

Open Report on behalf of the Executive Director of Children's Services

Report to:	Children and Young People Scrutiny Committee
Date:	7 September 2012
Subject:	Proposed new primary school for Bourne

Summary:

This report follows on from the Children and Young People Scrutiny Committee (CYPSC) paper discussed on 20 July 2012 regarding 'Sufficiency of School Places in Lincolnshire'. This report invites the Children and Young People Scrutiny Committee to consider the proposal to establish additional school places specifically for Bourne.

The CYPSC is asked to comment on the recommendation of establishing a new school in Bourne and the process used to seek a provider to run the school.

Actions Required:

To agree any comments to be passed to the Executive Councillor regarding the proposal for a new primary school in Bourne and to comment on seeking a suitable provider using the selection criteria presented to CYPSC, subject to any amendments made by the Portfolio holder after considering comments from CYPSC.

1. Background

The Local Authority (LA) is the commissioner of school places with a statutory duty to ensure that there are sufficient school places across the whole of Lincolnshire. For several years school populations had declined nationally and the most common concern of the DfE and LA was to manage surplus school places. Since 2001 there has been a gradual rise in the birth rate which began to have an effect on primary school provision in recent years. The increase was initially absorbed by the remaining surplus capacity, but most LAs are now reporting significant pressure on primary school places. Bourne is an area of Lincolnshire that is experiencing similar pressure. The significant housing development of Elsea Park has contributed to the rising pupil numbers in Bourne and there is now a need for additional primary school accommodation to meet the needs of the local community.

It had originally been anticipated that a new school would be needed in Bourne for 2007, but it became apparent at that time that the governors of Bourne Westfield wanted to retain the PAN (Published Admission Number) of 90 rather than go back

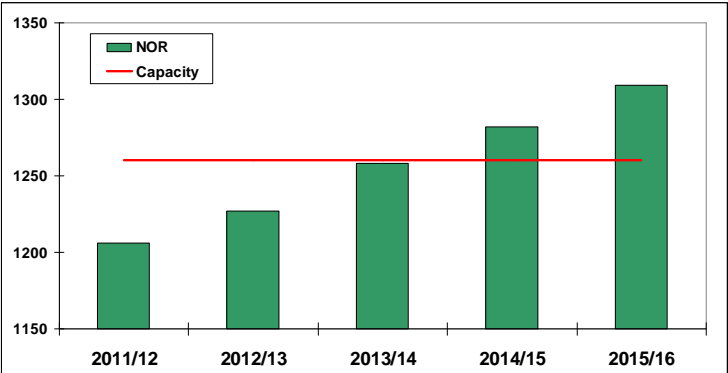
to their original PAN of 60. Concerns were raised by existing primary providers about the need for additional capacity at that time. The slowdown in the housing market between 2008 and 2011 meant that the pupil numbers did not increase as much as originally expected and there has not been a potential shortage of places until now. Housing development in Bourne (particularly Elsea Park) has picked up and combined with the increase in the birth rate this has resulted in a sudden increase in children age 0-4 years old. For September 2012 there are a number of children from the Elsea Park development that have not been able to get Reception places in either Bourne Westfield Academy or Bourne Abbey Academy. The LA have contacted local schools regarding the need for additional places and they agree that now is the right time to create additional places. There are examples of parents who have not been able to get their children into their nearest or next nearest schools and these have been in the local media. Places for September 2012 have had to be offered against parental preference further than 2 miles away (up to 4.5 miles at Baston) at the next nearest school with spare capacity and as such the LA is responsible for the transport costs.

For September 2012 there were 207 first preference applications for Bourne Westfield and Bourne Abbey Reception places. Only 180 places are available between these two schools, so the equivalent of nearly 1FE have been offered places outside of the town against parental preference. The neighbouring schools outside of Bourne are also full with the following offers made to schools in the area. This table shows the numbers of children that have been offered Reception places for September 2012 at the local schools against the PAN of each school. It clearly indicates the pressure on places in the Bourne area and the overcrowding of schools to accommodate local children.

School	PAN (places available)	Offers
Bourne Abbey	90	90
Bourne Westfield	90	90
Baston CE Primary	25	30
Edenham CE Primary	17	19
Morton CE Primary	21	22
Thurlby	30	30
TOTAL	273	281

The projected primary pupil numbers below are for Bourne (with a current capacity of 1260) and take into account the houses with planning permission (Elsea Park) and assume a steady build rate. The following figures clearly show that there will be a significant shortage of places from September 2014 unless additional capacity is made available through the building of a new 1FE primary school:

2011/12 = 1206 (4% surplus)
 2012/13 = 1227 (3% surplus)
 2013/14 = 1258 (0% surplus)
 2014/15 = 1282 (2% shortfall)
 2015/16 = 1309 (4% shortfall)



There are expected to be approximately 320 primary age pupils residing in the Elsea Park development which will consist of over 1600 houses when completed. It is anticipated that a third of those children will have places at existing schools as they do now, but as more houses are completed the schools will remain full and there will be a shortage of places. The Section 106 agreement for an education contribution from the developer (Kier) will provide a site on Elsea Park for a new primary school and a capital contribution towards the cost of creating more primary school places.

To ensure sufficient school places in the town of Bourne it is proposed that an additional 210 primary school places (equivalent to a 1 Form Entry (FE) school) is created on the Elsea Park development to serve the local community and meet parental demand

On 1 February 2012 the Education Act 2011 introduced changes to the legislation relating to the process for establishing new schools including the Academy/Free School presumption. Where a LA identifies the need to establish a new school, the new section 6A of Education and Inspections (EIA) 2006 places the authority under a duty to seek proposals to establish an Academy/Free School and to specify a date by which proposals must be submitted. It is for LAs to decide how best to do this; how to consult on the proposed new school and with whom. The process for finding a provider is being finalised as per the CYPSC report of 7th September 2012 titled 'The process for setting up a new school/Academy, including the assessment of potential operators, for future new Academies/Free Schools in Lincolnshire'. The detail is within that report, but In summary the key facts relating to establishing a new school are set out in the three options below:

(a) If a local authority in England identify the need for a new school in their area, they must seek proposals for the establishment of an academy/Free School. The new "presumption" (emphasised heavily by the DfE) for an academy/Free School requires an LA to seek proposals to establish an academy/Free School in the first instance (this is not a competition or procurement exercise) - LAs should assess the proposals they receive against specific criteria (which must include those set out by the DfE) before forwarding all of the proposals to the SofS. He will take into consideration any preference indicated. The SofS will decide who the provider is and enter into a funding agreement with them when the DfE have carried out their own process for determining the suitability and credibility of that provider.

(b) In certain exceptional circumstances (a specific requirement for a new VA school, infant/junior merger or faith provision re-organisation) the LA (or other proposer - depending on the category of the proposed school) can publish proposals for a new maintained school outside of (a) either with SoS consent (under s10 EIA 2006) or without (under s11 EIA 2006) the consent of the SoS (depending on the category of the proposed school).

s10 EIA 2006 - Where an Academy/Free School approach is not considered to be appropriate (must be able to justify why) and the proposal does not fall under s11, it is still possible to apply to the SofS for consent to publish proposals for replacement community or brand new or replacement foundation or VC schools. If consent is received then a statutory process must be followed.

s11 EIA 2006 (as amended by Education Act 2011) - SofS consent is no longer required to publish certain new school proposals (a specific requirement for a new VA school, infant/junior merger or faith provision re-organisation) - the final decision is taken by the Schools Adjudicator if the proposal is made by the LA

Under (a) it is quite possible that one or more of the proposals will be for a church academy/Free School from a faith group, which would be considered by the LA along with all other proposals received.

A VA school does not necessarily have to be a church school and because of the presumption (a) the LA should not be considering (b) unless an appropriate provider (which may be a Diocese) has specifically identified the need for a VA school and approached the LA to establish one. The LA could also recognise that there is demand for a faith school and in this circumstance approach the faith group. Please note that for a new VA school (if proposed by anyone else other than the LA) the LA has discretion to provide site and capital, but there is no requirement to do so. The decision maker (i.e. the LA if not proposed by the LA, or the Schools Adjudicator if a VA school is proposed by the LA) for establishing a new VA school under (b) would need to be able to justify its decision if it were challenged e.g. why this type of school would be more suitable than an alternative type of provision. The LA is not required to justify any such decision under (a) as the decision of whom to sign a funding agreement with rests with the SoS.

It is proposed that the LA seek proposals to establish an academy/free school for Elsea Park in Bourne. A maintained VA school is not recommended for the following reasons:

- there is a presumption that a new school will be an academy/Free School
- no potential operator has come forward to specifically request a VA school
- school improvement capacity is untested
- it may not be the best option for the community
- it may reduce choice and diversity excluding alternative providers who may demonstrate a more suitable solution through their bids
- there are sufficient church schools already in the area
- the LA selection process (a) is more open, fair and transparent

It is proposed that the new school has a phased opening for Reception children only year on year to protect the viability of neighbouring schools.

When the revised process has been agreed using the selection criteria presented to CYPSC (see previous paper referred to earlier in this report – subject to any amendment made by the Portfolio holder after considering comments from CYPSC) it is proposed that it is used to find a suitable provider for the new Bourne school.

2. Conclusion

The market town of Bourne is expected to continue to experience increasing numbers of primary aged pupils. In order that the LA can achieve their statutory duty of providing sufficient school places it is necessary to add capacity into the primary school system in the area. It is proposed that a new 1FE primary school is opened by September 2014 on the Elsea Park development utilising the S106 agreement that is in place combined with Basic Need funding from the County Council. It is also proposed that to find a suitable operator to run the school the process should begin in September 2012 using the process agreed by the CYPSC.

Following consideration of this report, the Committee is requested to make any comments/recommendations to inform the Executive Councillor. The Committee's views will be reported to the Executive Councillor.

3. Consultation

The need for additional places in Bourne has been consulted on with LA officers from Admissions, School Transport, Children's Services Directorate Management Team and the Executive Councillor for Children's Services. Head teachers from neighbouring primary schools in Bourne have also been contacted to discuss the proposal to build a new school on Elsea Park. Further consultation will take place as part of the process for finding a suitable operator for the new school.

a) Policy Proofing Actions Required

Not applicable

4. Background Papers

No background papers within Section 100D of the Local Government Act 1972 were used in the preparation of this report.

This report was written by Paul Holmes, who can be contacted on 01522 553366 or paul.holmes@lincolnshire.gov.uk.