

Southend-on-Sea Borough Council

Report of the Deputy Chief Executive (People)

to

Cabinet

on

20th June 2017

Report prepared by:
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The Future Provision of Secondary Places in Southend

People Scrutiny Committee
Executive Councillor: Councillor James Courtenay

A Part 1 Public Agenda item

1. Purpose of Report

- 1.1 To provide Cabinet members with a progress report on the strategy for the provision of secondary places as overseen by the School Places Working Party and to consider the proposal for a Free School.

2. Recommendations

- 2.1 That Cabinet notes current progress and agrees the progression of expansion projects to procurement stage at good and outstanding secondary schools for September 2018, namely Shoeburyness High School and St Thomas More High School.
- 2.2 That Cabinet agrees the continuation of expansion discussions with remaining Good and Outstanding Schools, namely Belfairs Academy, The Eastwood Academy and St Bernard's High School to secure the remaining 60 places still required for September 2018.
- 2.3 That Cabinet agrees that a free school is required for September 2019 for the required additional 180 places, this requires the identification of council owned land to support any application to the Department of Education.

3. Background

- 3.1 The local authority has a statutory duty to ensure that there are sufficient school places available in its borough for providing primary and secondary education. This can be achieved by provision of capital and/or land to both maintained and non-maintained schools. To date provision has been identified through expansions of existing primary schools through basic need funding.
- 3.2 On 23 June 2015, Cabinet resolved that officers undertake consultations with existing secondary schools (all are academy trusts) regarding expansions to meet

increases in pupil population demand. Long-term forecasts for secondary schools are reasonably accurate, as the numbers of primary pupils transferring to secondary schools are already known. The increased birth level indicates the continuation of high pupil numbers in primary and subsequently, in secondary schools remains stable with no current indication that numbers will reduce. By comparison, there has been a permanent increase of around 9 permanent forms of entry (FE) and nearly 3FE in bulge years within the primary sector. The total cost for the primary expansion was nearly £25 million.

- 3.3 Over the last four years we have seen an average net loss at secondary transfer (year 7) primarily to Essex schools of 300 pupils for mainstream places and a net gain from Essex, the London Boroughs and other sources of 567 pupils for selective places (those reaching the pass mark for the eleven plus examination and/or entering Southend Catholic faith schools).
- 3.4 Previous attempts to secure Essex County Council (ECC) accurate and reliable school planning data have not always proven successful or helpful. However, more recent communication indicates that their own pupil forecasts identify that due to their own pupil population increase and housing developments surrounding the Essex/Southend border, from 2018 they will only be able to offer limited secondary places to Southend children and from 2019 they will have no capacity to offer any secondary places to Southend resident pupils. Whilst this very recent information from ECC is helpful, officers will continue to work using this intelligence as a factor when determining accurate Southend predictions. This factor has increased the number of deficit places to beyond the primary expansions taking the need to 12 permanent FE plus 2 further FE in bulge years. A summary of the latest forecasts is included in Appendix 1.
- 3.5 The first shortfall of places appears in 2018 where 5 forms of entry are needed followed by a further 6 FE in 2019.
- 3.6 Secondary school place offer day was the 1st March 2017. Overall there was a 1.7% increase in the number of pupils applying for a school place (32 more pupils, which is just over one form of entry). Southend Borough Council was successful in ensuring that every child who had requested a school place was allocated a school place. However the underlying pressures alluded to in this report have started to manifest themselves, reflected in a slightly lower percentage of places offered to pupils for their first choice of school (76% compared to 79% in 2016). In addition there was a 2% increase in parents not receiving any of their preferences (7% for 2017 compared to 5% in 2016). Officers are currently working with school leaders in those schools where there are particular place pressures.
- 3.7 The following recommendations were agreed at cabinet on 17th March 2017:
(To meet immediate needs by September 2018)
- To agree the continuation of expansion discussions with Good and Outstanding Schools (to meet the additional need for September 2019).
 - To agree an initial exploration with a small number of Academy Trusts regarding a secondary free school.
 - To agree exploring expansion opportunities with schools that currently requires improvement.

4. Way forward to meet need and agreed Cabinet recommendations

4.1 2018/19 – Expansion of Good and Outstanding Schools:

4.1.1 To meet the initial need in 2018 discussions have progressed with 5 secondary academies graded good or better by Ofsted to expand by 1-2 FE per site. To date only Shoeburyness High School has progressed past planning to project management recruitment stage. Shoeburyness have committed to a permanent expansion of 1FE and a one year only bulge of 30 places. Shoeburyness are already the largest school in Southend and this will take their Pupil Admission Number (PAN) to 310 per year (340 for 2018 only due to the bulge year).

4.1.2 Discussions with secondary faith schools (St Thomas More and St Bernard's) have been delayed due to requiring assurances that any expansion would provide additional places for Southend residents. Agreements have now been reached with St Thomas More that meets SBC's requirements and plans are progressing to secure 1 FE. St Bernard's have demonstrated a willingness to reach the same agreement and expand by the same number but to date have not yet amended their admission arrangements (both are at feasibility stage).

4.1.3 The LA continues to work with Belfairs and Eastwood Academy, both of whom either have a feasibility plan or are pursuing one but neither as yet has made any firm commitments to expansion.

4.2 2019/20 – Free School

4.2.1 Any new school now must be a free school. The LA has investigated the feasibility of a free school and is in communication with an existing and proven academy trust who has confirmed that they will be submitting a bid to the DfE. This would be through a centrally funded route, whereby a trust puts a bid in directly to the DfE. According to current legislation, the department, using this route, would fund all capital costs associated but would reduce the basic need grant paid to the Council.

4.2.2 Legislation enables the DfE to appropriate council owned land deemed as possible for a new free school. This includes land that may not have previously been used for the purposes of a maintained school. Land would be transferred directly to the free school with no retention of ownership by the LA and with little or no recompense to the LA.

4.2.3 If no suitable council land is found, then public land or compulsory purchase may be followed. However in ensuring sufficient places for 2019 it is likely that the LA would need to secure any land to support the free school application and increase the likelihood of meeting timescales. Therefore, in order to meet a September 2019 opening, existing council owned land needs to be identified or the council needs to purchase land to meet this need, (it is unlikely that any recompense to council for any land would be forthcoming).

4.2.4 To date, applications for free schools have been submitted in September or March followed by a process of assessment by DfE which can take up to 6 months. Wave 13 should have been considered in March 2017 allowing sufficient

time for a 2019 opening. This was originally delayed by the minister to the “summer term” but due to the elections has since been further delayed to the autumn term 2017. This delay has placed increase pressure upon the LA to either identify council assets or purchase private land to secure the application and need for 2019 admissions. Due to the timeline it is likely that any free school would open in existing temporary accommodation (not necessarily for current education use), although the DfE avoid this where possible.

- 4.2.5 The Corporate Property & Asset Management Team have carried out a thorough survey of all council assets and sites under current private ownership that meet the required size to accommodate a 6 FE secondary school. According to Building Bulletin 103 the minimum recommended site size for secondary is 50 square metres per pupil (equates to 55,000 for 6FE plus 200 post-16). Survey results provide any site 25,000 square meters and upwards (based upon the current size for St Bernard’s 5/6FE). The government’s view is that schools no longer need to be single-story new builds surrounded by large grounds. As such, office building conversions and co-developments with residential and other uses will be considered. If the site is small, outside and sport provision can go underneath and on the roof.
- 4.2.6 A potential site has been identified which meets the minimum requirements regarding size and is not in close proximity to any existing non-selective mainstream secondary provision and is owned by Southend Borough Council. However a decision has yet to be made on the preferred site, as this would be subject to legal permissions relating to the site, to proper consultation and to succeeding with planning consent. As soon as the position of these aspects are clarified, the site will be subject to full consultation with interested parties.
- 4.2.7 If Southend Borough Council does not identify land to support a free school application it is very unlikely that any provision would be agreed and ready for 180 additional pupils in September 2019. The LA has a statutory duty to ensure that Southend resident children have a secondary school offer on National Offer Day.
- 4.2.8 Due to the Wave 13 free school application round being delayed twice, there remains a risk that if the DfE applied further delays or decided to not fund the free school that Southend Borough Council would then be required to fully fund these additional places either by building a new school or providing additional places at currently underachieving schools.
- 4.3 2020 and beyond Further Expansion of Good and Underperforming Schools
- 4.3.1 The LA’s plans for expansions to meet needs from 2020 onwards is in relation to current underperforming schools, with the expectation that performance would have greatly improved by this time.
- 4.3.2 The DfE expects that schools should not generally expand if they are eligible for intervention by the RSC. This is to safeguard underperforming schools becoming compromised by expansion. It is accepted that there will be exceptional cases where there is no viable alternative to ensuring sufficient school places locally.

- 4.3.3 One academy that falls under this area has raised an interest in expanding, and one current Foundation school (but soon to convert), although the latter remains very unpopular with parents and undersubscribed across most year groups. The LA is working in parallel with the RSC to improve learning and achievement at all schools on their trajectory to good and readiness to expand.

5. Reason for Recommendations

- 5.1 Southend Borough Council has a statutory duty to ensure sufficient places for all statutory school aged children
- 5.2 Need from September 2018 is intended to be met by expansion of 'good or better' secondary schools.
- 5.2 Additional need from September 2019 is expected to be met through a successful free school application to the DfE. For this to be achieved, agreement is required by members to agree that the identification of local authority land is required to strengthen the application and secure secondary school places for 2019.

6. Corporate Implications

- 6.1 Contribution to Council's Vision & Corporate Priorities
Ensure residents have access to high quality education to enable them to be lifelong learners and have fulfilling employment.
- 6.2 Financial Implications
A Capital Budget was agreed for the provision of secondary school places at Budget Council in February 2017. If the DfE funding allocations for free schools does not proceed nor are any funds in full or part provided for the building of a new school, then the full cost would fall to the Council and could be in the region of £25 million. The capital budget for the provision of secondary school places will need to be reviewed and agreed.
- 6.3 Legal Implications
If sufficient places are not supplied the council will not meet its statutory duties in supplying sufficient school places. In the event that the authority breaches its statutory duty, the authority could face judicial review action challenging the authority's failure to provide sufficient schools for the provision of education. The authority could also potentially face claims brought under the Human Rights Act 1998 (the right to education).
- 6.4 People Implications
Risk of a % of children not having a secondary school place in September 2018
- 6.5 Property Implications
DfE may commandeer local authority asset to build a free school (only those of sufficient size to meet a 6FE school would be at risk)
- 6.6 Consultation
None
- 6.7 Equalities and Diversity Implications

None

6.8 Risk Assessment

There is considerable risk in relation to the Wave 13 criteria once announced. Should the DfE prioritise a new school other than basic need, the funding for the free school will need to be met through other means, or an alternative solution will be required. The second risk relates to the Council not being in a position to offer a secondary place to all that require it on 1st September 2019.

6.9 Value for Money

None

6.10 Community Safety Implications

N/A at this present time

6.11 Environmental Impact

All proposed sites are green spaces, parks or farmland.

7. **Background Papers**

None

8. **Appendices**

Appendix 1 - Forecast Numbers with Illustrated Forms of Entry Expansions