

TO ESTABLISH A NEW SECONDARY SCHOOL FOR CHELTENHAM

Cabinet Date	13 December 2017
Economy, Skills and Growth	Cllr Lynden Stowe
Key Decision	Yes
Background Documents	<ol style="list-style-type: none"> 1. Strategic Review Documents 2. Education Act 2011 3. Property Acquisition Policy <p>Additional information can be found at: http://www.gloucestershire.gov.uk/cheltenham-school-planning</p>
Location/Contact for inspection of Background Documents	Please contact Francesca Ciereszko-Lane, Education Planning & Development Project Manager, Tel: 01452 328694 Email: Francesca.Ciereszko-Lane@gloucestershire.gov.uk
Main Consultees	Cheltenham Councillors
Planned Dates	<ul style="list-style-type: none"> • School competition to take place in Spring 2018 • Phased opening of new school with effect from September 2019
Divisional Councillor	Cheltenham Councillors
Officer	Gareth Vine – Interim Manager (Education & Capital) Tel. 01452 427547 Email: gareth.vine@gloucestershire.gov.uk
Purpose of Report	To seek Cabinet approval to establish a new secondary school in Cheltenham.
Recommendations	<ol style="list-style-type: none"> 1. That Cabinet approves the establishment of a new 900 place secondary free school (6 forms of entry) in Cheltenham to open in September 2019. 2. That Cabinet delegates authority to the Head of Education, in consultation with the Cabinet Member for Economy, Skills and Growth, to: <ol style="list-style-type: none"> a) hold a free school presumption competition in accordance with the Department for Education’s advice contained in, “The free school presumption” (February 2016).

	<p>b) upon conclusion of the competition, to recommend to the Secretary of State the findings of the Local Authority's assessment to enable her to decide upon the most suitable proposer to take forward the new free school</p> <p>3. That Cabinet delegates authority to the Head of Property Services to acquire land to establish a new 900 place school in Cheltenham in consultation with the Cabinet Member for Finance and Change.</p>
<p>Reasons for recommendations</p>	<p>Pupil forecasts show that by 2019/20 all Cheltenham secondary schools will be full in year 7, with at least 120 children without school places (4 forms of entry). By 2021/22 this will have increased to at least 180 children without places, equivalent to 6 forms of entry each year.</p>
<p>Resource Implications</p>	<p>The total capital cost of the new school is estimated at £30million. This would be met from Schools Capital Grant, County Council borrowing and Section 106 Developer contributions. The scheme is a proposed capital scheme in the Medium Term Financial Strategy capital programme and would be subject to approved funding by Council in February.</p> <p>On-going revenue costs will be met from the Dedicated Schools Grant.</p>

MAIN REPORT CONTENTS

1. Introduction

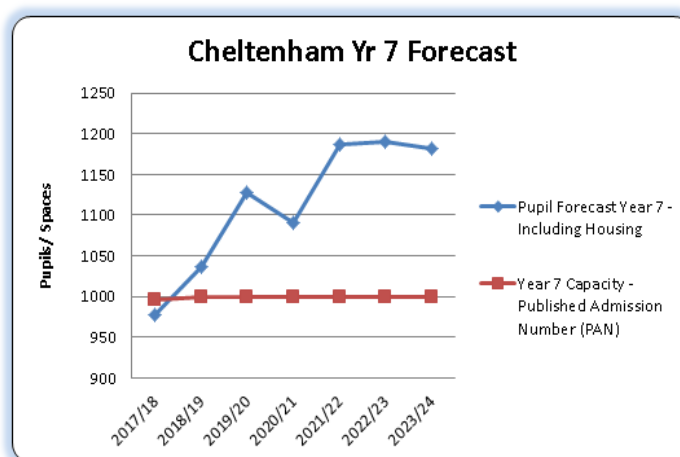
- 1.1. The County Council has a statutory duty to ensure that sufficient school places are available within its area for every child of school age whose parents/carers wish them to have one. It is a commissioner of places rather than being a direct provider – working in partnership with providers and stakeholders to meet current and future demand across the county¹.

2. Background

- 2.1. Since 2007 there has been an increase in birth rates which has, in part, resulted in a sustained growth in demand for school places. This, coupled with additional pupil yield from strategic and non strategic housing, has resulted in the significant increase in demand for primary school places year on year in Cheltenham.
- 2.2. Since 2011 this rising demand has been met by working collaboratively with schools in the primary sector to increase their published admission number (PAN). Work has also been on-going with secondary schools to provide additional capacity as these pupils move into the secondary phase of their education.

3. Strategic Review of Cheltenham Place Planning

- 3.1. In the autumn of 2016 a strategic review of school planning in Cheltenham was undertaken to update pupil forecasts in the light of changing demand and to identify future patterns of needs for school places across the town.
- 3.2. The review concluded that, taking into account basic need projections, new housing developments and the provision of a new secondary school as part of the north west Cheltenham development, there will be a shortfall of at least 120 year 7 places by 2019/20 (4 forms of entry). Should no additional capacity be available, this will increase to a shortage of at least 180 places each year by 2021/22, equivalent to 6 forms of entry.



¹ The Education and Inspections Act 2006, Academies Act 2010 & Education Act 2011

- 3.3. The pressure on both primary and secondary school places is concentrated in the central/southern area of Cheltenham. Whilst the council has successfully sought to maximise the opportunities available from the expansion of existing primary and secondary schools in the local school system, it is not feasible to continue this approach to meet the future demand in full. However, if this approach did continue to be adopted, a shortfall of around 120 places each year would remain by 2021, with no flexibility going forward to cater for any unidentified need e.g. demand from new housing yet to come forward.

4. Establishing a new school

- 4.1. The Education Act 2011 changed the arrangements for establishing new schools and introduced Section 6A (the academy and free school presumption) to the Education and Inspections Act 2006. Where a local authority identifies a need for a new school in its area, it must seek proposals to establish a free school. All new free school proposals require the Secretary of State's approval.
- 4.2. The local authority must assess all proposals received and send the outcome of the assessment to the Secretary of State for consideration and approval. The preference indicated by the local authority will be a key factor in that consideration.
- 4.3. Under the Free School Presumption route the local authority is responsible for providing the site for the new school and meeting the associated capital and pre-/post-opening costs.
- 4.4. Proposers or sponsors (the body or group that is proposing a new school) can also apply directly to the Department of Education (DfE) through the Government's Free School Programme to establish a new school – with all costs being met by the DfE. However, the DfE has not yet announced if and when the next window (wave 13) in which proposers can apply to set up a free school will be, with no guarantee that such a bid would be successful in any event.
- 4.5. This therefore leaves the council with a need for 900 additional secondary school places in south Cheltenham, which if not now, will result in the council failing to provide sufficient places from 2019 given the length of time required to build and establish a new school.
- 4.6. Whilst the bidding round for Wave 13 of the Free School Programme was originally expected to commence in the Spring of 2017, and the council has since been waiting for an announcement to progress the new school, the delay means that even if a bidding round were to open at this stage, there would now be insufficient time to deliver the new school through any national programme.

5. The Free School Presumption (Competition) Process

- 5.1. The presumption arrangements require local authorities to seek proposals (hold a competition) with potential sponsors to establish a free school where they have identified a need for a new school in their area.

- 5.2. In accordance with the Free School Presumption Guidance published by the Department for Education (February 2016), it is the local authority's decision as to how it consults on a proposed new school and with whom.
- 5.3. As part of the planning process for new schools, local authorities must also undertake an assessment of the impact of the proposal, both on existing educational institutions locally and upon protected groups. This is to enable the Secretary of State to fulfil her duties under section 9 of the Academies Act 2010 and under section 149 of the Equality Act 2010.
- 5.4. The local authority will hold an event for interested parties who may be considering becoming sponsors of the new school. It will publicise the need for a school on the Gloucestershire County Council website and on the Department of Education's website under the section 'local authorities looking for details on new free school proposals'.
- 5.5. Gloucestershire County Council will develop and publish a specification and impact assessment for a period of four weeks to allow interested parties to submit bids to run the new school. Once all bids are received these will be forwarded to the Secretary of State for information. The local authority will then assess the proposals and hold interviews prior to submitting their preferred sponsor to the Secretary of State for final approval. The Secretary of State's decision is delegated to the South West Regional Schools Commissioner (RSC) for determination.
- 5.6. The RSC does not have to agree with the council's recommendation and could opt to appoint a sponsor of their choice.
- 5.7. The RSC will need to be satisfied about their suitability to set up and run a free school. As soon as a suitable proposer is agreed 'in principle' by the RSC, the DfE will notify the local authority, the successful proposer and the local MP
- 5.8. The successful proposer is under a duty, as required by section 10 of the Academies Act 2010, to consult such persons as it thinks appropriate on whether it should enter into a funding agreement for the new school with the Secretary of State.
- 5.9. Land acquisition and construction of the new school does not form part of this process, although some of which would be likely to occur in parallel.

6. Options

- 6.1. *Option 1* - To continue to expand existing schools to meet the demand and fund transport for pupils to alternative school provision outside of Cheltenham once capacity has been reached in the town.
- 6.2. *Option 2* – To establish a new 900 place secondary school (6 forms of entry) in Cheltenham with a phased opening from September 2019.

7. Land Implications

- 7.1. A review of land in the south Cheltenham area has established that the County Council does not currently own a site of sufficient size to accommodate a 6 FE school outside of the existing Greenbelt. However, by utilising Council land at Farm Lane, Leckhampton, together with part of the land to the south of the Shurdington Road, it would provide a site of sufficient size in the area of demand (see appendix 1).
- 7.2. As a consequence, should option 2 be adopted, land will need to be acquired either through negotiation or by use of statutory powers - the extent of how much land acquired will be established through detailed determination of education operational needs and further technical investigations regarding Planning, Transport, Environmental, Design and Site investigations.

8. Financial Implications

- 8.1. *Option 1*
The cost of expanding existing schools to provide adequate capacity going forward is estimated at £30 million. The associated transport cost to the council is estimated at £356,000 each year.
- 8.2. The on-going school revenue costs will be met from the Dedicated Schools Grant
- 8.3. *Option 2*
The total capital cost of the new school is estimated at £30 million, covering both land and build costs. This will be met from the schools capital grant (£15 million), county council borrowing (£15 million), with the latter being offset by Section 106 developer contributions, which will come in over time and mitigate the £15 million borrowing – as outlined in the Medium Term Financial Strategy capital programme from 2018/2019 until 2020/2021. This option also forgoes a possible capital receipt to the County Council from its land being incorporated in to a new school site.
- 8.4. The on-going school revenue costs will be met from the Dedicated Schools Grant.

9. Officer Advice

- 9.1. Officers recommend that Cabinet adopts option 2 and establishes a new 900 place secondary school (6 forms of entry) with a phased opening from September 2019.
- 9.2. Whilst the continued expansion of existing Cheltenham schools could meet some of the projected shortfall, it would not be possible to meet the future demand in full. Adopting this approach would result in an on-going shortfall of between 90 and 120 places each year (3-4 forms of entry) from 2021. Further, the opportunity to establish a new school would be lost given that 3-4 forms of entry is not a viable size for a secondary school, with no flexibility going forward to cater for any unidentified need e.g. new housing yet to come forward.

- 9.3. The council could expand schools outside Cheltenham to accommodate children from the town. However, it would incur similar capital costs to a new school and significant additional revenue costs in doing so – with an on-going transport liability being created for the council each year. This approach would also be contrary to the council's policy of providing local provision for local children, and, in any event, would at best merely delay the need for a new secondary school given the rising demand for school places being experienced within the county as a whole.
- 9.4. Further, transporting children outside of their local area would be considered unreasonable admissions practice by independent appeal panels and the Local Government Ombudsman – and, on this scale, could potentially lead to judicial review and intervention from central government for failure to effectively fulfil the council's statutory duties.
- 9.5. This option would also be considered unacceptable to Cheltenham families due to distance and, given individual academy admissions policy, would result in the additional Cheltenham children being allocated places at the least popular schools outside of Cheltenham.

10. Risk Assessment

- 10.1. *Risk 1*
There is a delay in the new housing coming forward and associated delay in the need for additional school places.
- 10.2. The Local Authority will closely monitor the progress of housing developments and adjust the phasing of the new school provision accordingly.
- 10.3. Pupil forecasts will be updated regularly and a review of historical pupil yield from housing developments will be undertaken.
- 10.4. *Risk 2*
Excess capacity within the Cheltenham School Planning Area will negatively impact other schools.
- 10.5. The planned growth of the school will be in line with the increased demand generated from new housing to prevent any destabilisation of the local school system.
- 10.6. Schools in the Cheltenham School Planning area will continue to be involved in discussions over the phasing of the new capacity coming on-line.
- 10.7. *Risk 3*
The council is unable to identify and acquire sufficient land to site the new school in south Cheltenham and secure planning permission.
- 10.8. A sequential land test assessment has been undertaken to identify appropriate sites and early discussions will take place with local planners to ensure any proposed locations are included within local development plans.

Land will be acquired either through negotiation or by use of statutory powers and in line with the County Council's Property Acquisition Policy.

10.9. *Risk 4*

The new school building is not completed before the additional places are required.

10.10. Early feasibility work and discussions with Cheltenham and Tewkesbury Borough Councils will take place to address any potential site and planning issues which may arise during the proposed building project.

10.11. Arrangements will be agreed with the successful sponsor to establish temporary provision at a host school which would remain in place until the new building is completed.

10.12. *Risk 5*

Revenue funding is insufficient to meet the running costs of the school.

10.13. The school will receive revenue funding from the Dedicated Schools Grant, in accordance with the National Funding Formula – with a 6 form of entry school (900 pupils) being a viable size school.

10.14. Additional revenue funding will be made available whilst the school fills in accordance with established local arrangements.

11. Consultation Feedback

11.1. Discussions with stakeholders has established that there is a shared understanding of the need to create additional school places in the south of Cheltenham.

11.2. 2 potential sponsors have conducted their own consultation involving a range of stakeholders, including local families, each with a view to submitting a bid to run the new school – indicating there is a competitive market of high quality providers able and willing to provide additional good and outstanding school places for Cheltenham.

11.3. A market place event will be held for potential sponsors prior to the Free School Presumption (Competition) commencing.

12. Equalities considerations

12.1. The proposals, as outlined in this report, actively seek to improve outcomes for children, young people and their families by ensuring there is access to good secondary school places now and in the future. A due regard statement will be developed as the project progresses.

13. Performance Management/Follow-up

13.1. An experienced project group has been set up by the Council to manage all aspects of establishing the new school, under the direction of the Head of Education.

Report Title	To establish a new secondary school for Cheltenham
Statutory Authority	<p>Gloucestershire County Council, Education and Inspections Act 2006 and The Education Act 1996</p> <p>Department for Education - "The free school presumption" Departmental advice for local authorities and new school proposers (February 2016).</p>
Relevant County Council policy	Provision of sufficient school places and Property Acquisition Policy
Resource Implications	<p>The total capital cost of the new school is estimated at £30million. This would be met from Schools Capital Grant, County Council borrowing and Section 106 Developer contributions. The scheme is a proposed capital scheme in the Medium Term Financial Strategy capital programme and would be subject to approved funding by Council in February.</p> <p>On-going revenue costs will be met from the Dedicated Schools Grant.</p>
Sustainability checklist:	
Partnerships	Working with local Head Teachers of Cheltenham Primary & Secondary Schools, the Diocese of Gloucester, Diocese of Clifton Schools and Cheltenham and Tewkesbury District Councils.
Decision Making and Involvement	A full stakeholder engagement process has been undertaken.
Economy and Employment	Positive effect on local businesses with increased population in the area. Further employment opportunities with provision of a new school.
Caring for people	Supporting children, young people and their families through provision of good local support services as part of the new school.
Social Value	Supporting children and young people and their families to have access to good quality school provision closer to where they live.

Built Environment	The new school will be designed to meet all the current DfE accommodation schedules/guidelines and to current building regulations/sustainable features.
Natural Environment' including Ecology (Biodiversity)	All necessary surveys will be carried out on the site of the new building to ensure all ecological risks are assessed.
Education and Information	Provision of extra spaces will allow local children to access their local school.
Tackling Climate Change	Carbon Emissions Implications? Positive / Neutral/ Negative Vulnerable to climate change? Yes/ No / Maybe
Due Regard Statement	Has a Due Regard Statement been completed? No - considerations included in main body of report
Human rights Implications	None
Consultation Arrangements	Consultation involving all stakeholders will be undertaken as part of the process of establishing the new school. A webpage has been set up and there will be the opportunity to record electronic responses and FREEPOST address for written responses. Drop in sessions will be held with the public/ interested parties.