

PROVISION OF ADDITIONAL PRIMARY SCHOOL PLACES IN CHATTERIS

To: Children and Young People Committee

Meeting Date: 5th December 2017

From: Wendi Ogle-Welbourn, Executive Director, People and Communities

Electoral division(s): Chatteris

Forward Plan ref: n/a Key decision: No

Purpose: To inform the Committee of the options for providing additional primary school places in Chatteris following the withdrawal of the Active Learning Trust's (ALT) original proposal to establish a new Free School in the town to open in September 2018.

Recommendation: That the Committee

- a) support the proposal being made by the Active Learning Trust to provide the additional primary school places required by extending the age range of Cromwell Community College so that it becomes a 4-18 all-through school; and**
- b) authorise officers to submit a letter of support for ALT's proposal which will be submitted in the form of a business case to the office of the Regional Schools' Commissioner.**

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1. BACKGROUND

- 1.1 The Council, the local Children's Services Authority, is responsible for planning, reviewing and commissioning educational services, including the establishment of new schools. It has a statutory duty to provide a school place for every child living in its area of responsibility who is of school age and whose parents want their child to be educated in the state funded sector. To achieve this, the Council has to keep the number of school places under review and to take the appropriate steps to manage the position where necessary.
- 1.2 On 24 May 2016, the Children and Young People (CYP) Committee considered and accepted that there was a needs-based case for a new primary school in Chatteris. That case remains unaltered having reviewed the pupil forecast data and monitored the progress developers are making on housing sites that are allocated in the Fenland Local Plan adopted in 2014.
- 1.3 At the same meeting, the CYP Committee endorsed a proposal that enabled officers to work with existing sponsors to commission new schools in circumstances where the sponsor either plans to open a free school or has been asked to do so by the Secretary of State, without the need to follow the full competitive sponsor selection process. It was further agreed that the revised policy should be applied with immediate effect in the case of planning for the additional primary places required in Chatteris by supporting the proposal made by the Active Learning Trust (ALT) to establish a new free primary school in the Town (report available at https://cmis.cambridgeshire.gov.uk/ccc_live/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/28/Committee/4/Default.aspx).
- 1.4 Also, in keeping with the Committee's decisions taken at its meeting on 24 May, an officer/member evaluation panel was convened to meet representatives of ALT and agree a recommendation for consideration by the CYP Committee at its next meeting on 12th July. The Panel concluded that the CYP Committee should be asked to endorse the recommendation that the Council should give its formal support to ALT's free school application and should not engage in running a separate competitive tendering process for the new school in Chatteris (report available at https://cmis.cambridgeshire.gov.uk/ccc_live/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/159/Committee/4/Default.aspx).
- 1.5 ALT had by this stage already submitted a free school proposal to the Department for Education (DfE) to open a new 420 place (2 form of entry (FE)) primary school in Chatteris to meet the current and forecast need for primary school places from September 2017, under wave 11 of the government's central free school programme. The proposal was approved by the DfE in April 2016 and confirmation was given that the project could move to the implementation stage.
- 1.6 Initially, there was cause for optimism as approval coincided with the publication of a joint ministerial letter from the DfE and the Department for Communities and Local Government (DCLG) to forward fund free schools to improve overall development viability where the need for the school was generated by new housing sites. This was viewed as an extremely helpful approach in the case of Chatteris where 60% of the demand for places at the new free school would come from the new development on the Hallam Land where viability

issues had become apparent during the negotiation of the section 106 agreement (paragraph 4.1 below refers).

- 1.7 Further into the implementation phase it became increasingly apparent that, not only was the pace of progress slow, but the internal risk management processes and procedures adopted by DfE officials made the programme an unsuitable vehicle for delivering a new school within a major new development area. The concerns of the Council about the approach being adopted were communicated to the DfE in writing by the Director of Learning (Appendix 1).
- 1.8 Alongside the Council, ALT were becoming increasingly frustrated by the approach taken to this free school proposal and another similar proposal it had submitted for a new school in Ipswich, Suffolk. ALT formally withdrew its free school application on 10th October 2017, following which, it has continued to explore solutions with Council officers for meeting the need for additional primary places in Chatteris.
- 1.9 ALT is the sponsor of one of Chatteris' two existing primary schools; Kingsfield Primary School. It became the sponsor of this school in July 2014. It further extended its commitment and influence within the Town when it became the sponsor of Cromwell Community College as recently as September 2017. A map is attached showing the location of the schools within Chatteris and the Hallam Land development (Appendix 2).

2. MAIN ISSUES

- 2.1 The withdrawal of the Free School proposal has resulted in the loss of 18 months of planning and implementation time without the Council being further forward in the provision of additional primary school places in Chatteris. Meanwhile, pressure continues to build on the existing schools within the Town; Kingsfield Primary Academy and Glebelands Primary School. Kingsfield Primary Academy took an additional Reception class in temporary accommodation in 2015. In the current academic year 2017/18 there are no spare places in Reception across the Town. Major development sites which had been slow to come forward are now beginning to move. In addition to the previously mentioned Hallam Land (1,000 homes) a planning application for 300 homes off Wenny Road has come forward. There are also a number of smaller infill sites within the Town.
- 2.2 The 18 month delay inevitably prescribes the range of options available for meeting the demand for places. For this reason, following the withdrawal of its free school application, officers have continued to explore with ALT alternative options for the delivery of the additional primary school places needed within the Town. Two of the three options discussed below (options 1 and 2) only became available once ALT became the sponsors of Cromwell Community College in September 2017.
- 2.3 Option 1- Creating a Second Campus of Kingsfield Primary School on the site of Cromwell Community College

In discussion with ALT it became apparent that it wanted the second campus "school" to ultimately convert to being a separate "new" free school once numbers had grown to a level where the school would be financially viable in its own right. ALT sought advice from the DfE who confirmed that it would not support the opening of a second campus and its later conversion to a new free school. The only option would be for it to remain a permanent

second campus of an expanded Kingsfield Primary Academy. ALT do not want this as progress on securing improvements at Kingsfield Primary Academy need to be embedded. ALT are concerned that any dilution of leadership would place the progress already made at risk.

2.4 Option 2 – Extend the Age Range of Cromwell Community College to 4-18

The option receiving most consideration is the development of primary provision on the Cromwell Community College site by extending the age range of the secondary school so that it becomes an all-through school for pupils aged 4-18.

The required physical expansion of the buildings and the site occupied by Cromwell Community College can be achieved. The Cromwell site is adjacent to the new Hallam Land development and the developer has agreed that if the site identified for a new primary school within the Hallam land development is no longer required, land can be incorporated into the Cromwell Community College site instead to make good any shortfall in total site area against DfE recommended area guidelines. An amendment would need to be made to the developer's planning application to ensure this option can be achieved (refer to section 4.5 of the report)

ALT will need to submit a business case for the proposal to extend the age range of the College to the office of the Regional Schools' Commissioner (RSC). ALT is aiming to make its submission by the end of December 2017 and a decision by the RSC office could reasonably be expected in the spring of 2018. There will also be local consultation on the proposal to change the age range of the school in line with DfE guidelines for making significant changes to academy schools (refer to section 4.5 of the report)

Although there are no examples of an all-through school in Cambridgeshire they do operate elsewhere and the number is growing, particularly in the free schools sector. By October 2017 157 all-through schools were listed by the DfE. In terms of admissions, as the children in Year 6 will already be pupils of the school they would not need to apply for a place at the school in Year 7. They would already have a place. The PAN at year 7 would be the sum of the total number of places less the PAN of the year 6 cohort to show the number of "new" children to Year 7.

Cromwell Community College is an academy and is, therefore, its own admissions authority. It will be for the academy to determine its detailed admission arrangements and to consult upon them.

The all-through school is likely to provide 420 places in the primary phase (2FE) and 1200 places for pupils aged 11-16 (8FE) The school also has a 6th form with 191 pupils currently on role. There is no research evidence that demonstrates a strong link between size of school and academic performance. However, an all through school has an opportunity to provide better continuity and progression for pupils. It does also minimise the number of transition points and there is evidence that when a child moves school their attainment and progress dips at these points. It can also contribute to staff recruitment and career development as staff in an all-through school are able to experience a range of year groups in one school.

In addition, there is an established leadership team at Cromwell Community College with a strong track record. It will be able to draw on the expertise within ALT and utilise its primary model in place at the Isle of Ely Primary School and Chesterton Primary School. The Trust has a growing number of good schools and the Early Years Foundation Stage (EYFS) across all trust schools is either good or outstanding.

In both options 1 and 2 the intention would be to build sufficient accommodation to provide an additional 210 places or 1FE of primary school places. Subsequent expansion to 420 primary places or 2FE is dependent on further house building, the demand for places and the triggering of the negotiated section 106 payments (Refer to section 4.1 of the report)

2.5 Option 3 – Create a New Primary School Academy on the site within the Hallam Land Development

Where the Council identifies the need for a new school its usual approach would be to identify a preferred sponsor by running a competition. The Secretary of State for Education would make the final decision following from the RSC's Headteacher Board which will have taken into account the Council's preference. This process in itself can take up to 6 months to complete.

However, the most significant obstacles to the successful delivery of a new school in the Hallam Land development relate to the additional costs which could fall upon the Council or the potential unmeasurable delay to the opening date of the new school should the Council not wish to fund these costs. More detail of these potential costs are provided in section 4.1 of the report.

These obstacles have become more apparent over the last 18 months to 2 years as development viability issues have come to the fore during S106 negotiations and the start date for house building has been delayed. The forecast build out rate for the development of 1000 homes is now expected to be only 50 to 100 units a year based on current market conditions.

In these circumstances, combined with the position of the school site within the Hallam Land development, the delivery of the primary school within a reasonable timescale can only be achieved if the Council provides the infrastructure to access and develop the site which in other circumstances would be provided by the developer as the house building progressed across the site. This infrastructure could include the provision of roads designed to adoptable standard, services beneath the road, upgrading power supplies and arrangements for dealing with surface and fowl water drainage.

The Council could wait for the developer to build houses and provide the required infrastructure to the school site before it opens the new school. However, timescales cannot be guaranteed, the housing development is yet to start and is at least another 12 months away from doing so and possibly longer. With each passing year it will become increasingly difficult to deal with the current pressure on places from within the existing community and the pupils generated from other infill developments within the Town which are being built out. In addition, the greatest risk to the Council is that other developments come forward, such as the 300 houses at Wenny Road, and "overtake" the Hallam Land site; leaving the Council in the extremely difficult position of requiring a significant number of additional primary school places (105 using the Council's standard pupil yield multipliers)

but still being unable to provide a new school within the Hallam Land housing development.

2.6 Conclusions

Option 1 is only deliverable if there is a change in the view of ALT.

Although option 3 represents the more established approach of the Council to providing additional school places, in this case it would expose the Council to either significant extra capital costs or a lengthy delay to the delivery of additional school places which would make it increasingly difficult for the Council to meet its statutory duty to provide a sufficient number of school places.

Option 2 would represent the introduction of a new organisational model into Cambridgeshire. However, ALT will have to consult the local community on the proposal and test levels of support or otherwise before submitting it to the office of the RSC for approval. The Council would be a consultee.

Option 1 and 2 do offer the potential to deliver additional primary school capacity as early as 2019 at a capital cost for which provision is already included in the capital programme. ALT has indicated that if option 2 is agreed it would admit additional primary aged pupils as early as September 2018, if required, to support the Council in its place planning role. This would be subject to approval of the age range change and agreement of the implementation date.

Option 2 also retains the involvement of ALT as the sponsor of any additional primary school places in Chatteris. At its meeting on 24th May 2016, members felt that generally competition was desirable when seeking a sponsor for a new school, but conceded that there could be circumstances where there was an argument not to run a competition. In this particular scenario, the Council's member/officer evaluation panel has already undertaken detailed scrutiny of ALT's previous free school proposal and chose to set aside the requirement for a competition to find a different sponsor in favour of supporting that free school bid (now withdrawn). Since that assessment, ALT has confirmed its commitment to Chatteris and increased its presence in the Town by becoming the sponsor of Cromwell Community College. It was already the sponsor of the Kingsfield Primary Academy also based in Chatteris.

ALT, as the sponsor, has also recently worked with the Local Authority on the establishment of the two Littleport Schools, one secondary and one area special school, which opened in September this year. The successful opening of these schools not only demonstrates the increasing capacity within the Trust to deliver complex proposals but it was also dependent on maintaining a close working partnership with the Council on place planning, design and building issues.

3. **ALIGNMENT WITH CORPORATE PRIORITIES**

3.1 **Developing the local economy for the benefit of all**

Providing access to local and high quality education and associated children's services will enhance the skills of the local workforce and provide essential childcare services for

working parents or those seeking to return to work. The school and early years and childcare services are providers of local employment.

A new school in this location will support the development of the homes required to support economic growth and the framework for development set out in the Fenland Local Plan (2014). A proportion of the housing will be affordable.

3.2 Helping people live healthy and independent lives

If pupils have access to local schools and associated children's services, they are more likely to attend them by either cycling or walking rather than through local authority provided transport or car. They will also be able to more readily access out of school activities such as sport and homework clubs and develop friendship groups within their own community. This will contribute to the development of both healthier and more independent lifestyles

3.3 Supporting and protecting vulnerable people

Providing a local school will ensure that services can be accessed by families in greatest need within its designated area.

4. SIGNIFICANT IMPLICATIONS

4.1 Resource Implications

Capital Funding

The Council has previously allocated £7.825m in 2018/19 in the capital programme for the delivery of a new 1FE primary school within the new development area known as the Hallam Land. This funding could be used to provide the accommodation required at Cromwell Community College to extend the age range of the school to 4-18 and deliver the additional places required in the primary phase (option 2).

A separate allocation of £3.7m is made in 2019/20 for expanding the number of places available for 11-16 year olds at Cromwell Community College by 1FE (150 places). This proposal was approved by the CYP Committee when it considered the outcome of a review of secondary school provision in the Fenland area at its meeting on 17th January 2017.

It is anticipated that there will be some design, build and procurement efficiencies achieved by combining these separate schemes into a single project or contract.

The Council has negotiated with the developer of the Hallam Land the payment of significant section 106 contributions towards the cost of providing the additional primary school places required which relate to the development. The trigger points for these payments are not reached based upon the current housing trajectory until 7 years after the commencement of the development so the Council will be forward funding this proposal. The arrangement reflects the lower development values in Fenland and the need to have regard to overall development viability when making requests for funding infrastructure.

As such, it is unlikely that any additional funding could be negotiated with the developer of the Hallam Land for the upfront costs of providing the infrastructure required for the early

development of a new academy school (see section 2.5 of the report) within that development (option 3). These costs could be considerable and are currently estimated to be in the region of £2.5m for the provision of the access road alone. There are, as yet, no details or costs for the other elements of the infrastructure that would be required. The Council would have to seek substantial additional funding through its capital programme to fund the delivery of the school in time for when the extra places are needed.

There are other developments coming forward in Chatteris (300 houses at Wenny Road) and Council officers will continue to seek developer contributions so that the impacts of these developments can also be mitigated. This will be possible on the site of Cromwell Community College as primary school accommodation of sufficient size to provide for 2 forms of entry (420 places) can be built there.

Revenue Funding

Cromwell Community College is an existing school which will be expanded to meet the need for additional pupil places across the 4-18 age range and respond to the impact of new development as it grows. ALT will need to agree with the Council that it receives growth funding based upon an estimate of future numbers in the next academic year. This would be funded from the growth fund which is created from centrally retained Dedicated Schools Grant (DSG). The growth fund, £2.5m in 2017/18, supports both maintained and academy schools and the amount and eligibility criteria are approved by Schools Forum on an annual basis.

The cost to the DSG of expanding an existing school is less than providing a new basic need academy school. A new school would also receive an allocation of funding for pre-opening costs (£150K) and diseconomies funding, in addition to funding growth in pupil numbers on an annual basis, until filled to capacity. The current amounts payable are set out in the Council's New Schools' Funding Policy.

Recently published national schools funding guidance refers to the need to explore options for funding growth in the future including the use of projections and in-year funding adjustment. As such the arrangements above are subject to change based on national policy.

4.2 Procurement/Contractual/Council Contract Procedure Rules Implications

New accommodation for schools which are designed and built by the Council are done so under its design and build contract framework arrangements.

4.3 Statutory, Legal and Risk Implications

At this moment in time, ALT occupy the Cromwell Community College site under a Tenancy at Will. There are residual access road and car park resurfacing works which, for budgetary reasons, were not completed as part of the Building Schools for the Future project under which the College was substantially modernised a few years ago. The Trust will not accept a full lease of the site until these works are completed.

The Council will include these works in the capital project for the expansion of the College as they are part of the overall strategy for providing access and it will, therefore, resolve this long-standing issue.

The disadvantages for the Trust in having to operate under a tenancy at will is that it does not provide enough security to the trust for the land which it occupies as it can be terminated at any time. The Trust have to report the assets of the school and not having a lease will impact on this. This site has been operating under a tenancy at will for years because of the access road issue. The DfE is not comfortable with the Trust's occupation of the school site in this manner for a long length of time. For the Council a tenancy at will does not afford it the opportunity to obligate the Trust to fully repair and maintain the land and buildings to a standard that is set in a 125 year academy lease and all other statutory obligations which a tenant under a lease must abide by.

The council prohibits subletting in all our academy leases even with consent. However it does allow subletting on a case by case basis and if the Council were minded to grant a licence for them to underlet, they could only do this with the full lease in place and not under a tenancy at will.

On completion of the works, the Council will then be in a position to grant a standard 125 year Academy lease to the ALT for the site of the expanded 14-18 Cromwell Community College. Use will be made of the model lease prepared by the DfE as this protects the Council's interest by ensuring that:

- The land and buildings would be returned to the Council when the lease ends.
- Use is restricted to educational purposes only.
- The Academy is only able to transfer the lease to another educational establishment provided it has the Council's consent.

In the current draft of the lease the Council will repair and maintain the access road in question until the works are completed in 2019 thereafter they will contribute two thirds of the ongoing maintenance cost.

4.4 Equality and Diversity Implications

The accommodation provided will fully comply with the requirements of the Public Sector Equality Duty and current Council standards.

As part of the planning process for new and expanded schools, local authorities must also undertake an assessment of the impact, both on existing educational institutions locally and in terms of particular groups of pupils from an equalities perspective

4.5 Engagement and Communications Implications

ALT, in preparing its business case for consideration by the Office of the Regional Schools Commissioner, will be required to consult the local community on the proposed change to the age range of Cromwell Community College in accordance with DfE guidance issued to academies in March 2016 on the process for making significant changes to an open academy. The guidance also makes it clear that a change to admission arrangements must be consulted on in accordance with the School Admissions Code. As this proposal requires

a change to admission arrangements there must be a 6 week consultation in accordance with the Code.

Academies rated either good or outstanding at their last Ofsted inspection can propose to change the age range of their school. Only in exceptional circumstances will the RSC consider such a proposal from a school rated as any other category. Academy trusts proposing to change the age range of their school by three years or more will be required to submit a business case to provide evidence that:

- the education of children in the area, as a whole, will not be compromised.
- A fair and open local consultation has been undertaken with all those who could be affected by the proposed change, and that the proposal takes account of all responses received. Comments or objections can be made on any grounds and opportunities for feedback should be given at all public and stakeholder meetings. The DfE has produced its own stakeholder list(see below) but others may also be included;
 - Each LA which maintains an Education Health and Care Plan (EHCP) or statement of SEN in respect of a child attending the academy
 - Parents of children who attend the academy
 - Primary, secondary and special schools and 6th form and Further Education Colleges in the area
 - The Admissions Forum for the academy's area, where one exists
 - Affected admission authorities, including those in neighbouring LA areas
 - Any Diocesan/religious authority for academies designated with a religious character

The normal timescale for commencing a consultation on a change to the admission arrangements is 17 months. There is, therefore, sufficient time to achieve the change in the age range of Cromwell Community College by September 2019. If the change is to be made for September 2018 a variation will need to be requested alongside the business case.

The developer of the Hallam Land will amend the planning application to facilitate the delivery of the proposal to extend the age range of Cromwell Community College. In addition to identifying a site for a new primary school land, up to but no more than 2.3ha, will be identified on that part of the site which borders Cromwell Community College. This land could become additional playing fields for the College if it is required because of the increase in the building footprint needed to deliver the proposal to extend the age range from 4-18. The amended planning application will make it clear that it is an either/or scenario and that only one of these areas will be transferred for educational use.

There will be a statutory planning consultation period on these proposed amendment to the Hallam Land development. The application will be considered by Fenland District Council's Planning Committee in January 2018.

4.6 Localism and Local Member Involvement

The local member, Councillor Anne Hay has been consulted on the proposal being made by ALT.

Chatteris Town Council will be discussing the proposal prior to the CYP Committee meeting

4.7 Public Health Implications

An increase in the school population places an additional demand on Public Health commissioned services such as school nursing, vision screening, National Childhood Measurement Programme, school-based immunisation programmes.

Implications	Officer Clearance
Have the resource implications been cleared by Finance?	Yes Name of Financial Officer: Martin Wade
Have the procurement/contractual/ Council Contract Procedure Rules implications been cleared by the LGSS Head of Procurement?	Yes Name of Officer: Paul White
Has the impact on statutory, legal and risk implications been cleared by LGSS Law?	Yes Name of Legal Officer: Fiona Macmillan
Have any engagement and communication implications been cleared by Communications?	Yes Name of Officer: Eleanor Bell
Have the equality and diversity implications been cleared by your Service Contact?	Yes Name of Officer: Tamar Oviatt-Ham
Have any Public Health implications been cleared by Public Health	Yes Name of Officer: Tess Campbell

Source Documents	Location
<p>CYP Committee reports 24th May and 12th July 2016</p> <p>Amended planning application drawings from Hallam Land – October 2017</p> <p>CCC Capital Programme 2017-22</p> <p>TES 3 November 2017 “Why free schools are betting on the all-through model to boost results”</p>	<p>Ian Trafford 0-19 Area Education Officer</p> <p>OCT1213 Shire Hall Cambridge CB3 0AP</p>

