

**TELFORD & WREKIN COUNCIL**

**CABINET – 27 JUNE 2013**

**PLANNING OF SCHOOL PLACES:  
PROPOSAL TO ESTABLISH A NEW PRIMARY SCHOOL IN LAWLEY**

**REPORT OF THE ASSISTANT DIRECTOR FOR EDUCATION AND SKILLS**

**LEAD CABINET MEMBER – CLLR PAUL WATLING**

**PART A) – SUMMARY REPORT**

**1. SUMMARY OF MAIN PROPOSALS**

To seek Cabinet approval to establish a new primary school in the Lawley area to cater for the children which it is forecasted that the on-going housing development there will produce.

**2. RECOMMENDATIONS**

**2.1 That Cabinet agrees to the establishment of a new 210 place primary school within the Lawley area to open in September 2015.**

**2.2 That Cabinet delegates authority to the Assistant Director: Education & Skills, in consultation with the Cabinet Member for Children, Young People & Families, to take the steps necessary to progress this including inviting proposals under section 6A of the Education and Inspections Act 2006 as amended by the Education and Inspections Act 2011.**

**SUMMARY IMPACT ASSESSMENT**

<b>COMMUNITY IMPACT</b>	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	<i>Children &amp; Young People – to consult and involve all stakeholders with a vested interest in children's education and safety</i>
	Will the proposals impact on specific groups of people?	
	Yes	<i>Children and Families living within the Wards served by the proposed school</i>
<b>TARGET COMPLETION/DELIVERY DATE</b>	<i>To be able to open a new one form of entry primary school in September 2015</i>	
<b>FINANCIAL/VALUE FOR MONEY IMPACT</b>	Yes	<i>Capital Funding</i>  <i>A section 106 agreement with the developers of the Lawley-Ironstone site will provide £3.6 million of the estimated £4.7</i>

		<p><i>million cost of the new school. It has been agreed that the section 106 funds will be released as follows:</i></p> <ul style="list-style-type: none"> <li>• <i>£1m on the transfer of the site to the Council;</i></li> <li>• <i>£1 million in 2014/15 (i.e. by 31<sup>st</sup> Aug 2014)</i></li> <li>• <i>£1 million in 2015/16 (i.e. by 31<sup>st</sup> Aug 2015)</i></li> <li>• <i>A final payment of £600,000 on completion of the school.</i></li> </ul> <p><i>The remaining £1.1 million will come from within the Council's existing capital funds.</i></p> <p><i>Revenue Funding</i></p> <p><i>Academies and free schools are funded directly by the DfE. Academy budgets are based on the local authority's school funding formula, plus additional Education Services Grant (ESG) which is meant to represent the cost of local authority services not provided to academy schools. Free schools funding is based on "the average funding received by maintained schools and academies in the same local authority" (DFE) and also includes additional Education Services Grant. For each pupil in an academy or free school in the local area, the ESG received by the local authority is £15 per pupil, compared to £116 per pupil for maintained schools.</i></p>
<p><b>LEGAL ISSUES</b></p>	<p>Yes</p>	<p><i>Local Authorities must plan for and secure sufficient schools and places for their area in line with their duties under Section 14 of the Education Act 1996.</i></p> <p><i>The Education Act 2011 amended the arrangements for establishing new schools and introduced Section 6A (the academy/free school presumption) to the Education and Inspections Act 2006.</i></p> <p><i>This requires that where a Local Authority believes that there is a need for a new school in its area , it must seek proposals to establish an academy/free school.</i></p> <p><i>Section 6A came into effect on 1<sup>st</sup> February 2012 for new schools (other than pupil referral units).</i></p> <p><i>The Department for Educations advice to</i></p>

	<p><i>Local Authorities is non-statutory and the current version applies from 16<sup>th</sup> May 2013. <a href="http://www.education.gov.uk/aboutdfe/advice/f00209212/academy-free-school-presumption/establishing-new-school/new-maintained-outside-competition">http://www.education.gov.uk/aboutdfe/advice/f00209212/academy-free-school-presumption/establishing-new-school/new-maintained-outside-competition</a></i></p> <p><i>The presumption arrangements require Local Authorities to seek proposals to establish an academy/free school where they have identified the need for a new school in their area. The Local Authority is responsible for consultation , impact assessment , providing the site for the new school and for meeting all associated capital and pre-/post-opening costs ( unless there has been a successful Targeted Basic Need Programme bid).</i></p> <p><i>Local Authorities must notify the Secretary of State of their plans to seek proposals for a new school as soon as the need for a new school has been agreed.</i></p>
<p><b>OTHER IMPACTS, RISKS &amp; OPPORTUNITIES</b></p>	<p><i>On 2 May 2013, the Department for Education (DfE) updated its advice on standards for school premises. The non-statutory advice is intended to help local authorities, proprietors of Academies, school leaders and governing bodies in all schools in England, understand their obligations and duties in relation to the School Premises Regulations 2012 (SI 2012/1943) which came into force on 31<sup>st</sup> October 2012.</i></p> <p><i>The regulations state that provision must be "suitable" but "suitable" is not precisely defined. Therefore, the guidance provides advice upon meeting the requirements in the regulations for all types of schools in England. The guidance is due to be reviewed in May 2014. <a href="http://www.education.gov.uk/schools/guidanceandadvice/f00221563/standards-school-premises">http://www.education.gov.uk/schools/guidanceandadvice/f00221563/standards-school-premises</a></i></p> <p><i>The proposed freehold site for the school is in the process of being transferred to the Council under the terms of an agreement made under Section 106 of the Town and Country Planning Act 1990.</i></p> <p><i>It is understood that the land has always been set aside for the development of</i></p>

		<p><i>educational facilities.</i></p> <p><i>There will be new restrictive covenants not to use the property for anything other than for educational and community purposes.</i></p> <p><i>As with a lot of land in the Local Authority's area , the property was originally owned by the National Coal Board (NCB) and is subject to standard restrictions in relation to providing support for mine shafts and disused workings, not to erect buildings within thirty feet of the centre of disused shafts unless they have been properly filled and capped and discharging the duties imposed on the NCB in relation to shafts and disused workings.</i></p> <p><i>The coal search undertaken does not reveal any known coal mine entries within the boundary of the property or within 20 metres of it, although the plans may require approval by the NCB.</i></p> <p><i>The current time estimate is that the purchase should be completed by the end of June 2013, although not all title documents have been disclosed to the Local Authority yet and there have been some difficulties for the Transferor's Solicitor in obtaining documents from the Land Registry. Nothing untoward has been revealed by the title documents disclosed to the Local Authority to date.</i></p>
<b>IMPACT ON SPECIFIC WARDS</b>	Yes	<p><i>The establishment of a new school will have most impact on the ward within which the school is located. However there is potentially Borough wide impact due to parental preference in choosing which schools children attend.</i></p>

## **PART B) – ADDITIONAL INFORMATION**

There has been a great deal of housing growth in the Lawley area over the past decade. A large number of additional school-aged children have been generated by this development. Local demographics have meant that secondary school aged pupils have been able to be accommodated within existing schools and the needs for the future are being addressed through the Building Schools for the Future project ( BSF).

However, there has been a surge in the number of local primary school places required. So far this has been accommodated by expanding the capacity of the existing primary schools closest to the area of development. Lawley Primary School has been extended by 70 places and Newdale Primary School has grown to its full size of 60 places per year group. The continuing pace of the development means that more primary school places will be necessary and it is not

possible to add more additional places to local schools because of limitations imposed by their sites.

A primary school site has been designated within the new development and the forecast is that a one form of entry school (210 places) is likely to be needed on this by September 2015.

It is anticipated that there is sufficient funding available from the council's capital allocation and section 106 agreements to build a one form of entry primary school at an expected cost of £4.7 million. It is expected that in the future this will need to expand to provide a two form of entry school and the site is large enough to allow for this. The central infrastructure would be designed and built to accommodate the number of pupils in a two form of entry school (420 pupils).

The fact that the new school will almost certainly be an academy and as such independent of the local authority means that planning when pupil places are brought into use will not be under the direct control of the council.

### **3. INFORMATION**

The processes which councils have to adhere to when opening a new school are laid down by the Education and Inspections Act 2006 as amended by the Education and Inspections Act 2011 and the accompanying guidance.

This states that firstly the Local Authority ( LA ) must seek proposals to establish a new academy/free school. The LA must provide the required site and the capital funding needed to establish the school and must then invite proposals to open it. The LA must then assess the proposals that it receives against the following criteria:

- The quality of the places being added into the system, based on the proposer's vision and education plan;
- The capability and capacity of the proposer to deliver their proposal on time and on budget, based on their expertise and experience;
- Value for money, confirming that the proposer considers the cost of establishing the new academy/free school can be met within the capital costs outlined by the local authority and. Where they cannot be met within that estimate, an explanation of the reasons for the additional costs and how any shortfall will be met.

The local authority may state its preference, which the Secretary of State will take into consideration when deciding whether or not to enter into a Funding Agreement with any of the proposers.

If there is no suitable academy/free school proposal, a statutory competition can be held with the consent of the Secretary of State. Academy/free school proposals and proposals for foundation (by proposers other than a local authority), voluntary controlled and voluntary aided schools can be submitted into the competition.

### **4. IMPACT ASSESSMENT – ADDITIONAL INFORMATION**

No further impact is anticipated.

### **5. PREVIOUS MINUTES**

There are no previous minutes relevant to this paper.

## **6. BACKGROUND PAPERS**

Establishing a New School – Departmental Advice for Local Authorities and New School Proposers

Education and Inspections Act 2011 amending the Education and Inspections Act 2006

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