

# Committee: Children and Young People Overview and Scrutiny Panel

Date: 4<sup>th</sup> September 2012

Agenda item: 5

Wards: All

## Subject: Provision of School Places

Lead officer: Yvette Stanley, Director of Children, Schools and Families Department

Lead member: Cllr Martin Whelton

Forward Plan reference number: N/A

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### Recommendations:

- A. Panel members note and discuss the contents of this report
- B.

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## 1 PURPOSE OF REPORT AND EXECUTIVE SUMMARY

- 1.1. This report briefs members of the Children and Young People Overview and Scrutiny Panel on the current position in respect of the provision of sufficient and suitable school places in the borough.
- 1.2. The report outlines additional places provided to date and plans being developed to meet a continuing increase in demand for primary school places in the borough. It details additional places provided to date in special schools. The report also provides early projections of the likely increased demand in Merton's secondary schools.

## 2 DETAILS

- 2.1. Merton has been experiencing an almost unprecedented increase in demand for school places fuelled by net inward migration and increased births amongst a range of other demographic and economic factors. To date the increased demand has required significant expansion in our primary school sector and some additional places in Merton's special schools. It is expected that the impact of this increasing demand will be felt in our secondary schools with additional places needing to be available from around 2015-16.

### Primary Places

- 2.2. From a baseline position in 2008-09, Merton has to date provided 24 additional forms of entry into the borough's primary schools. Following far-reaching consultation with parents, prospective parents and other residents in 2010, a number of criteria were established to inform decisions about how the increasing demand for primary school places should be met. Chief amongst these were:

- The council should aim to provide more places in existing good and outstanding schools
- More places should be provided in popular and oversubscribed schools
- The council should aim to expand small schools on the basis of increasing financial sustainability
- Additional places should be provided as near to the location of the additional demand as possible to provide local schools for local children
- The additional places should be provided in good quality accommodation, permanent where necessary
- The council should ensure it achieves good value for money and provide the additional places in the most affordable ways possible

### 2.3

The above criteria has therefore informed a strategy that has been focused to date on expanding existing schools. The table below shows expansions between 2008-09 and 2012-13:

	School	Year Of First Additional Reception Class	Status
1	Wimbledon Chase	2008/09	Permanent Scheme Completed Spring 2011
2	Holy Trinity	2008/09	Permanent Scheme Completed Autumn 2010
3	St Thomas Of Canterbury	2008/09	Permanent Scheme Completed Autumn 2010
4	Benedict	2009/10	Permanent Scheme Completing Summer 2012
5	Hollymount	2009/10	Permanent Scheme Completing Summer 2012
6	Joseph Hood	2009/10	Permanent Scheme Completing Summer 2012
7	Aragon	2010/11	Permanent Scheme Completing Autumn 2012
8	Cranmer	2010/11	Construction For Permanent Scheme Due To Commence Autumn 2012
9	All Saints (At SWCA)	2011/12	Permanent Scheme Completing Autumn 2012
10	Gorringe Park	2011/12	Phase 1 Permanent Scheme Completing Autumn 2012. Phase 2 To Follow
11	Liberty	2011/12	Phase 1 Permanent Scheme Completing Autumn 2012. Phase 2 To Follow
12	St Mary's	2011/12	Phase 1 Permanent Scheme Completing Autumn 2012. Phase 2 To Follow
13	Singlegate	2011/12	Phase 1 Permanent Scheme Completing Summer 2012. Phase 2 To Follow
14	William Morris	2011/12	Permanent Scheme Completed Autumn 2011
15	Wimbledon Park	2011/12	Construction For Permanent Scheme Due To Commence Autumn 2012

16	Dundonald	2011/12 (But Not In 2012/13)	Construction For Permanent Scheme Due To Commence Early 2013 Subject To Legal Requirements
17	Hillcross	2011/12	Design For Permanent Scheme In Progress – Requires Statutory Consultation.
18	Merton Abbey	2011/12	Design For Permanent Scheme In Progress- – Requires Statutory Consultation.
19	Bishop Gilpin	2010/11	One Year Reception 'Bulge Class' Only Agreed In 2010/11
20	The Priory	2011/12	One Year Reception 'Bulge Class' Only Agreed In 2011/12
21	Poplar	2012/13	One Year 'Bulge Class' Agreed For Sept 12 But Permanent Scheme to be progressed subject to statutory consultation
22	Pelham	2012/13	One Year 'Bulge Class' Agreed For Sept 12 But Permanent Scheme to be progressed subject to statutory consultation
23	Beecholme	2012/13	One Year 'Bulge Class' Agreed For Sept 12 with Permanent Scheme to be considered subject to sustained demand
24	Garfield	2012/13	Two Years Of Extra Reception Class Only Planned At This Stage. Site Already Expanded From 1fe To 2fe From 2006 And Site Not Considered Appropriate For School To Be Fully 3fe.

- 2.4 Of these 24 schools, 21 are currently rated good or outstanding by Ofsted, and 12 were 1FE schools classed as 'small'. The schools have been expanded in the geographic areas where there is most need thus not increasing travel distance for local residents to attend school. Contractors for the schemes have been selected from an existing LBM panel of constructors and have been independently assessed as providing the council good value for money. Schemes have been carefully assessed and monitored by senior managers and by project managers to ensure affordability.
- 2.5 In implementing the strategy to provide sufficient and suitable places, officers have regularly refreshed planning assumptions based on GLA pupil projection data and local intelligence. Most recent data suggests that a cumulative increase of 29FE from the 2008-09 baseline will be needed by 2017-18 and officers are now considering options for additional provision, particularly in the Wimbledon and Colliers Wood areas.
- 2.6 In July 2012, Cabinet approved an attempt to purchase Jamia school, operating as a Muslim study centre adjacent to Singlegate school, which had recently been placed on the open market by its then owners. Officers had recommended that a purchase at a suitable price would enable Singlegate school to expand by 2FE instead of the 1FE originally planned. Increasing the proposed expansion was considered prudent in terms of providing further additional places in an area clearly experiencing growth in demand while also providing value for money in terms of comparative costs.

- 2.7 The council's subsequent offer to purchase Jamia school was accepted and completion took place in August.
- 2.8 Providing additional primary places in the Wimbledon area is particularly challenging. Members will note that nearly all local primary schools have either expanded or have expansion plans in place, that two voluntary aided schools have provided only single 'bulge' classes and that there are significant planning and other legal complexities in the council's proposed expansion of Dundonald school.
- 2.9 To date, although Cabinet in December 2010 agreed that the option of new school provision in the Wimbledon area should be kept open and in February 2012 agreed that the requirement for a new site for primary school provision in the area be officially registered in the council's Sites and Policies Development Plan Document, no suitable and available sites have been identified.
- 2.10 In July 2012, therefore, Cabinet agreed that a further detailed options appraisal for providing sufficient local places in the Wimbledon area be commissioned. It was subsequently agreed that it would be helpful for this work to be undertaken by a skilled and experienced external provider and, following a competitive procurement process, Capita has recently been contracted to complete and report on a comprehensive options appraisal by the end of September 2012. This will be reported to LSG and Cabinet as soon as possible and will inform planning to meet additional demand for primary places from 2013 onwards. CYP Overview and Scrutiny Panel may wish to receive a report on this options appraisal at a future meeting.

#### Secondary Places

- 2.11 Currently there is an overall surplus of places in Merton's secondary schools. This surplus is above 10% of overall places in lower year groups caused by a fall in demand in recent years, exacerbated by falling demand in neighbouring boroughs and an increase in Merton residents attending state funded schools outside the borough.
- 2.12 However, the sustained increased demand currently experienced in primary schools will, over time, impact on the secondary sector. Early projections based on population data and a 'retention' formula and assuming take up of surplus places over the next few years suggest that there will be a deficit of available places in the first year of secondary school (Year 7) from September 2015, which will continue to grow rapidly until at least September 2021.
- 2.13 The exact increase in demand will depend on a number of factors, including pupil preference and the level of pupil 'imports' and 'exports' between Merton and other Local Authority areas. A medium forecast increase, based on the retention from primary to secondary school returning to the levels of a few years ago, is that the deficit in places will rise to 25 forms of entry by 2021/22 (ie 750 additional places per year).
- 2.14 Table 2 below shows how this rise will gradually impact on the first year of secondary school (year 7).

**TABLE 2 'MEDIUM' FORECAST BASED ON 90% RETENTION FROM YEAR 6 TO YEAR 7**

Academic Year	Admission N°s	Medium Forecast	Surplus/ deficit (-)	FE short (no surplus)
2011/12 (actual October 2012)	1682	1454	228	
2012/13	1682	1630	52	
2013/14	1682	1618	64	
2014/15	1682	1667	15	
<b>2015/16</b>	1682	1839	-157	<b>6FE</b>
<b>2016/17</b>	1682	1914	-232	<b>8FE</b>
<b>2017/18</b>	1682	1964	-282	<b>10FE</b>
<b>2018/19</b>	1682	2234	-552	<b>19FE</b>
<b>2019/20</b>	1682	2282	-600	<b>20FE</b>
<b>2020/21</b>	1682	2350	-668	<b>23FE</b>
<b>2021/22</b>	1682	2407	-725	<b>25FE</b>

- 2.15 Officers consider that while the rise in demand could be met through use of existing 'under-utilised' accommodation in 2015/16, and possibly 2016/17, significant additional buildings for September 2017 and beyond will be required.
- 2.16 This projection presents the council with a very significant challenge. With only 8 secondary schools, albeit that some have relatively large sites, meeting the increased demand wholly through expansion of existing provision is not considered deliverable. While all secondary schools have received an initial approach from the council in respect of expansion and all have indicated a willingness in principle to expand, officers and the school community need to consider issues such as optimal size for schools to continue to improve standards and retain popularity as well as practical site considerations. Officers have concluded, therefore, that some additional new secondary school provision will be required over and above expansions of existing schools.
- 2.17 To ensure that the borough can meet its secondary school capacity requirements over the next 10-15 years, Cabinet agreed in February 2012 to officially register its requirement for a new site for secondary school provision in the council's Sites and Policies Development Plan Document. A site would, preferably, be located in the Colliers Wood area, but otherwise in a central location with reasonable transport links, and would need to be developed and admitting pupils from September 2018. To date, no specific site options have been identified.
- 2.18 In addition to progressing site searches, the next steps in the development of our strategy to deliver the required additional secondary school places will be to examine in detail the feasibility of expansion on each existing school site and engage in negotiations with Headteachers and governing bodies on the acceptable size of such expansion. Officers have begun

dialogue with schools on this agenda and feasibility studies will be commissioned in due course.

- 2.19 It should be noted that the CYP Overview and Scrutiny task group on the provision of secondary places in the borough has not yet begun its work but that it is intended to support and inform development and implementation of strategy. Officers will be meeting with task group members for an initial meeting shortly.

#### Places in Special School and Specialist Provision

- 2.20 Merton meets the needs of pupils with Statements of Special Educational Needs (SEN) through specialist provision in mainstream schools, special schools and external placements in other local authority or independent sector provision. The “Enhancing Capacity in SEN” strategy agreed by Cabinet in 2007 has been successful in providing additional specialist SEN (Special Educational Needs) places in both special and mainstream schools in the borough and in minimising the need to access other local authority or independent special school places.
- 2.21 In 2011, a new secondary phase of Perseid school opened providing some 60 places for pupils with profound and multiple learning difficulties. Officers are currently project managing refurbishment and expansion of Perseid’s primary phase which will enable 60 places to be offered.
- 2.22 The leasing in 2010 of an ex doctor’s surgery adjacent to Cricket Green School enabled 6<sup>th</sup> form provision to be offered to over 20 post 16yrs pupils as well as an increase in overall capacity for pupils with autistic spectrum disorders. In February 2012, Cabinet agreed a further short-term arrangement enabling Cricket Green to take over on a temporary basis vacant Chapel Orchard accommodation. Following relatively minor adaptations and refurbishment, this accommodation will enable the school to expand from 130 places in 2007 to over 170 in October 2012 and up to 200 in 2014-15.
- 2.23 Since 2007 officers have negotiated with schools on the establishment of further ‘Additionally Resourced Provision’ (ARP) to enable pupils with a range of SEN needs to be educated within mainstream school provision. In the primary phase, almost 70 places have been established with a further 14 in the planning stage and 40 secondary ARP places have been established with a further 9 places in planning.
- 2.24 Policy initiatives of central government are likely to result in significant implications for the education of children with SEN and disabilities. Subject to legislation, there are likely to be changes to statutory assessment processes and categorisation of SEN needs. The new schools funding regime will also alter the ways in which SEN provision is funded in the future. Officers are considering the implications for SEN places as part of a wider review of implications.
- 2.25 In view of the overall demographic changes affecting Merton and the public policy changes noted above, a more comprehensive examination of the implications for future special school and specialist provision is needed and officers are currently scoping this work. At this stage, however, officers recognise the need to secure the expansion achieved at Cricket Green

School through a permanent solution and consider it likely that additional capacity at Perseid school will be needed. Further capacity for pupils on the autistic spectrum, particularly in the secondary phase, will also be required.

### **3 ALTERNATIVE OPTIONS**

- 3.1. None for the purposes of this report.

### **4 CONSULTATION UNDERTAKEN OR PROPOSED**

- 4.1. All plans implemented to date in respect of the provision of additional pupil places have been subject to consultation, some required in connection with statutory processes. This will also be the case for future plans to expand provision.

### **5 TIMETABLE**

- 5.1. This report covers additional school places provided and required between 2008-09 and 2021-22.

### **6 FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS**

- 6.1. School places are typically provided through grant received from central government – basic need capital allocation – and capital provided by councils, often obtained through borrowing. In Merton's case since 2008-09, central government grant has been insufficient to meet the cost of the required additional places and significant call on the council's own capital programme has been necessary. CSF Department's capital allocation for school expansions in the period 2012-13 to 2015-16 is £56 million and at the time of writing, officers are currently preparing the department's capital programme 'bids' to 2017-18. The announcement of central government grant for 2013-14 is not expected until late autumn.

### **7 LEGAL AND STATUTORY IMPLICATIONS**

- 7.1 The council has a duty under section 14 of the education act 1996 to secure that sufficient schools for providing primary and secondary education are available for its area. It must respond to any parental representations on the exercise of this duty.
- 7.2 Where a maintained school is to be permanently expanded, the council must first follow the statutory process for "prescribed alterations" to schools. This applies to permanent expansions (in place for three years or more) which increase school capacity by more than 25% or 200 pupils (mainstream schools) or 10% or 20 pupils for special schools. For a prescribed alteration there must be consultation on proposals, publication of formal notice of proposals and a decision by the council whether to approve the proposals after consideration of public representations. In deciding whether or not to approve proposals, the council must have regard to statutory guidance. One of the factors to be taken into account is the need for places and there is a presumption in favour of proposals to expand successful and popular schools to meet parental preference. The decision maker must also consider the effect on standards, including on other schools in the area and whether capital funds are available for the proposal to be implemented.

- 7.3 Under the statutory guidance, capital funding should be secured before statutory notice of proposals is published and the regulations require that published proposals include a statement of the estimated total capital cost of proposals and confirmation that funds will be made available.
- 7.4 The council can propose a permanent increase in capacity for any type of maintained school, including foundation or voluntary schools but must follow the statutory procedure. The governors of the school being proposed for expansion, and local diocesan authorities are able to appeal to the schools adjudicator if they disagree with the decision of the local authority to approve proposals. The adjudicator is required to have regard to the same statutory guidance as the local authority in considering the decision. The council is responsible for implementing proposals relating to community schools. For proposals at foundation or voluntary controlled schools, the proposals need to set out whether the council or the governors will implement them. The governing body has responsibility for implementation of proposals at voluntary aided schools, but the council has power to assist with implementation. Where the council assists by the provision of a site for a foundation or voluntary school, the council must transfer its interest in the site to the trustees for the school.
- 7.5 Temporary expansions of schools by the addition of a reception class as an exception to the normal published admission number or an increase in the published admission number would need to be agreed by the admission authority for the school. For community schools, this is the council. For voluntary aided schools, this would be the governing body, and in voluntary aided schools it is for the school governors to decide whether to exceed the published admissions number or vary the school's admissions arrangements for a single year e.g. take a bulge class.
- 7.6 Where there is not space to extend a school on its current site, consideration can be given to expansion elsewhere, creating a "split site" school. This may be more efficient than creating a new, very small school on a new site.
- 7.7 The legislation on new schools has been amended with effect from 1 February 2012 by the Education Act 2011. There is now a presumption that new publicly funded schools will be academies or free schools. Under the new provisions, if a local authority thinks that a new school needs to be established in its area, it must seek proposals for the establishment of an academy. The secretary of state will then decide whether to enter into arrangements for an academy with any of the proposers who come forward. The capital cost of the school and the site will need to be provided by the local authority. If an academy is not established as a result of these arrangements, the secretary of state will authorise the local authority to publish a competition notice seeking bids for either an academy or a voluntary school to be provided. The secretary of state will first then consider whether to approve any resulting academy proposals, and if no academy is created, the local authority considers whether to approve any proposals for voluntary school. The local authority will only be able to publish proposals for a new community school (which is not a replacement for an existing school or schools) if proposals have been invited under a competition notice and no proposals have been received, or proposals that have been made have not been approved.



- 7.8 The council would be required to transfer the site for the new school to a new provider and provide capital funding for the new school.
- 7.9 The government is encouraging communities to propose new ‘free schools’ which have the same legal structure and requirements as academies. Free schools may be established in response to invitations for academy proposals by local authorities seeking to establish a new school or may be established through an annual application process under the government’s free school programme.

**8 HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS**

- 8.1. No specific implications from this report.

**9 CRIME AND DISORDER IMPLICATIONS**

- 9.1. No specific implications from this report.

**10 RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS**

- 10.1. No specific implications from this report.

**11 APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT**

N/A

**12 BACKGROUND PAPERS**

N/A