

Decision Report – Cabinet Key Decision

Decision date – 10 June 2019

Planning and Delivery of Early Years and School Places in Somerset

Cabinet Member(s): Cllr Frances Nicholson - Cabinet Member for Children and Families & Cllr Faye Purbrick - Cabinet Member for Education and Transformation

Division and Local Member(s): All

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	Seen by:	Name	Date
	County Solicitor	Honor Clarke	17/05/2019
	Monitoring Officer	Scott Wooldridge	12/04/2019
	Corporate Finance	Sheila Collins	15/05/2019
	Human Resources	Chris Squire	10/04/2019
	Property	Paula Hewitt	15/04/2019
	Procurement / ICT	Simon Clifford	17/05/2019
	Senior Manager	Julian Wooster	15/05/2019
	Commissioning Development Team	Vikki Hearn	10/05/2019
	Local Member(s)	All	29/05/2019
	Cabinet Members	Frances Nicholson – Cabinet Member for Children and Families Faye Purbrick – Cabinet Member for Education and Transformation	17/05/2019
	Opposition Spokesperson	Jane Lock	29/05/2019
	Relevant Scrutiny Chairman	Cllr Leigh Redman for Scrutiny Children & Families,	29/05/2019
Forward Plan Reference:	FP/19/04/05		
Summary:	<p>The policies and principles by which Somerset County Council (SCC) plans early years and school places have been reviewed and updated to reflect the academy agenda and other education initiatives.</p> <p>The updated policies and principles will be included in the School Place Infrastructure Growth Plan to be published in June 2019 and the Early Years County Wide Sufficiency Report to be published in September 2019.</p>		

<p>Recommendations:</p>	<p>That the Cabinet:</p> <ol style="list-style-type: none"> 1) approves the updated Policies and Principles of Early Years and School Place Planning as set out in section 2 of this report. 2) authorises the Head of Education Partnerships in consultation with the Lead Cabinet Members for Children and Families and Education and Transformation to publish the School Place Infrastructure Growth Plan and Early Years County Wide Sufficiency Report on an annual basis. 3) endorses the recently published DfE guidance on securing developer contributions for education which confirms that contributions must cover the full cost of providing the new school places that are required as a result of new housing developments.
<p>Reasons for Recommendations:</p>	<p>SCC has a statutory duty to provide a sufficient supply of good quality early years and school places.</p> <p>The policies and principles were last reviewed by Cabinet in March 2015. Since that time pressure on school and early years places has continued to grow and the impact on secondary school provision is beginning to take effect. The number of academies has also increased with over a third of our schools now independent of the local authority. Last year the council updated its pupil product ratio (PPR) from new housing developments. Therefore, a review of the council’s policies and principles in this area of statutory responsibility is timely.</p> <p>These policies and principles will underpin all decision making with regards to ensuring the sufficiency of early years and school places and they will be published in the School Place Infrastructure Growth Plan to be published in June 2019 and the Early Years County Wide Sufficiency Report to be published in September 2019.</p>
<p>Links to County Vision, Business Plan and Medium-Term Financial Strategy:</p>	<p>The recommendations link to this Headline Vision in the County Plan:</p> <ul style="list-style-type: none"> • A great place to live that helps make people’s lives better • A county of strong, well connected and safe communities (where people live), working to put right things that are unfair • A county that supports affordable housing, good business success and strong, continuing public services • A county where everyone who can help like the NHS, council and voluntary groups, look at improving the health and wellbeing of people and where they live.

<p>Consultations and co-production undertaken:</p>	<p>A revised draft of the policies and principles was discussed at Education Senior Leadership team on the 14 March 2019.</p> <p>The Opposition Spokesperson and Chairman of Scrutiny (Children and Families) have been consulted.</p> <p>The implications of the policies and principles of early years and school place planning affect the entire county and therefore all Council Members have been consulted and the feedback received reflected in this report.</p>					
<p>Financial Implications:</p>	<p>In 2018/19, the Council approved a programme to provide additional school basic need places over four years. This was in part funded by up to £120m of borrowing. A further investment programme was proposed for 2019/20 and the subsequent three years, but this was reviewed in the light of the financial pressures upon the Council. The proposed schools programme for 2019/20 and beyond is now based upon available DfE grant, S106/CIL contributions and the existing borrowing approval given in February and May 2018. This programme has been designed to meet the needs up to 2021.</p>					
<p>Legal Implications:</p>	<p>Any changes to school organisation of maintained schools will be subject to School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.</p> <p>Any changes to school organisation of academies will require a significant change application by the academy to the Regional Schools Commissioner (RSC) as defined in section 1a of the Academies Act 2010.</p>					
<p>HR Implications:</p>	<p>All new schools are required by government policy to open as Free Schools and HR matters will be the responsibility of the sponsor.</p> <p>Any re-organisational change will be discussed with staff as and when formal proposals are brought forward. Trade unions and professional associations will also be consulted.</p>					
<p>Risk Implications:</p>	<p>The key risk is that SCC will fail to meet its statutory obligation if sufficient early years and school places are not secured.</p> <p>Any proposal to add additional places will give consideration to potential risks to the LA and this will be examined on an individual basis.</p>					
	<p>Likelihood</p>	<p>2</p>	<p>Impact</p>	<p>5</p>	<p>Risk Score</p>	<p>10</p>
<p>Other Implications (including due regard implications):</p>	<p><u>Equalities Implications</u></p> <p>Any proposed new schools (mainstream and special) or expansions of existing provision (mainstream and special) will be</p>					

	<p>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><u>Community Safety Implications</u> 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><u>Sustainability Implications</u> Schools that serve the local community will keep the need for home to school transport to a minimum as pupils will live within walking and cycling distance to school, so these are the natural, logical and obvious choices. New schools and extensions to a school building will achieve at least the equivalent BREEAM Very Good (BREEAM is the world’s leading sustainability assessment method for master planning projects, infrastructure and buildings. It recognises and reflects the value in higher performing assets across the built environment lifecycle, from new construction to in-use and refurbishment).</p> <p><u>Health and Safety Implications</u> Risks involved in construction 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 Trust or School.</p> <p><u>Privacy Implications</u> Deemed not to be relevant here.</p> <p><u>Health and Wellbeing Implications</u> Where new schools are built, or expansions take place this will be to meet local demand so that, wherever possible, walking and cycling to school are the natural, logical and obvious choices for the school journey.</p>
<p>Scrutiny comments / recommendation (if any):</p>	<p>Not applicable.</p>

1. Context

- 1.1. A key duty of the Council is to ensure that there are sufficient numbers of ‘good’ early years and school places to meet demand and that the structure of education delivery meets the needs of an area. Additionally, these should be financially sustainable and able to deliver a suitable curriculum including life skills that prepares children and young people for the world of higher education and employment. The strategy to achieve this will be set out in a future report to cabinet

- 1.2. The policies and principles that underpin school place planning in Somerset were approved by Cabinet on 18 March 2015 prior to the first publication on the Infrastructure Growth Plan (IGP). IGP's were published in 2016 and 2017 but not in 2018. During 2018 a key piece of work was undertaken to revise the Council's Pupil Product Ratio's (PPR) as it had been apparent for some time that the number of primary aged pupils requiring places from new housing developments was far in excess of the formula the Council was using.
- 1.3. SCC commissioned a research project to visit housing developments completed in the authority since 2012 with the aim of updating the PPR so that the level of contributions requested from developers and planning authorities was SCC was in line with the costs of building new education provision. The project was carried out by Cognisant Research and new PPRs approved in November 2018.
- 1.4. These new PPR's are now being applied to the SCC forecasting methodology and their impact will be reflected in the 2019 IGP when published later this year. At the same time, it seems appropriate to review the existing policies and principles of school place planning as well as those for early years.

2. 2019 Principles of Early Years and School Place Planning

- 2.1. The policies and principles take account of the 4 priorities in 'Our Plan' – Somerset's Plan for Children Young People and Families 2019-2022 which are:
 - Supported Families – strengthening families and Building resilient communities
 - Healthy Lives – families making right choices to support happy healthy lifestyles
 - Great Education – high aspiration, opportunities and achievement for all
 - Positive Activities – getting the most out of life through play, leisure cultural and sporting opportunities

2.2. Provision of Good Quality School Places

The Council has an extensive education capital investment programme to support the expansion of school place provision in certain parts of the County. Other parts of the County are experiencing a decline in pupil number. Guidance issued by the DfE in October 2018 states that the governments expectation is that Local Authorities should create additional places in schools that have an overall rating of 'good' or 'outstanding'

When will additional places be considered?

Primary Schools

When needing to increase the number of primary school places, SCC will look first to expand local schools for local children where reasonable and practicable. If expansion of local schools is not an option due to size constraints or the number of new places required, SCC will seek to secure a new school (the Department for Education currently require an academy

sponsor to open a new Free School either through a direct Free School bid to or via a Local Authority presumption competition)

Secondary Schools

For secondary schools SCC will apply the principles of the sufficiency calculations (school capacity) and consider cases for additional accommodation (basic need) where pupil forecasts at academies exceed the pupil place capacity for 3 years from local demand. In the case of maintained schools pupil forecasts will need to exceed the net capacity figure for 3 years from local demand.

The availability of places at schools that are within statutory walking distance will also be a factor. If expansion of local schools is not an option due to size constraints or the number of new places required, SCC will seek to secure a new school (the Department for Education currently require an academy sponsor to open a new Free School either through a direct Free School bid to or via a Local Authority presumption competition)

All Through Schools

Where the number of new school places required is sufficient in size and age range the LA will consider providing all-through provision.

Special Schools

When needing to increase the number of specialist provision places, SCC will look first to expand local schools for local children where reasonable and practicable. If expansion of local schools is not an option due to size constraints or the amount of new places required, SCC will seek an academy sponsor to open a new Free School either through a direct Free School bid to the Department for Education or via a Local Authority presumption competition.

Early Years places

SCC has a statutory duty (Childcare Acts 2006 and 2016) to ensure sufficient childcare places are available for parents to access to enable them to return to work or access training. Provision must be planned to cater for the new births, and also eligible children to access childcare and funded entitlements. The DfE require that all eligible two year olds should access provision that is rated good or outstanding. The market in Somerset consists mainly of private, voluntary and independent providers and SCC has very few provisions that it is responsible for.

When there is a need to increase childcare places SCC will look at a range of options including to the Private, Voluntary and Independent (PVI) sector to facilitate and encourage expansion. The PVI sector provides the largest proportion of early years and childcare places. When there is EFSA funding available it is targeted to areas of greatest need as shown in sufficiency assessments.

SCC will also look to maximise value for money and where appropriate, work with partners to secure the additional places.

2.3. What types of additional provision will we build?

When building new school provision SCC will promote its own benchmark based on the principles of the relevant Building Bulletins. School buildings will also be compliant with the requirements of the Equality Act 2010 to ensure as many children as possible with additional needs can be taught in mainstream education.

Early Years provision will comply with the Early Years Foundation Stage standards and be inclusive.

2.4. Who will we engage with when seeking to add new places?

SCC will work with all types of education and early years provision, maintained schools, multi academy trusts, dioceses and the Regional Schools Commissioner (RSC), district councils, developers, neighbouring authorities to ensure a sufficient supply of 'good' early years and school places.

In line with DfE guidance SCC will seek developer/CIL contributions towards school places that are created to meet the need arising from Housing Developments. Contributions MUST cover the full cost of providing the new school places that are required.

2.5. How will we work with the local community?

SCC will endeavour to promote children and young people's participation in public decision making so they can inform and shape decision making now and in the future.

SCC will ensure that before any final decisions regarding early years and school place planning are made an Impact Assessment will be completed and have received the relevant sign off.

Due regard will be taken of a sustainable transport strategy to minimise the reliance on the SCC school transport budget by encouraging and facilitating children to walk or cycle to school, rather than travelling by motorised transport.

SCC will encourage working with partners regarding community use facilities where this is reasonable and practical.

SCC or Academy Trust will ensure effective consultation with parents and other interested parties to gauge demand for their proposed changes and to provide them with sufficient opportunity to give their views.

SCC will encourage early years providers and schools to seek the views of the local community when establishing provision

3. Options considered and reasons for rejecting them

3.1. With continuing pressure on school and early years places, coupled with major new housing developments in Somerset's main towns, it is important that the

policies and principles of early years and school place planning are revisited and reviewed on a regular basis to support the decisions that are made to add additional good quality places. Therefore, alternative options are not applicable because without clarity SCC runs the risk of delaying decisions or making decisions out of context.

4.0 Background Papers

The Policies and Principles of Early Years and School Place Planning 18 March 2015

- <http://www1.somerset.gov.uk/council/board3/2015%20March%2018%20Item%2005%20The%20Policies%20and%20Principles%20of%20Early%20Years%20and%20School%20Place%20Planning.pdf>

Planning Infrastructure Growth Plan for Somerset (2017)

www.somerset.gov.uk/EducationIGP

Pupil Yield Review 2018

<http://democracy.somerset.gov.uk/documents/s8640/Review%20of%20Pupil%20Product%20Ratios%20for%20the%20purposes%20of%20School%20Place%20Planning.pdf>

DfE guidance on seeking Developer Contributions:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/793661/Securing_developer_contributions_for_education.pdf