attract more Dedicated Schools Grant funding which will then fund the additional places being created.

- 7.7 For the continuation of the increase in pupil numbers at Pool Hayes Academy and Joseph Leckie Academy, it is proposed that these projects are commissioned to full feasibility stage. The estimated costs expected to allow the schemes to progress to this stage are £639,840.

This expenditure is funded from Basic Needs funds.

This amount will be used for academies rather than for any LA's schools. Should the academies' project not go ahead into permanent construction phase or the site may be deemed unsuitable, the feasibility cost would be treated as aborted cost.

8. Legal implications

- 8.1 Failure to provide places would cause a breach of statutory duty.
- 8.2 Where a provision is provided to a non-maintained school/s additional grant agreements and potentially variation to leases, Academy, will be required.
- 8.3 If Cabinet approves the Recommendations of this report, legal advice will be taken about educational and planning issues and consents arising together with the contractual arrangements for any subsequent design and build work, plus any related supplies of goods and services as part of the full feasibility study.

9. Procurement Implications/Social Value

There are no direct procurement implications from this report as the contracts will be let by the relevant academy who will be responsible for compliance with the Public Contracts Regulations.

10. Property implications

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.

11. Health and wellbeing implications

In relation to the Marmot principles the most relevant principles in line with pupil place planning with school builds is that enabling all children and young people to maximise their capabilities and to have control over their lives.

12. Reducing Inequalities

It is of crucial importance to the Council's strategic objectives that the young People of Walsall can access the right provision to meet their need to achieve

the appropriate qualifications, progressing to employment and / or training and to make a positive contribution within the Borough in the future.

13. Staffing implications

There may be a requirement for schools to employ additional staff to accommodate the larger numbers of pupils, there will be no redundancies from this scheme.

14. Climate Impact

Corporate Landlord will review each scheme to reduce the carbon footprint which may include renewable heating solutions, natural ventilation systems avoiding air-conditioning sourcing carbon natural materials where possible.

15. Consultation

This paper has been brought to Cabinet following internal consultation with Council representatives, directors and the portfolio holder for Children's Services, wider consultation is not required.

16. Decide

The increase of places at schools is necessary for the Local authority to meet its statutory duties of providing sufficient school places for all Y6 Walsall residents.

17. Respond

Subject to approval, works will begin to undertake the necessary requirements to enable the school to admit the pupils from September 2023, this work may be ongoing for some schools past September 2023 for future proofing.

18. Review

Annual reviews of the pupil projections are undertaken by Walsall and in conversation with the DFE as part of the School Capacity (SCAP) survey which is submitted every July.

Appendices

Appendix 1 – Secondary Planning Area Map

Background papers

None

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Signed



Sally Rowe
Executive Director
25th November 2022

Signed



Councillor Statham
Portfolio holder
5th December 2022