

# Decision Report – Cabinet Key Decision

- 19 December 2018

## Proposed Expansion of Bishop Fox’s Secondary School to 1200 places

Cabinet Member(s): Cllr Faye Purbrick – Cabinet Member for Education and Transformation

Division and Local Member(s): Cllr Hazel Prior-Sankey

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	<b>Seen by:</b>	<b>Name</b>	<b>Date</b>
	County Solicitor	Honor Clarke	28/11/2018
	Monitoring Officer	Scott Wooldridge	29/11/2018
	Corporate Finance	Peter Lewis	22/11/2018
	Human Resources	Chris Squire	23/11/2018
	Property	Paula Hewitt	28/11/2018
	Procurement	Simon Clifford	29/11/2018
	Senior Manager	Julian Wooster	29/11/2018
	Local Member(s)	Cllr Hazel Prior-Sankey	22/11/2018
	Cabinet Member	Cllr Faye Purbrick	22/11/2018
	Opposition Spokesperson	Cllr Jane Lock	22/11/2018
	Relevant Scrutiny Chairman	Cllr Leigh Redman	22/11/2018
<b>Forward Plan Reference:</b>	FP/18/11/02		
<b>Summary:</b>	<p>Somerset County Council has a statutory duty to supply sufficient good quality school places within statutory walking distance of a pupil’s home address.</p> <p>There has been a significant increase in the number of children living in Somerset. Between 2010 and 2017 the number of primary aged pupils on roll in mainstream schools increased from 36,890 to 41,125, an increase of 11.48% or 4,235 which is the equivalent of 144 additional classes of 30 pupils. This increase was particularly high in urban areas. Taunton has seen an increase of 16.75%. Since 2012 the capacity of primary schools in Somerset has increase by more than 3500 places (690 in Taunton) and these primary aged pupils are now reaching secondary school age.</p> <p>Analysis of projection data identifies that demand on secondary school places in Taunton will outstrip supply by 2020, unless additional places are created.</p> <p>The expansion of Bishop Fox’s School by 285 places will increase secondary school places in Taunton from September 2020. and should fulfil the Local Authority statutory duty until September 2022. The additional places will be bought into use incrementally.</p>		

	<p>This paper seeks approval for the Authority to appoint Futures for Somerset to deliver the expansion of Bishop Fox's to 1200 places for September 2020. This paper will also give approval to cover the purchase of furniture and IT as required for the additional classrooms.</p>
<p><b>Recommendations:</b></p>	<p><b>That the Cabinet:</b></p> <ol style="list-style-type: none"> <li><b>1. Approves the appointment of Futures for Somerset to proceed with the delivery of the expansion of Bishop Fox's to 1200 places.</b></li> <li><b>2. Approves the gross maximum project cost as set out in Appendix B. These costs include allowances for IT and furniture as required.</b></li> <li><b>3. Agrees that Appendix B be treated as exempt information and to be treated in confidence, as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information.</b></li> <li><b>4. Agree to exclude the press and public from the meeting where there is any discussion at the meeting regarding exempt or confidential information (Appendix A).</b></li> <li><b>5. Delegates the authority to the Head of Corporate Property and the County Solicitor to complete any necessary documentation to enter into a contract with the preferred contractor.</b></li> </ol>
<p><b>Reasons for Recommendations:</b></p>	<p>To meet the Local Authority's statutory duty to provide sufficient good quality school places by allowing the County Council to proceed with the appointment of a contractor to deliver the expansion of Bishop Fox's to meet pupil place demand arising from demographic growth in the area.</p> <p>The accompanying confidential appendix contains commercially sensitive information relating to the contract and the Council's financial and business affairs. Officers recommend that this is treated as exempt information. "Exempt information" is defined by Section 100 of the Local Government Act 1972, by Schedule 12A to that Act.</p>
<p><b>Links to Priorities and Impact on Service Plans:</b></p>	<p>The recommendations link to this Headline Vision in the County Plan:</p> <p>"Our vision for Somerset is simple: More jobs; more homes; more powers from government; more local co-operation; better health; better education and prospects; better roads, rail, broadband and mobile signal."</p> <p>The recommendations link to the following Target in the County Plan:</p> <p>"We will aim to have better school results for all children across all key stages and in particular at GCSE and A-Level</p>

	with a particular focus on disadvantaged children.”
<p><b>Consultations and co-production undertaken:</b></p>	<p>All four secondary heads in Taunton have been involved in expansion discussions over the last 2 years. Currently 3 of the 4 schools are Academies and Heathfield is scheduled to convert to academy status in September 2019. For reasons outlined in the background of this report it is not possible to expand either Castle School or Taunton Academy. Heathfield School has already been expanded to 1350 places.</p> <p>Bishop Fox’s is a single academy trust and the school is the smallest of the 4 schools. Built in 1994 off South Road Taunton, it was designed to allow further expansion, from its current 915 capacity to 1200 places.</p> <p>Futures for Somerset were appointed to carry out a full feasibility in August 2017 and concluded that the school could be expanded to take up to 1200 pupils with two additional teaching blocks and increased dining provision.</p> <p>After lengthy consultation with the school during the Spring term 2018, the board of governors have agreed to proceed with the expansion.</p> <p>The school were asked also to state their preferred delivery route which was that the expansion was managed by the Local Authority rather than the Trust entering into a funding agreement with the Local Authority.</p> <p>Stakeholder engagement with parents and the local community was undertaken by the school over the 22 and 23 of November 2018. 68 feedback forms were completed over the two days with 91% of respondents indicating that they were in support of the proposal, 6% not sure, and 3% against. The very few who expressed concern were concerned about construction traffic.</p>
<p><b>Financial Implications:</b></p>	<p>The Capital Investment Programme for 2018/19 identified the need for the expansion of the school and funding.</p> <p>Funding for this scheme will be provided through three routes as laid out in confidential Appendix B. Sources of funding include, S106, Basic Need Grant and borrowing.</p> <p>Following completion of concept design, a RIBA Stage 2 cost plan has been prepared by an external Quantity Surveyor which has been reviewed by SCC Corporate Property Operations team &amp; Futures for Somerset.</p> <p>The report advises that the current proposal can be delivered within the values contained within Appendix B</p> <p>Futures for Somerset is a sole provider framework that was tendered via OJEU in 2012. To ensure SCC continue to</p>

	<p>obtain value for money under the contract, feasibilities studies are carried out by Futures for Somerset so that SCC can understand project costs and agree a budget. SCC Corporate Property have a benchmark tool that indicates whether pricing is meeting or is better than current market rates. As part of the contract arrangement Futures are required to obtain multiple quotes from suppliers.</p>						
<p><b>Legal Implications:</b></p>	<p>The procurement of this contract is compliant with the Council's Contract Standing Orders.</p> <p>Following the award of a framework agreement to a single supplier, in this case Futures for Somerset, the Council may award specific contracts to that supplier during the term of the agreement in accordance with the terms of that agreement without further competition. The contract can be awarded directly to Futures for Somerset under the framework.</p> <p>Appendix B may be treated as exempt information to be treated in confidence, as the case for the public interest in maintaining the exemption outweighs the public interest in disclosing that information, in that it is information relating to the financial or business affairs of any particular person (including the authority holding that information).</p> <p>SCC will retain the benefits of all warranties as Landlord, any defects or issues which occur are to be reported to SCC Corporate Property Group who will investigate and instruct the contractor accordingly.</p>						
<p><b>HR Implications:</b></p>	<p>None</p>						
<p><b>Risk Implications:</b></p>	<p>The risk of the LA not meeting its statutory duty of providing sufficient school places is very high if this expansion project is not completed by September 2020  <a href="http://www.somerset.gov.uk/educationIGP">www.somerset.gov.uk/educationIGP</a></p> <p>The score below is based on the project being approved in December 2018. If not approved, this risk score will increase to 25.</p> <table border="1" data-bbox="513 1659 1417 1697"> <tr> <td><b>Likelihood</b></td> <td><b>2</b></td> <td><b>Impact</b></td> <td><b>5</b></td> <td><b>Risk Score</b></td> <td><b>10</b></td> </tr> </table>	<b>Likelihood</b>	<b>2</b>	<b>Impact</b>	<b>5</b>	<b>Risk Score</b>	<b>10</b>
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<p><b>Other Implications (including due regard implications):</b></p>	<p><b><u>Equalities Implications</u></b></p> <p>The proposed expansion will be fully accessible for disabled users with the proper facilities and provisions in place to cater for them, pursuant to statutory obligations set out in Equality legislation and that brought together under the umbrella provisions of the Equality Act 2010</p>						

	<p><b><u>Community Safety Implications</u></b></p> <p>Improved access to education will have a positive impact on community safety. Improved access to quality educational facilities could serve to reduce the likelihood of low level anti-social behaviour and improve children’s chances to thrive long term.</p> <p><b><u>Sustainability Implications</u></b></p> <p>This school will serve the local community and therefore there will be no transport arrangements so that walking and cycling to school are the natural, logical and obvious choices. The extension to the school building will achieve the equivalent BREEAM Very Good.</p> <p><b><u>Health and Safety Implications</u></b></p> <p>Risks involved in the proposed building works will be managed by the appointed contractor through their construction Health and Safety Plan required for all such projects. Once opened, Health and Safety of the site will be the responsibility of the Academy.</p> <p><b><u>Privacy Implications</u></b></p> <p>Deemed not to be relevant because Academies are separate Public Authorities and Data Controllers and consequently will be responsible for their own data protection.</p> <p><b><u>Health and Wellbeing Implications</u></b></p> <p>The expansion is being delivered to meet local demand so that walking and cycling to school are the natural, logical and obvious choices for the school journey.</p>
<p><b>Scrutiny comments / recommendation (if any):</b></p>	<p>The Early Years &amp; School Place Planning Infrastructure Growth Plan for Somerset (IGP) was endorsed by Scrutiny for Policies, Children and Families Committee on the 13th May 2016.</p>

<p><b>1. Background</b></p>	
<p><b>1.1.</b></p>	<p>Somerset County Council has a statutory duty to supply sufficient good quality school places within statutory walking distance of a pupil’s home address.</p> <p>There has been a significant increase in the number of children living in Somerset. Between 2010 and 2017 the number of primary aged pupils on roll in mainstream schools increased from 36,890 to 41,125, an increase of 11.48% or 4,235 which is the equivalent of 144 additional classes of 30 pupils. This increase was particularly high in urban areas. Taunton has</p>

seen an increase of 16.75%. Since 2012, the capacity of primary schools in Somerset has increased by more than 3,500 places. These primary aged pupils are now reaching secondary school age.

SCC published forecasts suggest that pressure on secondary places will be felt across Taunton from 2020 onwards. However, SCC published forecasts do not tell the full story as much of the housing in the outline approval stage of planning is not yet included in our forecasts.

There are four secondary schools in the town

Taunton Academy	1050 places
Bishop Fox's	915 places
The Castle	1188 places
Heathfield	1350 places
<b>Total</b>	<b>4503 places</b>

For school place planning purposes Heathfield is now mostly treated as a planning area in its own right given the significant housing in its catchment area and its position on the outskirts of Taunton. The table below shows the forecast for Heathfield over the next 5 years. Monkton Heathfield phase 2 is not yet included (circa 2500 dwellings)

**Heathfield Capacity 1350 (calculated using DfE capacity assessment for maintained schools)**

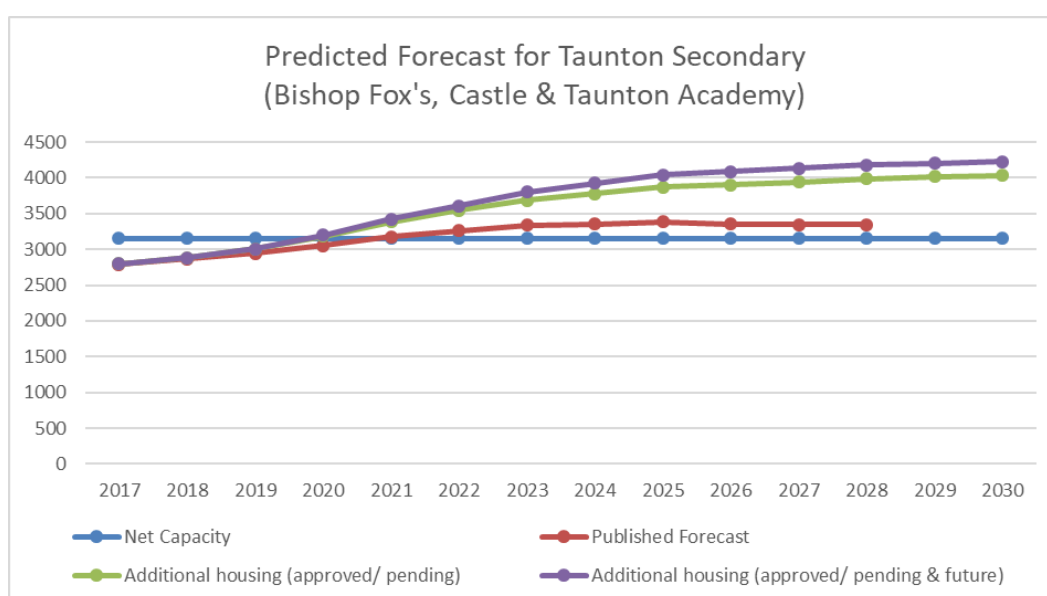
2018	1288
2019	1336
2020	1379
2021	1421
2022	1494

The other 3 secondary schools in Taunton have a combined available capacity of 3153 places (this figure is the sum of the pupil place capacity recorded in the funding agreements of Castle, Taunton Academy and Bishop Fox's).

Taunton Secondary Summary Forecast for Bishop Fox's, Castle and Taunton Academy.

**Secondary Capacity 3153**

Year	Published Forecast Pupil Nos.	No dwellings approved and pending not yet included	Predicted Forecast Pupil Nos. based on 14 per 100 dwellings	No of dwellings allocated sites	Predicted Forecast Pupil Nos. (approved, pending, pipeline)
2018	2866	70 dwellings	2880	-	-
2019	2944	321 dwellings	3003	-	-
2020	3054	525 dwellings	3187	105	3202
2021	3173	534 dwellings	3381	165	3420
2022	3263	522 dwellings	3545	155	3606
2023*	3336	505 dwellings	3689	370	3802
2024	3355	500 dwellings	3778	255	3927
2025	3388	415 dwellings	3870	160	4042
2026	3354	442 dwellings	3898	115	4087
2027	3343	385 dwellings	3941	-	4130
2028	3349	300 dwellings	3989	-	4178



Analysis of projection data identifies that demand on school places in Taunton will outstrip supply by 2020, unless additional places are created. Somerset's most recent DfE basic need scorecard assess our forecasting accuracy as -0.1% for the one year ahead and -1% for three years ahead. Nationally the largest under-forecast is -6.2% and the largest over-forecast is +8.5%.

Bishop Fox's School is currently judged as good by OfSTED (March 2017).

**1.2.** The risk and implications arising from the LA failing to meet its statutory duty of providing sufficient school places are significant and so a project has been commissioned to address the issue.

**1.3.** In July 2018, the Corporate Property Team were commissioned to deliver the expansion of Bishop Fox's. Based on the recommendation by the Academy, it was decided to award through the Futures for Somerset (FfS) framework, see Appendix A.

<p><b>1.4.</b></p>	<p>Corporate Property Group have since worked with FfS to design the expansion and prepare planning application.</p> <p>Commercial and Procurement have confirmed that the Futures for Somerset framework is compliant route to award this contract. This is a direct award framework so no further competition is necessary.</p>
<p><b>1.5.</b></p>	<p>This paper seeks approval to proceed with appointing the preferred contractor to a maximum gross expenditure as outlined in confidential Appendix B. This paper will also give approval to cover the purchase of furniture and IT as required for the expansion.</p>

## **2. Options considered and reasons for rejecting them**

- 2.1.** By 2020 there will be insufficient school places in the area and none of the existing schools are either willing or able to be expanded sufficiently to meet the demand.

Castle School is part of the Castle Partnership Trust and the Trust is not willing to expand. The site is land locked and the Trust strongly believe additional pupils will impact on standards.

Taunton Academy is part of the Richard Huish Trust and is currently Requires Improvement (RI). Whilst the site is physically capable of an expansion of 150 places it would require Regional Schools Commissioner (RSC) approval which is unlikely to be forthcoming with an RI school.

For school place planning purposes Heathfield is now mostly treated as a planning area in its own right given the significant housing in its catchment area and its position on the outskirts of Taunton. Further places here will be required in this area for the continued growth of Monkton Heathfield.

- 2.2.** Doing nothing in response to the projected demographic growth would likely result in the LA failing to meet its statutory duty of providing sufficient school places. The risks and implications arising from this failure are too significant to ignore and so this option has been discounted.



### **3. Background Papers**

- 3.1.** Capital Investment Programme: Schools Basic Need, Schools Condition and Schools Access Initiative – 2018/19
- 3.2.** Appendix A – Letter from Bishop Fox’s regarding preferred contractor
- 3.3.** Appendix B – Confidential - Bishop Fox’s Options Appraisal plus financial modelling of options (as presented to Cabinet/SLT 12<sup>th</sup> November 2018).