

# Southend-on-Sea Borough Council

Report of the Deputy Chief Executive (People)  
to  
**Cabinet**

on  
**19<sup>th</sup> September 2017**

Report prepared by: Catherine Braun – Group Manager  
Access and Inclusion

**Agenda  
Item No.**

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**Provision of Secondary School Places in Southend September 2019**  
**People Scrutiny Committee**  
**Executive Councillor: Councillor James Courtenay**  
***A Part 1 (Public) Agenda Item***

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## **Purpose of Report**

- 1.1 To update members on the progress of the Secondary School Places Programme and the progress on identifying a site for a new Free School

## **2. Recommendations**

- 2.1 That current progress on the progression of current expansion projects at good and outstanding secondary schools for September 2018, namely Shoeburyness High School and St Thomas More High School be noted (previously agreed by cabinet in June 2017).
- 2.2 To agree 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 To agree that work on securing the plot of land identified in the report to support an application to the Department of Education for a new secondary free school for September 2019 continue.

## **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 existing provision has been identified through expansions of existing primary schools through basic need funding.
- 3.2 Following on from the expansion of the primary schools following a large increase in birth rate and additional population moving into the borough these larger cohorts will enter secondary schools from September 2018 with an additional 5 forms of entry needed for that years admissions round.
- 3.3 An additional 9 permanent forms of entry, along with two/three temporary expansions, were added to the borough primary schools and a matching expansion is

required to meet this within the secondary schools. The year of greatest demand is forecast to be 2022.

- 3.4 In addition to these extra places Essex County Council (ECC) has also reported that large housing developments taking place in the Rochford and Rayleigh areas, along with their own population growth, will significantly reduce the number of places available for out of catchment applications, especially those traveling in from out of ECC Authority areas. Currently an annual average of 250 Southend resident pupils take up places within ECC schools.
- 3.5 Due to the currently accessed ECC places reducing significantly, the required expansion numbers as noted in 3.2 have increased to a secondary need of 12 permanent FE plus a further 2 in bulge years. (**Appendix 1**)
- 3.6 On 20<sup>th</sup> June 2017, Council agreed to progress expansion projects at Shoeburyness High School and St Thomas More to procurement stage and to continue 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.
- 3.7 Council also agreed in June 2017 that a free school is required for September 2019 for the required additional 180 places, which requires the identification of council owned land to support any application to the Department of Education. A preferred site was identified and agreement gained to seek legal advice and enter negotiations to obtain the land.

#### **4. Expansion Programme**

##### **4.1 Open Projects Update**

- 4.1.1 Shoeburyness High School has agreed to expand permanently by one form of entry from September 2018 as well as take a one off bulge year also for September 2018. A project has been agreed, planning permission has been granted and the main contractors have been appointed.
- 4.1.2 St Thomas More have agreed to expand by one form of entry on a permanent basis from September 2018 and designs with indicative costs have been drawn up. A planning application will be submitted shortly.
- 4.1.3 St Bernard's have expressed a desire to expand from September 2018 by one form of entry. It is unlikely that agreement for 2018 will be achieved due to current admission criteria unlikely to meet a Southend need, however discussions continue with St Bernard's and options remain available for future years of expansion.
- 4.1.4 The Eastwood Academy has consulted on expansion, however to date has not provided the local authority with any confirmation of their commitment to expand, including information of the number of pupils they plan to expand by and when expansion is expected. A capital project is currently being costed for internal refurbishments and the local authority awaits confirmation.
- 4.1.5 Belfairs Academy has procured a feasibility study for potential expansion of up to 2 forms of entry. To date, the academy has yet to provide any confirmation of commitment to expand. The feasibility report and confirmation of expansion commitment is expected in mid-September 2017 (including number of forms of entry/pupils and which year expansion is expected).

## 4.2 Free School Land Acquisition

- 4.2.1 A preferred site (**Appendix 2**) has been identified which meets the minimum requirements regarding size, is not in close proximity to any existing non-selective mainstream secondary provision and is owned by Southend Borough Council. Cabinet previously identified all possible potential sites that were available prior to the selection of this site specifically as the preferred site.
- 4.2.2 Access to the site is to be agreed once curtilage of the plot is finalised but where possible the intrusion of additional new roadways will be kept to a minimum.
- 4.2.3 Legal advice is being sought on the Council's rights to terminate any tenancy agreements and the format of any negotiations with tenants where applicable, to better understand costs involved, and planning permission issues regarding change of use of the land.
- 4.2.4 Following approval by Cabinet, further detailed work on potential planning, ecological, archaeological and other aspects of due diligence can then proceed. From all options considered, the identified site meets the majority of the criteria for the new Free School, and, subject to the mitigation of the range of challenges that may emerge, will give the Council the best option to meet both its statutory obligations and provide residents with much needed secondary school places.

## 5 **Other options**

- 5.1 With regard to the requirement for additional places, our data indicates that there is evidenced need for the number of additional places as outlined in appendix one. Therefore the Council has no option other than to provide sufficient school places if it is to meet its statutory duties.
- 5.2 Cabinet have previously determined that for 2018, the places will be met through expansion on existing good school sites. For 2019 this is not an option, and Cabinet decided upon the free school. The only realistic options for the provision of a free school are either the DfE Capital route (preferred), or an appropriation route, which would require the Council not only to provide the land, but also the full capital costs, estimated to be within the region of £25 million. This option was discounted, as in effect the Council would be relinquishing significant capital to an academy trust.
- 5.3 The options discussed earlier by Cabinet, and contained within this paper indicate that the identified site met all of the requirements for a free school location. All other sites were discounted.

## 6. **Reasons for recommendations**

- 6.1 A local academy trust has confirmed their commitment to make an application to the Department of Education for wave 13 to open a free school in Southend Borough if a plot of land can be identified to support the application. It should be noted that the potential sponsor would bid for the free school and associated permissions rather than the Council, although they would have our full support.
- 6.2 A new secondary free school in the suggested area of the borough would meet the demand for secondary places across the borough from September 2019. For this to be achieved, agreement is required by members for the land at this site to be secured to strengthen the application and secure secondary school places for 2019.

- 6.3 Specifically, this site has been selected for recommendation due to a number of important factors
- 6.3.1 The Department for Education who make the ultimate decision, would be very unlikely to approve a location if it were prejudicial to the success of or in close proximity to an existing school.
- 6.3.2 The site selected is broadly located where the need is required, central Southend. There were no other sites available in the more densely populated area of the Borough of suitable size.
- 6.3.3 Transport links to and from the school are appropriate, and will not exacerbate existing school bottlenecks at particular times of the day. Access to the potential site for staff, cars and buses can be accommodated within the exiting planned road infrastructure.
- 6.3.4 The possible type of school that is being envisaged is a STEM school, (Science, Technology, Engineering and Mathematics). This type of curriculum will enhance the existing provision across the Borough, and allow greater parental choice. In addition, the close proximity of the site to the Airport and the Airport Business Park would allow innovative and important links with future employment and career opportunities.
- 6.3.5 Recognising the pressure relating to a need for opening in September 2019, the site will allow good access for construction following due process completion. therefore, any potential Academy Trust must be in a position to be able to move quickly, and have a proven track record of not only school improvement, but also in delivering a project of this scale to budget and to time.

## **7 Corporate Implications**

### **7.1 Contribution to Council's Vision & Corporate Priorities**

These arrangements will assist pupils within the Borough to access quality learning opportunities to achieve the best possible outcomes for all children:

'Ensure residents have access to high quality education to enable them to be lifelong learners and have fulfilling employment.'

### **7.2 Financial Implications**

The capital for this programme is being sought from the Department for Education Free School Capital Programme, wave 13, rather than from Council funds. However, if all or part of the costs are not funded from Wave 13 then other sources of finance will need to be explored including the potential for the use of Council funds.

In addition, there will be costs associated with site preparation and land assembly which should be funded from Wave 13. However, further work is being undertaken to establish if any of these costs are to be met by the Council. If so then the existing Education Capital Programme will need to fund these costs.

### **7.3 Legal Implications**

Legal advice is being sought on the processes of the land acquisition.

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).

#### 7.4 People Implications

Risk of a % of children not having a secondary school place in September 2018

#### 7.5 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). Part of the open land proposed is the subject of tenancy leases. Legal advice is progressing on securing the necessary permissions.

#### 7.6 Consultation

Once the site is acquired a consultation will be required for change of use, for planning and also by the Academy Trust to open a new school.

#### 7.7 Equalities and Diversity Implications

By adding a new secondary school to Southend pupils and parent/carers will have a greater selection of schools to choose from. (See attached Equality Impact Assessment, **Appendix 3**)

#### 7.8 Risk Assessment

If the school places are not made available when needed the Council will fail in its duty to provide places for local residents that require one. In addition there remains a risk that any further delay in announcing wave 13 by the Department for Education may delay the implementation and opening of the new school ready for September 2019.

#### 7.9 Value for Money

No direct implications.

#### 7.10 Community Safety Implications

None envisaged. However, as part of the due diligence undertaken for both the planned existing school expansions, and the building of the new Free School, work will be undertaken to ensure that travel to school plans are updated to reflect the increase in numbers anticipated. This will both ensure that traffic increase is managed effectively, and that safe travel to school is taken into account in the school's plans..

#### 7.11 Environmental Impact

Unknown at present, but assessment would follow Cabinet permission

### 8. Background Papers

- 8.1 Report to Cabinet 20<sup>th</sup> June 2017 - Provision of Secondary School Places in Southend September 2019: Proposed Free School Site Part 1 & 2

### 9 Appendices

Appendix 1 - Forecast Numbers with Illustrated Forms of Entry Expansions  
Appendix 2 – Proposed Site  
Appendix 3 – Equality Impact Assessment