

CABINET

16 August 2016

FUNDING SUPPORT FOR BARLEYTHORPE PRIMARY FREE SCHOOL BID

Report of the Director for People

Strategic Aim:	Creating a brighter future for all		
Key Decision: Yes	Forward Plan Reference: FP/090516/01		
If not on Forward Plan:	Chief Executive Approved Scrutiny Chair Approved	N/A	
Reason for Urgency:	N/A		
Exempt Information	No		
Cabinet Member(s) Responsible:	Mr D Wilby, Portfolio Holder for Lifelong Learning Mr T King Leader and Portfolio Holder for Finance and Development		
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Ward Councillors	All		

DECISION RECOMMENDATIONS

That Cabinet

1. Recommends to Council that it:

1.1.1 Support intervention in the pupil place market.

1.1.2 Focus support on ensuring sufficient places for children in Rutland only.

1.1.3 That Officers and the Portfolio Holder for Education continue to work with Rutland Schools, Trusts and Federations to review the impact of 'Out of County' pupils on schools.

1.1.4 That an annual report be submitted to Cabinet starting in 2017 that outlines how the Council are planning to meet the requirements for a 'sufficiency' of school places across the County based on a 15 year projection.

1.1.5 Further reports be provided to Cabinet as follows:-

A review of SEN provision across the County – November 2016

A review of the impact of MOD developments on the viability of schools – November 2016

A review of the Medium / Long term provision of Secondary capacity in Oakham by the end of 2016/17

1.1.6 Council support the creation of additional capacity at Catmose Campus

1.1.7 Council in principle (subject to the issues outlined in 1.1.8) to support and allocate where appropriate Basic Needs Funding for:

The creation of a new Free School to serve the Oakham area at the Catmose Campus Site; and

Additional places at Oakham Church of England Primary School.

1.1.8 'In principle' support be conditional on satisfactory 'due diligence' and detailed discussions relating to the following issues:

- i. Timing and number of additional places
- ii. Balance and level of Basic Needs Funding to the Schools own contribution
- iii Value for Money considerations
- iv. Planning risk and viability
- v. Development issues including (not exhaustive) – access, parking, drainage,
- vi. Impact on other provision (on site and nearby including Secondary and SEN
- vii. Breadth of curriculum
- viii. Knock on effect to Out of County pupils and the balance of access to provision by Rutland children

1.1.9 Authority to progress and determine 1.1.7 and 1.1.8 to be delegated to the Chief Executive, relevant Directors and the Portfolio Holders for Education and Finance and Development.

1 PURPOSE OF THE REPORT

- 1.1 To update Cabinet of the position relating to pupil places within the County for Primary and Secondary education in 2016. This analysis will outline where there is under / over provision.
- 1.2 To advise on the impact of projected growth on the demand for school places and where there is predicted to be under / over provision.
- 1.3 To review the options available for increasing the supply of school places including the option to support or not the Barleythorpe Primary Free School Bid.
- 1.4 To draw conclusions and make recommendations as required for the consideration of Cabinet.

1.5 This report has been updated to reflect the following:-

1.5.1 The observations made when Cabinet considered the original report on 16th August 2016;

1.5.2 The further work suggested by Cabinet to expand on the analysis in the original report. This includes:-

a. A replacement analysis of the 'sufficiency' data based on a range of scenarios (Revised **Appendices B - F**)

b. A new **Appendix G** – outlining worked examples to illustrate how Pupil projections are calculated

c. New **Appendices H and I** that contain worked examples for pupil based planning projections for Primary and Secondary for the Oakham Cluster.

1.5.3 A meeting that took place between RCC (Cllrs King and Wilby, CEO and Dr O'Neill) and Catmose Principal on 23/09/16;

1.5.4 an update on the position relating to the move of Visions from the Catmose Campus to provide capacity to increase the Secondary PAN; and

1.5.5 Feedback and concerns expressed by Members based on the original report.

2 BACKGROUND AND MAIN CONSIDERATIONS

Government policy on pupil places

Rutland County Council (RCC) has a statutory duty to ensure there are sufficient school places to accommodate young people in the County¹. The places must be of good quality and sufficient in number to support parental choice and diversity. This responsibility is not clearly defined, nor is advice provided regarding "sufficiency" of places.

The general direction of government policy is outlined below (some of which is guidance and not statutory):

a. Local authorities monitor and encourage the planning and supply of school places.

b. Schools and academy trusts manage the provision of school places – both in supplying more when needed and reducing them when surplus. They now carry the cost for surplus places.

¹ The Education Act 1996 Section 13(1) says "a local authority shall (so far as their powers enable them) to contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient primary education and secondary education, and in the case of an English local authority, further education, are available to meet the needs of the population in their area."

The same Act Section 14(2) places a duty on a council to "secure sufficient schools for providing (a) primary education and (b) secondary education and that those schools are available for their area."

- c. Academies and trusts are their own admissions authority and make decisions regarding policy and practice. They are subject to appeals arrangements and for final judgement to the Schools Adjudicator.
- d. Each academy is free to set its own admissions policy. Different schools use arrangements such as “catchment” and “feeder schools” to manage and prioritise admissions.
- e. Only “good” schools will be allowed to increase their capacity.
- f. New schools must be free schools.
- g. All those who wish to increase places must apply to DfE and gain approval.
- h. It is also possible for a school to apply to open a free school with LA support – known as a “presumption”.
- i. There is a statutory presumption against closing small rural schools.
- j. Where schools are popular they should be generally encouraged to expand and/or take on the leadership of other schools.
- k. Children Looked After should only attend schools that are “good” or “outstanding”.
- l. The general context is one of allowing the education market to supply places and parental choice to drive quality.
- m. The DfE does not recommend a percentage of vacant places. However, the Audit Commission in 2010 indicated that 10% spare capacity was a prudent use of resources that still allowed parent choice. Note this is simply guidance and applies to the whole County and not necessarily clusters or individual schools.

The provision of school places – legislative background

- 2.1 Local authorities (LA) formerly had the power to open new schools – known as community or county schools. These powers have been removed and LA’s now have no specific legislative power allowing them to open new community schools. They must fulfil the broad duty of ensuring ‘sufficient’ school places.
- 2.2 Council is therefore in the difficult position of being required to ensure a ‘sufficiency’ of places without direct control over the supply of places.
- 2.3 In most cases, increasing school places means extending current provision, e.g., converting or adding an extra classroom or wing to an established academy or school. Sometimes creating a new school.
- 2.4 A range of agencies now have the authority – and are being actively encouraged by central government – to establish new schools. Academy Trusts, private companies and groups of parents may create new “free schools” on the condition that they can demonstrate demand and gain DfE approval. Many examples are seen where a free school has been established despite sufficient school places in

the area. Organisations that wish to create – or remove – pupil places are under no obligation to gain the local authority's view or approval.

- 2.5 In relation to the closure of schools the process depends on their status ie there is a clear process where the proposal is to close a 'Maintained' school. For Academies the position is less clear. However, the advice from the Office of the Schools Commissioner is that the ultimate decision for the closure of an Academy school would be that of the Schools Commissioner. We have been unable to find a precedent for this.

The Current position in Rutland

- 2.6 In 2014/15 the Council began the forward planning work required to meet the obligation of ensuring a 'sufficiency' of school places in Rutland going forward. This report is a continuation of that work.

- 2.7 **Report 68/2015** presented to Cabinet on 17th March 2015.

Cabinet **APPROVED** the consultation process for provision of a new primary school in Oakham.

...and the release of Basic Needs Funding to support provision of additional school places subject to a further report to Cabinet in April 2015.

- 2.8 **Report 82/2015** Capital allocations for Education was presented to Cabinet on 21st April 2015 and Cabinet resolved to allocate up to £400k to support the rectification of various health and safety, capacity and maintenance issues across schools in the County. This has resulted in increased capacity augmented by funding from schools own resources.

- 2.9 The consultation process approved in **Report 68/2015** has resulted in the following:

- a. Request for support from the LA for a new 'Free' Primary School (Barleythorpe Primary) at the Catmose Campus site in Oakham; and
- b. Expressions of interest in support for expansion of a range of Primary Schools within the Oakham Cluster – initially only two schools expressed an interest (Brooke Hill and English Martyrs). More recently two further schools have also expressed an interest (Oakham Church of England School and Whissendine).

- 2.10 In order to advise Cabinet on the best way forward it is necessary to:-

- a. Review the current school places at Primary and Secondary in the County;
- b. Examine scenario based projections of future demand for pupil places at Primary and Secondary; and
- c. Undertake an assessment of the options for ensuring 'sufficiency' of places based on growth projections

- 2.11 The provision for Special Educational Needs (SEN) is specifically excluded from

this report and will be the subject of a further report to Cabinet in November 2016.

3 CURRENT SUFFICIENCY OF PRIMARY & SECONDARY PLACES

- 3.1 Each year the Council is required to undertake a School Capacity Survey (SCAP). The objective of this survey is to demonstrate the 'sufficiency' of places and to project demand in so far as a five year projection is taken. This will then enable the Council to take the necessary action to secure future 'sufficiency'.

In 2015/16 the SCAP and associated **Report 68/2015** foresaw the need to increase the number of pupil places in the Oakham area.

- 3.2 The 2016/17 SCAP indicates the following:

School Places for 2016/17				
	Primary		Secondary	
	Capacity	Number on Roll	Capacity	Number on Roll
Oakham	1,435	1,360	900	953
	Surplus Places 75 (5%)		Deficit Places -53 (-6%)	
Casterton	1,172	910	900	685
	Surplus Places 262 (22%)		Surplus Places 215 (24%)	
Uppingham	803	627	915	902
	Surplus Places 186 (23%)		Surplus Places 13 (1.4%)	

- 3.3 Based on the 2016/17 SCAP surplus places exist in all locations for both Primary and Secondary with the obvious exception of Secondary provision at Oakham. However, in order to set this in an appropriate context it is necessary to consider the following:

a. Parental Choice

A key aim of the Education Service is to provide parents with choice regarding the school where their child is educated. The %age of Parents getting their first preference is indicated on the following tables with a national average as a comparator (in brackets). At present our position indicates a high percentage of parents getting their first choice and 1st to 3rd Choice. As pressure on 'sufficiency'

in key areas becomes more of an issue unless extra provision is made parental choice will be eroded. Currently our performance is significantly better than the National picture.

Primary School Admission	Sept 2014	Sept 2015	Sept 2016	Target
Offered first choice	97%	93%	93% (88.4%)	95%
Offered first to third choice - or in the instance of the National comparator this can be a choice of up to 9 schools	99.2%	98.6%	99.2% (95.0%)	100%

Secondary School Admission	Sept 2014	Sept 2015	Sept 2016	Target
Offered first choice	92%	92%	89% (84.1%)	90%
Offered first to third choice - or in the instance of the National comparator this can be a choice of up to 9 schools	97%	98%	97% (96.3%)	98%

b. Explore how many pupils attending these Rutland schools live out of County

Based on the 2016 Summer census the total percentage of pupils in Rutland Primary and Secondary schools from outside the County is 12.2% equating to 359 pupils (Primary) and 45.24% equating to 1,117 pupils (Secondary). **Appendix A** to this report indicates how this is spread across the County.

Where pressures on places are most acute i.e. Oakham for Secondary and Primary and in Uppingham for Secondary the percentage of 'out of County' children compounds the problem – most particularly in Uppingham. Concerns have been expressed about the negative impact of admissions policies within the Oakham Cluster. Evidently this is not the case as the Oakham cluster and in particular Catmose College the Oakham area secondary has the lowest percentage of out of County pupils. This is supported by a downward trend. The admissions policy at Catmose Campus is indeed ensuring secondary places at Catmose College for Oakham pupils. As it contains a 'distance' criteria (see 5.13

and 5.14) it ensures that children resident in Oakham are prioritised over children in Oakham Primary Schools but from Out of County.

	Surplus/ Deficit Places	%age Pupils from out of County
Oakham Primary Cluster	5%	9.01%
Catmose College	-6%	16.21%
Uppingham Community College	1.4%	59.91%

c. The impact on the home to school transport budget of our current pupil based planning

The Council currently spends in the region of £600k per annum on Home to School transport. This budget has in recent years been scrutinised in a number of ways. By a Scrutiny Task and Finish project, as part of the Places Directorate Zero Based Budget (ZBB) Review and as part of the Transport Review (Ongoing). Access to school places and Home to School Transport budget are directly linked.

School transport policy is largely dictated by national legislation. This dictates that local authorities should provide free school transport for pupils aged 5-16 who attend their qualifying school and live over a certain walking distance from the school. (2 miles for pupils under 8 years; 3 miles for those who are aged 8-16 years). The qualifying school is defined as the nearest appropriate school. Where a walking route is deemed unsafe (based on specific criteria), authorities are required also to provide transport.

RCC has made a slightly wider interpretation of the policy. The age of eligible pupils has been extended to include 4 year olds (as is the case in most other authorities). The qualifying school is taken to be either the nearest or designated catchment school (although some academies have abandoned specific catchment areas).

Home to School transport is provided in various ways, depending on the most effective option available. Some pupils are provided with bus passes to travel on public transport services; elsewhere, dedicated contract services are arranged, using buses, coaches, minibuses or taxis.

Overall across the County there are sufficient pupil places and Primary and Secondary. However, increasing the time spent travelling to make use of provision across the County can impact on educational outcomes and would certainly increase the costs to the Council for Home to School transport.

d. The location of development growth and other factors

When looking at the provision of school places it is also important to look at the proximity of additional places to where future growth will take place. We know that the majority of growth within Rutland will take place within Oakham. In recent years that growth has taken place in the North of Oakham and that is likely to continue.

School drop-off and pick-up is a significant contributory factor in congestion. Schools also have an impact on access and parking around school sites.

We are aware of the positioning of the railway line and level crossings in Oakham and the impact that has on traffic flow within the town. It must be an important consideration when looking at future school places. Anything that increases pressure for movement across town and level crossings will exacerbate an already increasing problem. Recent discussions with Network Rail have reiterated that level crossings in Oakham are set in the future to be down more often and for longer. Therefore this is a factor that needs to be considered when looking at matching increased capacity and locations for that increase. It also needs to be considered when looking at the viability of transporting children to places.

Conclusion on the Current Sufficiency of Primary and Secondary Places

- 3.4 At present there are sufficient school places across the County. However, parental choice is restricted in Oakham and Uppingham and the number of appeals is increasing. In 2016 school places could not be found in Uppingham for 21 siblings as the school was oversubscribed in certain year groups. This must however, be set in the context of the high proportion of pupils attending Rutland schools from outside the County.
- 3.5 The Council could simply take no action. This would undoubtedly result in an increase in the Home to School transport budget as pupils are forced to travel further to access school places. There would be significant levels of dissatisfaction and a reaction against an expectation particularly in Oakham that the Council has a role to play in the provision of school places.
- 3.6 **Report 68/2015** made it clear that work to plan for the future was underway. In order to continue this work now is an appropriate time to review once again the projected demand for future pupil places and the impact this will have on any proposed solutions. **Section 4** of this report will outline projected demand for pupil places and **Section 5** the options for tackling the future pressures on Pupil places.

4 PROJECTING FUTURE DEMAND FOR PUPIL PLACES

- 4.1 It is vital that we plan for the future. In order to do this we need to predict where and when demand will exceed the supply of pupil places in our schools. It should be noted that our analysis needs to be contextualised against the proportion of pupils currently attending Rutland schools from outside the County as this currently has a significant impact on the availability of places for Rutland Children. This is influenced by the schools and parents not the Council.

- 4.2 A useful background read of some key considerations associated with the County Vision and Plan is at Section 6 of this report.
- 4.3 The following factors need to be considered when predicting demand:
- a. Population growth – linked to housing growth, the pace at which new housing is delivered and its location.
 - b. The demographic make-up of the housing growth i.e. the number of Children and Young People that new housing generates
 - c. Ministry of Defence (MOD) plans – historically this has distorted demand for schools near Kendrew and St Georges Barracks significantly and as the MOD rebasing strategy work continues this will still impact in particular on St Georges barracks
 - d. Out of County Pupils – significantly influenced by the choices schools make in relation to admissions criteria
 - e. Parental choice influencing which schools are ‘in demand’
 - f. Academies – Rutland has a high proportion of academies. As their own admissions authorities this makes pupil based planning significantly more complicated as the Council has very little ability to influence supply or demand
 - g. Changes on pupil place provision outside the county – as school provision emerges on our borders and or perceptions of schools change outward migration particularly at Secondary needs to be considered.
- 4.4 Consultation closed on 31st July 2016 on the Council’s next Corporate Plan. It remains at present in a draft format to be considered by Council in September. However there is a strong emphasis in the current draft on sustainable growth. In the context of the plan ‘Sustainable’ includes the provision of a ‘Sufficiency’ of school places in the right locations to support growth in the population. This clearly indicates the need for adequate planning for future school places.
- 4.5 The 2016 Schools Capacity Survey highlights steady growth in pupil numbers linked to housing growth. The growth is not evenly spread across the school estate.
- 4.6 Future housing growth will occur mainly in Oakham further exacerbating an emerging pressure in both Primary and Secondary. In 2015/16 work has been done to increase provision - Brooke Hill Academy (60 places) and English Martyrs (30 places).
- 4.7 Urgent action is required to address the shortage of Secondary provision for Oakham. This is in hand and revised occupancy at the Catmose College Campus will create space for an additional 150 pupil places. This will therefore address the immediate pressure on places. This relies on the re-location of the Visions Children’s Centre from the Catmose Campus. Work has been on-going on this for some time and an options report will be presented to Cabinet on 20th September 2016. The relocation proposed will provide an enhanced offer for the Children’s Centre and allow the freeing up of space to progress the much needed increased secondary capacity. RCC are working with the Catmose Federation closely on this.
- 4.8 In order to project future demand a range of scenarios have been considered over a 15 year period i.e. to 2026. The obvious conclusion from increasing growth in

housing and in the population over that period has to be increasing pressure on schools. As 80% of growth is likely in Oakham this will be where the on-going increase in demand will manifest itself. The scenarios developed are as follows:-

Appendix	Scenario²
B	Our Current 5 Year SCAP figures projected forward for 10 years
C	Pupil yields (Low) from new development of:- Primary 21.8% Secondary 12% and a growth rate of 175 per annum
D	Pupil yields (Low) from new development of:- Primary 21.8% Secondary 12% and a growth rate of 225 per annum
E	Pupil yields (High) from new development of:- Primary 24% Secondary 18% and a growth rate of 175 per annum
F	Pupil yields (High) from new development of:- Primary 24% Secondary 18% and a growth rate of 225 per annum

- 4.9 Since the publication of the Council report and the publication on our web site of the additional information provided to Cabinet there has as expected been some interest in how the projections are developed. Clearly this is a complex process. **Appendix G** to this report is a summary of the steps followed to develop projects. It is however, important to remember that these are projections based on a series of assumptions, estimates and projections of data that contributes to the build up of projections. In order to demonstrate the methodology **Appendices H and I** are worked examples of the methodology in action for Primary and Secondary.

The growth projections are based on the following assumptions (summary for more detail see **Appendix G**):

- a. Housing - The SCAP return should only include housing developments that have full planning permission or where the LA can demonstrate a degree of certainty that the development will go ahead within the timeframe of the forecasts (5 years). With this in mind the Housing Trajectory from Planning is used to calculate pupil yield. This includes developments with planning permission, small scale windfall commitments, large site windfalls, SAPDPD Allocations and numbers of properties from the Uppingham Plan. Pupil yield factors of 21.8% for primary and 12.0% for secondary school have been applied (these

² Note all figures are based on PAN after the additional 150 Secondary places are provided at Catmose

have been calculated using actual numbers on roll against properties occupied on new housing developments in Oakham).

- b. Reception - The past 5 years' number of births in Rutland is used to calculate a trend by applying an average increase / decrease. This is currently -0.6% year on year. To this is added an average additional number reflecting the out of county pupils on roll. These figures are then applied to the corresponding year in which children start school.
- c. Year 7 – A 5 year trend is used to calculate the forecast numbers on roll for year 7. Rutland has a significant increase in numbers on roll between these 2 years. The average increase over the past 5 years is 41%. RCC also applies an increase or decrease in the numbers on roll in year 6 over the same 5 year period.
- d. MOD – The assumption is that present numbers of service children remain fairly static. No feedback suggests significant increase or decrease in numbers. However there is underway a further 'rebasing' review that may impact on this position. Cabinet would be advised if anything develops that would impact on 'sufficiency'.
- e. Out of county influences – Pressure on pupil places from development plans will have an impact on Rutland schools. Allowance for this has not been made as plans remain uncertain and long-term.

Scenario*	County	Primary	Secondary
Our Current 5 Year SCAP figures projected forward for 10 years	<ul style="list-style-type: none"> Sufficient places to 2025/26 But only if supported by significant additional transport costs Parental choice significantly compromised 	<ul style="list-style-type: none"> 225 (6%) spare places across the County Shortfall of 58 in the Oakham Cluster 	<ul style="list-style-type: none"> There would be a shortage of 102 places by 2025/26
15 Year Projection: Pupil yields (Low) from new development of:- Primary 21.8% Secondary 12% and a growth rate of 175 per annum	<ul style="list-style-type: none"> Sufficient places in County until 2029/30 for Primary and Secondary until 2021/22 	<ul style="list-style-type: none"> Oakham Cluster under pressure from 2016/17 Oakham Cluster in deficit from 2021/22 by 1 place 	<ul style="list-style-type: none"> Oakham in deficit from 2021/22 shortage of 22 places
15 Year Projection: Pupil yields (Low) from new development of:- Primary 21.8% Secondary 12% and a growth rate of 225 per annum	<ul style="list-style-type: none"> Sufficient places in County until 2026/27 for Primary and Secondary until 2021/22 	<ul style="list-style-type: none"> Oakham cluster under pressure from 2016/17 Oakham cluster in deficit from 2020/21 by 6 places 	<ul style="list-style-type: none"> Oakham in deficit from 2019/20 shortage of 7 places

15 Year Projection: Pupil yields (High) from new development of:- Primary 24% Secondary 18% and a growth rate of 175 per annum	Sufficient places until 2028/29 for Primary and 2020/21 for Secondary	<ul style="list-style-type: none"> • Oakham cluster under pressure from 2016/17 • Oakham cluster in deficit from 2021/22 	<ul style="list-style-type: none"> • Oakham in deficit from 2017/18 shortage of 35 places
15 Year Projection: Pupil yields (High) from new development of:- Primary 24% Secondary 18% and a growth rate of 225 per annum	<ul style="list-style-type: none"> • Sufficient places until 2025/26 for Primary and 2020/21 for Secondary 	<ul style="list-style-type: none"> • Oakham cluster in deficit from 2019/21 	<ul style="list-style-type: none"> • Oakham in deficit from 2017/18 shortage of 37 places

***Based on no action taken to increase school places other than the increase of 150 places at Catmose Campus for Secondary**

- 4.10 It is clear from the analysis that action is required to ameliorate the impact of growth and the pressure this will place on school places across the County. As was indicated in **Report 68/2015**, supported by the 2016 SCAP and Scenarios of projected growth at 175 and 225 (both realistic based on current delivery) and the low / high projections of children generated from development action needs to be taken to address capacity issues in Oakham. **Section 5** of this report will address the options for creating additional capacity.

5 AN ASSESSMENT OF THE OPTIONS FOR ENSURING ‘SUFFICIENCY’ OF PLACES BASED ON GROWTH PROJECTIONS

- 5.1 It is important to stress at this point that the Council cannot prevent schools choosing to expand if they have the funding to do so. Nor can an objection from the Council necessarily prevent the progression of a Free School application. There is therefore a real possibility that both expansion and a new build could take place. This would lead based on our projections to a significant over provision of places. In order to sustain financial viability this may encourage schools to attract from ‘Out of County’. The alternative is that schools are not financially viable and in order to balance budgets are forced to make savings that could have been avoided and could be detrimental to educational provision.
- 5.2 Since the publication of the original report there has been little comment and none from the public in relation to the recommendations and proposals. This is despite interest in reporting the proposals from local Media.
- 5.3 This section of the report is based upon the following assumptions which feed through into the recommendations. Cabinet of course may wish to challenge these assumptions:

a. The Council recognises the future pressures on school places and wishes to take action to resolve the future imbalance across the County. Therefore the ‘do nothing’ option is not being considered. **When this issue was considered by Cabinet on 16th August – this point was supported.**

b. The Council recognises Home to School Transport as a potential solution. However, whilst this can and will be used in certain circumstances it is not seen as a preferred medium to long term solution to the problem. If Cabinet do wish to pursue this as the solution then a more detailed analysis of the impact can be provided. **When this issue was considered by Cabinet on 16th August – this point was supported hence no further analysis has been undertaken.**

Appendix J provides some analysis to support this conclusion not to promote this option. In summary:

If there was no increase in capacity in school places in Oakham:

Primary implications – pupils to be transported to Whissendine and Empingham at a cost of £40k pa

Secondary implications – pupils to be transported to Casterton College at a cost for a 5 year period (2018 / 2023) of £930k

c. In relation to pressures created in schools where there is a significant 'out of county' school population action will not be taken other than discussions with the affected schools to discuss actions relating to admissions that will tackle the problem i.e. action will be taken to support provision for Rutland children. This impacts specifically on Uppingham Community College with 60% of the School population being from out of County. **When this issue was considered by Cabinet on 16th August – this point was supported.**

Provision of additional Primary places in Oakham

- 5.4 Schools and Trusts are responsible for the supply of school places and work has been on-going with schools to discuss how they may address the issue of supply. Initially within the Oakham cluster the interest came only from Catmose in the guise of Barleythorpe Primary – this interest has been sustained and was reinforced by the Principal at a recent meeting. He clarified it was as a response to our original request in 2015 for expressions of interest to provide additional capacity – the only expression of interest.
- 5.5 The options for increased provision are as follows:-
- a. Increasing the PAN of existing schools within the Oakham Cluster with no additional investment
 - b. Increasing the PAN of existing schools within the Oakham Cluster with additional investment
 - c. Building a new Primary school

Increasing the existing PAN with no additional investment

- 5.6 Whilst this might be possible. There has already been some increase within the Oakham Cluster. Growth also needs to be in the right location and future proofed. Schools in the Oakham Cluster when asked for suggestions for increasing capacity all indicated that investment would be required to support this. **When this issue was considered by Cabinet on 16th August – this point was supported hence no further analysis has been undertaken.**

Increasing the PAN with additional investment

- 5.7 During recent months in discussions with Heads there have been expressions of interest in expanding schools. Two schools have already undergone some expansion - Brook Hill and English Martyrs resulting in an increase in their PAN's.

The more recent expressions of interest have in part come forward as a response to the perceived challenge from the potential development of a Free School i.e. Barleythorpe Primary. An important reminder of the competitive environment education now is. The following table summarises the schools proposals for increasing their PAN's, how many additional places would be created, the estimated cost per place and delivery date.

School	Nature of change	Additional places	Cost per Place	Estimated Delivery Date
Brooke Hill	Add second storey	70	£4,285	2018
Oakham CofE*	Extend	95	£3,157	2018
Whissendine	Classrooms	14	£6,429	2017
English Martyrs*	Expand classroom size	56	£3,571	2017
TOTAL		235	£3,787	

5.8 It should be noted that these are based on estimates in both time and financial terms. Detailed work would be required to assess the deliverability and viability (particularly in relation to Planning) for both aspects.

5.9 In addition the following factors should also be considered:

- a. * Two of the schools are Faith Schools and this can have a bearing on limiting Parental choice, they account for 65% of the proposed additional capacity
- b. The location of schools in Oakham does need to be considered as it affects accessibility. Development has recently occurred in proximity to the bypass and this is likely to continue.
- c. All of the sites are constrained to their existing footprint with little if any scope for a larger site
- d. Particular note should be made of paragraph 4.3 (a) above. Of the schools proposing increases in PAN the location of Oakham Church of England Primary School lends itself best (other than the proposed Barleythorpe Primary) to 'proximity' to where increased population growth will occur.

Building a new primary school

5.10 Further to **Report 68/2015** expressions of interest were sought in the provision of a new Primary school for Oakham. The only firm interest was from the Catmose Federation now known as The Rutland and District Schools' Federation (RDSF).

5.11 RDSF are progressing with an intention to establish a Free School in Oakham and are seeking support from the Council to achieve this. The school would be placed on the Catmose Academy site as Barleythorpe Primary. It would be a 210 place school initially with potential to increase to a 420. It is advertised as an 'academically focused primary specialising in science and music for children 4 to 11 living in the North of Oakham'. The Free School will potentially attract funding from the EfA. There is an expectation from the EfA that Basic Needs Funding

would be used to support the bid. The bid has to be submitted by 28th September to be considered in the next Free School round.

- 5.12 The proposed school would provide a continuum of educational provision at this location – ideally placed to support population growth within Oakham from Nursery right through to Post 16.

The potential impact on the Oakham Cluster of Primary schools cannot be ignored. As a feeder school for the already over-subscribed Catmose College then this may lead to an inclination to place children in Barleythorpe Primary school to secure a secondary place at Catmose College. This would potentially impact negatively on the other Oakham Primary schools. This concern has been expressed by Primary Heads within the cluster and Members. However, detailed consideration of the Catmose College admissions criteria and discussions with the catmose Federation have gone a long way to dispel that concern amongst attendees at the meeting. (See also Para 3.3b and 5.13).

Update on meeting with Catmose Federation (RDSF) / Barleythorpe Primary (Free School)

- 5.13 The meeting was extremely positive with a willingness on all sides to clarify outstanding issues and concerns. This report is therefore updated to note the following:-

- Clarity was provided over admissions criteria for the Catmose College – the priority would be to ensure Oakham children can get into Catmose College. The admission criteria is as follows as at 2016:

“The order of priority if we are oversubscribed is:

 1. Looked after children.
 2. Sibling link.
 3. Attends Catmose Primary School.
 4. A child of staff at the Federation.
 5. Children who live nearest the College by distance.”

- Initially it was anticipated the new Primary school would be delivered by September 2017. In our discussions it was agreed that the opening date of 2019/20 would be acceptable to all parties. This will allow pupil places to be created more in line with emerging pressures and more importantly allow sufficient time to follow the necessary processes to address the issues raised in recommendation 1.1.8 of this report.

- The proposal for Barleythorpe Primary would see a gradual increase in capacity as follows:-

Year	2019/20 (Year 1)	Year 2	Year 3	Year 4	Year 5	Year 6	Year 7
Reception	30	30	30	30	30	30	30
1	15	30	30	30	30	30	30
2	15	30	30	30	30	30	30
3	0	15	30	30	30	30	30
4	0	15	30	30	30	30	30
5	0	15	30	30	30	30	30
6	0	15	30	30	30	30	30
7	0	0	0	0	0	0	0
8	0	0	0	0	0	0	0
9	0	0	0	0	0	0	0
10	0	0	0	0	0	0	0
11	0	0	0	0	0	0	0
12	0	0	0	0	0	0	0
13	0	0	0	0	0	0	0
Total	60	150	210	210	210	210	210

- 5.14 The process for the creation of Free Schools is that there are two windows for applications September and March. However if there is support from the Local Authority the 'bid' becomes a presumption and this can be made at any time. The application can take up to six months to be processed and a build time of less than a year seems unlikely when planning permission etc is taken into account. The cost of the new school is estimated at £3.5m.
- 5.15 There is of course the possibility that should additional capacity be provided by increasing the PAN within the Oakham cluster through investment RDSF could still proceed and be successful with their Free School application. This would result in over provision of places and potentially threaten the financial viability of some schools within the cluster. It may also increase the number of spaces used by 'out of County' children (funded by Rutland) investment.

Conclusion on the provision of additional Primary places in Oakham

- 5.16 The demand could be met either by investing an increased PAN across the cluster, by the provision of a new Free School or a combination of both.

Provision of additional Secondary Places in Oakham

- 5.17 Catmose college currently has 133 (14.8%)* of the school population from 'out of County'. If this were to be exacerbated in any way then pressure on places for Rutland children would increase. It is therefore essential that RCC work with the Academy to address this issue.
- 5.18 Additional places at Catmose (150) can be provided by 2017/18 at a cost of £750k by the conversion of non-classroom space into classrooms. This will be facilitated by the County Councils decision to relocate the Visions Childrens' centre from the Catmose College site to an alternative Oakham location.

Conclusion on the provision of additional Secondary places in Oakham

- 5.19 This additional capacity outlined in para 5.18 will address the under-provision in the short / medium term but a longer term plan will be required. It is proposed that this be the subject of a further report to Cabinet by the end of 2016/17.

6 KEY CONSIDERATIONS - THE FOLLOWING ISSUES ARE WORTHY OF FURTHER CONSIDERATION.

6.1 The County Vision and Plan³

The County vision and corporate plan drive all matters, including education. The declared priorities are listed below.

- Delivering sustainable growth, supported by appropriate housing, employment, learning opportunities and infrastructure (including other Public Services).
- Safeguarding the most vulnerable and supporting the health and well-being needs of our community.
- Planning and supporting future population and economic growth to allow businesses, individuals, families and communities to reach their full potential.
- Ensuring the Council's medium term financial plan is balanced and based on delivering the best possible value for the Rutland pound.

6.1.1 Growth

Sustainable growth is a key feature in the Rutland Corporate Plan – placed robustly in two of the four priorities. The availability and quality of education places (and opportunities for adult learning and training) are recognised as key factors in the economic development of an area and certainly in the definition of

³ The Council is currently consulting on its latest corporate plan for the period 2016-20. For the purposes of this report, the latest corporate plan is considered operational and has been treated as a direction of travel steer.

* Based on information provided by Catmose College as at 02/09/16.

sustainability..

It is important that places are readily available for parents to select and that these are in schools with a good reputation. A surplus of places is a factor in the choice available to parents. Knowing, for example, that your child may not get a place at the local or chosen school - and may have to travel - will have a major impact on the relocation decision.

6.1.2 Parental Choice

A key aim of the education service is to provide parents with choice regarding the school where their child is educated. Parents get very upset if their chosen school is oversubscribed. They commonly hold the local Council responsible for this, even though pupil places policy and admission are in the hands of the school exclusively.

The Council's Corporate Plan reflects this. Two of the targets in the Plan affect parental choice and the availability of pupil places. These targets relate to:

- the percentage of parents who are offered their first choice of primary school
- the percentage of parents who are offered a choice (first to third)

6.2 **Self-supporting school system**

Despite changes in pace and emphasis, the English state education system has been building for many years towards a largely self-supporting system. Successive governments of different political persuasions have encouraged schools to manage themselves without the aid of local authorities and increased their public accountability.

Alongside the developing autonomy, more recent trends have fostered formal collaboration between schools. The aim has been to provide more effective leadership, encourage higher standards through disseminating good practice and drive efficiency. This has led to the creation of federations, e.g. between Great Casterton and Empingham schools and multi-academy trusts, e.g. Rutland Learning Trust.

Rutland County Council has played its role in this dynamic, actively encouraging formal collaboration between schools. In a recent paper concerning school funding and school improvement, the LA's role in this was confirmed.

In the light of this approach, Members may consider how best to encourage schools to take leadership in the supply of school places. This can perhaps best be achieved by an on-going dialog with schools about the issues contained within this report.

6.3 **Pupil places development history**

Report (68-2015 Pupil Place Planning) provided a strategy for pupil place

planning. Attached as Appendix 1 to the 68-2015 report, this strategy “Providing School Places for Local Children 2015-2020” made recommendations regarding additional places in schools. Action was taken and then reviewed and reported to Children’s Scrutiny in “Provision of School Places” February 2016.

6.4 Standards and curriculum

Government policy at times has been to develop schools that are popular, encouraging them to grow, allowing less popular schools to wither. Recent policy statements have been more positive, seeking to ensure no child suffers a poor education - and making the maximum use of present school facilities.

The quality and condition of school buildings affect both the breadth of curriculum and the learning progress within it. Maintaining the space, for example, for children to play and develop, relax and act creatively is important. Similarly, specialist facilities are needed to produce, for example, excellent sports players, scientists and artists.

Access to these facilities needs to be assured. There are clear risks in concentrating expensive resources in the hands of a small number of providers who are unaccountable to the community beyond their own service users, trustees and owners. There is a similar risk regarding the continuing viability of these resources if underused.

Academies are not required to follow the national curriculum. This freedom allows them to offer the curriculum their trustees or owners want. The curriculum decision can have a significant impact, particularly in rural communities where access to an alternative school may not be easy. Such curriculum decisions also have impact upon the attractiveness of pupil places arranged and paid for by the Council.

6.5 Academies’ decisions on places

Academies are independent of the local authority and are not accountable to it. Consequently, they can make decisions with or without regard to the local authority or, indeed, to other schools or agencies. Academy Trusts are responsible for running the academies, including providing or reducing the school places they offer. In common with other bodies – though not LAs - they can create new schools, known as free schools. They also set their own admissions rules.

Secondary academies may also set admission rules that prioritise the children from some primary schools above others. Often described as “feeder schools” in the academy’s admissions policy, these primary schools are then able to guarantee their children a place at the secondary school. Consequently, these primaries become full quickly, often drawing in children from other schools. Other primaries that are not favoured in this way by the secondary school suffer, despite being equally good – often better. Often primary heads and governors complain that they are at the whim of the secondary academy in relations to admissions policy.

As described in this report an LA’s statutory role in providing sufficient school places is complicated by the creation of free schools. The creation of an individual

free school is approved by the DfE - and some have proved popular. However, several have been created where there are already sufficient pupil places. This may cause other schools to lose numbers of pupils, reduce the school budgets and cause redundancies. It may also render an LA's planned investment in pupil places worthless.

RCC seeks to work in close partnership with academies. Our relationships are good and there is genuine partnership with academies over pupil places. It is not in an academy trust's interests to create spaces that remain empty. However, it can be in their interest to fill their pupil places rapidly via an efficient admissions policy. For this reason, it is critically important to ensure pupil planning policy together.

7 CONSULTATION

- 7.1 This report has been prepared in consultation with the relevant Portfolio Holders and key officers of the Council. Discussions have also taken place with Head teachers across the County. A further meeting has now taken place with the Catmose Federation as outlined within this report.

8 ALTERNATIVE OPTIONS FOR CONSIDERATION

- 8.1 Note this section of the report focuses on Oakham for both Primary and Secondary as this is where the pressure is evident.

8.2 Take no direct action in the supply of pupil places.

This is not recommended. There are clearly current and emerging pressures that cannot be ignored. Planning and delivery of future solutions requires action now.

8.3 Only ensure places for Rutland Children

The statutory requirement for the Council regarding pupil places is clear. Current forecasts indicate that there are sufficient places in Rutland schools for Rutland children. Arguably, there is no need for RCC to intervene to create additional places as the pressure has been created by children from beyond Rutland. This has been caused by the Academy's own admissions policy and could be relieved by changes to this.

It is recommended that Officers and the Portfolio Holder continue to work with Rutland Schools, Trusts and Federations to highlight the impact of 'Out of County' schools and work towards an acceptable solution to the resultant pressures. This might include discussions with our neighbouring Councils.

8.4 Transport Children to unfilled pupil places

This is not recommended other than in the short term or in exceptional circumstances. It impacts negatively on Parental Choice and potentially on educational achievement and attainment

8.5 **Extend/adapt schools**

A small number of Oakham cluster primary schools are proposing to extend the provision of places in schools. In the cases considered, places are created in the current school stock through adaptation and extension. This solution:

- is relatively low cost (235 primary places at cost approximately £890k with an average cost per place of £3,787);
- causes little disruption to the school system in Rutland;
- ensures a relatively wide distribution of places within the cluster;
- provides the bulk of places in popular, good and outstanding schools and in a school where the leadership has been praised by Ofsted for its progress;
- spreads risk regarding access to the places;
- Some schools are located closer to where the future growth is most likely and in locations least likely to impact negatively on traffic flows;
- maintains engagement of a range of educators;
- enhances parent choice locally.

8.6 **Build schools**

Currently, the only identified option for building a school is that of RDSF

- provides a rapid and significant increase in places (210);
- provides a single, modern building that is future-proofed for growth (420);
- If we were looking at a 15/20 year projection for growth it is highly likely that an increase in capacity of this magnitude will be required;
- over-provides places initially and may not be economical. However a delayed start would mitigate this;
- provides an offer that is specialist and may restrict access;
- offers direct entry to the area's only secondary school, thus trumping the area's other primary schools;
- may draw pupils from other, good schools and make them less viable;
- is comparatively expensive (210 places at cost approximately £3.5M);

- and is dependent upon approval by DfE.

9 DECISIONS REQUIRED

9.1 Does the Council wish to intervene in the pupil place market?

The recommendation is yes. In order to ensure a 'sufficiency' of school places the Council must act to a degree to support the delivery of additional supply.

9.2 Ensure sufficient places for children in Rutland only?

See para 8.3 above. The recommendation is that RCC focuses its attention on a 'sufficiency' of places for Rutland Children.

9.3 Does the Council wish to Transport children to unfilled pupil places?

See para 8.4 above – not recommended

9.4 Support the creation of additional capacity within existing schools or through supporting building of a new Primary School?

It is recommended that the best long term solution is through responding to the longer term pressure within the Oakham cluster by the building of a new Primary School. This is a future proofed solution that will provide the capacity within Oakham well into the future. The Free School submission provides a mechanism to access funding to achieve this. LA support would lead to a presumption status for the submission and would therefore have the likely impact of accelerating delivery. It is proposed that discussion are progressed quickly with RSDF relating to the optimum timing for the completion of the new Primary based on the pupil projections contained within this report. If the opening date were delayed there would not be a deficit in capacity within the Oakham cluster until (worst case scenario of 225 growth pa) until 2021.

9.5 Support for the creation of additional Secondary capacity at Catmose College

Support is recommended to address an existing pressure.

10 FINANCIAL IMPLICATIONS

10.1 All the financial implications of the options above have been identified within each option.

10.2 The current Basic Needs Funding (BNF) from EfA available at present totals £3.4M. In the SCAP return this was identified for use in adding places at Catmose College and possibly for the provision of a new school in Oakham (Barleythorpe).

- 10.3 It is therefore proposed that Chief Executive, the relevant Directors and Portfolio Holders work to achieve the most effective use of the Council's Basic Needs Funding to support the implementation of the recommendations contained within this report and to address the on-going need to support a 'sufficiency' of school places as outlined.

11 LEGAL AND GOVERNANCE CONSIDERATIONS

- 11.1 RCC's legal obligation to provide sufficient schools places has been described within the report.
- 11.2 Basic needs funding is designed for the provision of school places. It may be combined with other sources of funding, e.g., funding for academy buildings renovation, to increase the number of places.
- 11.3 As indicated above, it is within the power of academy trusts and free schools to manage their school places. They are accountable for these only to the Trust's Board and Owner and to the Secretary of State. Once the LA has provided the place funding to these schools the LA has no continuing authority over the use of these places, including the admissions policy which governs their use.

12 EQUALITY IMPACT ASSESSMENT

- 12.1 The considerations and proposals have no identifiable impact on equality issues of race, religion, gender, sexual orientation etc.
- 12.2 However, there is potential impact upon socially and economically disadvantaged children and families and those with special educational needs. In the light of RCC's priority for the disadvantaged, this is significant and must be addressed to ensure that the Campus can sustain an inclusive policy that will cater for all our Oakham and County children.

The plans for Barleythorpe indicate:

- firstly, that the curriculum of this primary school will be academic;
- secondly, it will specialise in science and music;
- thirdly, it will prepare children for the academic curriculum at Catmose Academy.

All primary schools in the Oakham area offer a generally broad curriculum suitable for all abilities and interests. Barleythorpe, however, may have a narrower clientele – those interested particularly in science and music. In this respect, it may offer a restricted offer for the parents of Oakham and will constrain their choice. This issue must be addressed in and should be included in the future discussions with RSDF on support for the proposal.

13 COMMUNITY SAFETY IMPLICATIONS

- 13.1 It is in the interests of community safety that primary age children go to their nearest school. The further they travel to get to school, the higher the risk, for

them and their community. The recommendations in this report support that aspiration.

14 HEALTH AND WELLBEING IMPLICATIONS

- 14.1 No health and wellbeing implications were identified.

15 ORGANISATIONAL IMPLICATIONS

- 15.1 Human Resource implications

The HR implications will be those within the affected schools but will lead to an overall increase in employment within the County.

- 15.2 Procurement Implications

None incurred.

16 CONCLUSION AND SUMMARY OF REASONS FOR THE RECOMMENDATIONS

Cabinet is recommended to:

- 16.1 Support intervention in the pupil place market.
- 16.2 Focus support on ensuring sufficient places for children in Rutland only.
- 16.3 That officers and the Portfolio Holder for Education continue to work with Rutland Schools, Trusts and Federations to review the impact of 'Out of County' pupils on schools
- 16.4 That an annual report be submitted to Cabinet starting in 2017 that outlines how we are planning to meet the requirement for a 'sufficiency' of school places across the County based on a 15 year projection
- 16.5 Further reports be provided to Cabinet as follows:-

A review of SEN provision across the County – November 2016

A review of the impact of MOD developments on the viability of schools – November 2016

A review of the Medium / Long term provision of Secondary capacity in Oakham by the end of 2016/17

- 16.6 Support the creation of additional Secondary capacity at Catmose College.
- 16.7 In principle (subject to the issues outlined in 16.8) to support and allocate where appropriate Basic Needs Funding for :

The creation of a new Free School to serve the Oakham area at the Catmose Campus Site; and

Additional places at Oakham Church of England Primary School.

16.8 'In principle' support be conditional on satisfactory 'due diligence' and detailed discussions relating to the following issues:

- i. Timing and number of additional places
- ii. Balance and level of Basic Needs Funding to the Schools own contribution
- iii Value for Money considerations
- iv. Planning risk and viability
- v. Development issues including (not exhaustive) – access, parking, drainage,
- vi. Impact on other provision (on site and nearby including Secondary and SEN
- vii. Breadth of curriculum
- viii. Knock on effect to Out of County pupils and the balance of access to provision by Rutland children
- ix. The important role that the Governing Body of the growing Campus must play to ensure that it delivers a curriculum and development that will meet the comprehensive needs of Oakham and County children.

16.9 Authority to progress and determine 16.7 and 8 be delegated to the Chief Executive and relevant Directors and the Portfolio Holders for Education and Finance and Development.

17 BACKGROUND PAPERS

17.1 **Report 68-2015** Pupil Place Planning.

17.2 "Providing School Places for Local Children 2015-2020" - Appendix One to 68-2015.

17.3 "Provision of School Places". Report to Children's Scrutiny, February 2016.

18 APPENDICES

18.1 A. Analysis of 'Out of County' Children

18.2 B. Forecast for Primary and Secondary Schools based on the current trajectory

18.3 C Forecast for Primary and Secondary Schools based on a growth rate of 175 per annum and a low estimate of pupils generated

18.4 D. Forecast for Primary and Secondary Schools based on a growth rate of 225 per annum and a low estimate of pupils generated

18.5 E. Forecast for Primary and Secondary Schools based on a growth rate of 175 per annum and a high estimate of pupils generated

18.6 F. Forecast for Primary and Secondary Schools based on a growth rate of 225 per annum and a high estimate of pupils generated

18.7 G. An explanation of the methodology / process for pupil based planning projections

- 18.8 H. A worked example for pupil based planning projections – Primary (Oakham Cluster)
- 18.9 I. A worked example for pupil based planning projections – Secondary (Oakham)
- 18.10 J. An analysis of the potential impact on Home to School transport of using transport to solve the ‘sufficiency’
- 18.11 K. A glossary of terms

A Large Print or Braille Version of this Report is available upon request – Contact 01572 722577.

APPENDIX K - Glossary

ASD – autistic spectrum disorder

BESD – behavioural, emotional, social difficulties

Catchment: a school may have a defined catchment area. This means that a geographical area is defined as the priority area from which children are drawn. A child who applies for a school and lives in the catchment area will have a higher priority over a child who lives outside that area.

CC – Catmose College

CCR – Casterton College Rutland

DfE – Department for Education

DSP – Designated Specialist Provision – a unit or facility within a school which offer specialist classes for pupil with SEN

EfA – Education Funding Agency

EHC – Education, Health and Care

EHCP – Education, health and care plan

Feeder school: a school may be defined as a feeder school to another (usually a primary school that feeds pupils to a secondary school). A child who attends a feeder school will have higher priority in applying for a place at the secondary school than a child from a non-feeder school.

LA – local authority

MLD - Moderate Learning Difficulty

MOD – Ministry of Defence

NOR – Number (of pupils) on roll

PAN – Pupil admission number

PD - Physical Disability,

RDSF - The Rutland and District Schools' Federation

SAP DPD – Site Allocation and Policies Development Plan

SCAP – School Capacity Survey

SEMH - Social, Emotional and Mental Health

SEN – Special educational needs

SEND – Special educational needs and disabilities

SLCN - Speech, language and Communication,

SLD - Severe Learning Difficulty

UCC – Uppingham Community College