



CHILDREN AND FAMILIES OVERVIEW AND SCRUTINY COMMITTEE

24 MARCH 2014

REPORT OF THE DIRECTOR OF THE CHILDREN AND FAMILY SERVICE

'IN THE RIGHT PLACE' – DRAFT STRATEGY FOR THE PROVISION OF SCHOOL AND OTHER LEARNING PLACES IN LEICESTERSHIRE 2014/18

Purpose of Report

1. To set out for the Committee, and seek comment on, the draft strategy for the provision of school and other educational places in Leicestershire for 2014/18.

Policy Framework and Previous Decisions

2. The Education Act 1996 places a statutory duty on the Local Authority (LA) to ensure a sufficient supply of school places. More recently the Education Act 2011(EA 2011) re-enforced the role of the LA as champion for parents, families and vulnerable pupils, requiring it to promote educational excellence by ensuring a good supply of high quality school places and coordinating fair admissions.
3. The introduction of the Academies Act 2010 served to bring about a significant change in the educational system in Leicestershire and, as a consequence of which, 123 of our 284 schools have so far converted to academy status, with more planning to do so over the next year.
4. The EA 2011 also makes changes to the arrangements for the establishment of new schools, with a presumption that any such schools will be academies or free schools secured, if necessary, through a competition. This sits alongside the recently introduced School Organisation Regulations 2013 which sets out a more streamlined procedure for making significant changes to schools, including the establishment of new schools.
5. The Children and Young People's Overview and Scrutiny Committee considered on 11 June 2012, and more recently the Children and Families Overview and Scrutiny Committee on 9 September 2013, a detailed analysis of the position in Leicestershire and the changing role of the Authority in relation to meeting future demand for school places, in the context of the legislative changes.

6. The Authority has, along with other authorities, received confirmation of substantial capital grant funding for basic needs to provide for new school places (see paragraph 23 below).
7. Members of the Committee have previously raised questions regarding the establishment of further Leicestershire special schools, as part of the Area Special School development programme; this is covered within the draft Strategy.

Background

8. The educational system in Leicestershire is now undergoing substantial organisational change. National policy has been radically moved towards a more autonomous and diverse education system rather than the traditional structure of schools under the direct control of the local authority.
9. In the context of this change, and the provision of school places, education authorities are no longer intended to be direct providers of school places, but rather a commissioner of them, taking on the role within a diverse schools market of promoting, enabling and influencing (through partnership and collaboration) the development of local solutions. The County Council has sought to embrace and keep pace with these changes through, for example, supporting the development of a large number of academies and enabling schools to change their age range.
10. As the role shifts from provider to commissioner and is less 'hands on', then in future we will need to work in a very different way – working with a diverse range of providers and models of delivery. It is evident that the future landscape of education provision in Leicestershire will be a 'mixed economy' ranging from the traditional, maintained community schools model, to 'all through' provision, characterised amongst other things by strong partnerships/collaboratives, with clear links to employers and apprenticeships, more new schools and academies, and the establishment of free schools by external organisations. This change will enable greater choice and diversity in the system, whilst helping to achieve educational excellence, and in particular to provide support for the most vulnerable children – these key drivers are at the forefront of national policy.
11. However, in the changing educational landscape, the County Council retains a statutory duty to ensure that sufficient school places are available within its area for every child of school age whose parents wish them to have one. This ensures that we are able to promote diversity, parental choice and high quality educational standards, to ensure fair access to educational opportunity and to help fulfil every child's educational potential. Whilst the change underway has capacity to raise standards, if not carefully managed between the Authority, maintained schools and academies and other partners, it could serve to destabilise the education system to the point where there is either a significant shortfall of places, or an oversupply that could make the viability/sustainability of some schools a critical issue. The challenge going forward is therefore to have the right number of places available to meet pupil needs, at the time they are required, and in the right schools/educational settings.

12. This requires that the County Council develops a strategy to make clear its priorities for future years, and in the context of providing school and other educational places, the things that we will consider, what we need to do, and how we will develop a capital programme to fund the changes necessary. The report to the Committee on 9 September 2013 identified the development of the Strategy as a key area for action.

Overview of the draft strategy

13. The draft Strategy document entitled 'In the Right Place - Strategy for the Provision of School and Other Learning Places in Leicestershire 2014/18' is attached to this report as Appendix A. This document is arranged in six key sections; the first five set out the background, principles and challenges, how we will work to address these, the things that we will consider and what we need to do about them, and how we will fund the changes necessary. Each of these sections ends with a summary of our strategic ambition and intentions. The final section provides an overview for each district of Leicestershire and the things we believe can drive change at a local level. An Executive Summary is provided at the very start of the document.

The purpose of the strategy

14. The fundamental objective of the strategy is to show how the Council will meet its statutory responsibilities. It is therefore primarily focussed on the provision of school places, but does also consider related aspects of educational provision, for example, Early Learning and Childcare and provision for vulnerable children, particularly those with Special Educational Needs (SEN).
15. However, in practice, the Strategy will serve a number of specific purposes, including providing:
- (i) Pupils with access to a high quality, local learning offer that meets their needs;
 - (ii) Parents with an understanding of the range and diversity of educational choice available;
 - (iii) All schools, academies and other relevant learning places with a clear understanding of how decisions are reached about pupil place planning, the maintenance of school premises, asset planning processes (where applicable), the allocation of capital funds, and how they can be involved in the decision-making process;
 - (iv) Local Planning Authorities, housing developers and their agents with an understanding of their role in supporting the future pattern of education and learning provision and the basis by which decisions are taken by the County Council;

- (v) A stronger relationship with those that also have an interest in the running of Leicestershire schools, in particular the Dioceses;
- (vi) An awareness for new providers of our strategic aspirations for the development of Leicestershire schools and other learning places;
- (vii) The wider community with an understanding of how education and learning provision will be delivered to support the development of Leicestershire throughout the life of this Strategy;
- (viii) The Department for Education and national government generally with a robust evidence base that supports future investment in Leicestershire schools and all types of learning provision.

Key drivers and investment priorities

16. There are three basic factors that influence the need for additional school places:
 - (i) Natural demographic change in the population, arising from increased births and population movement, defined by the Department for Education (DfE) as 'basic need';
 - (ii) New housing developments, their scale, and the speed at which they progress;
 - (iii) The popularity of successful schools, or conversely a decline in popularity for some schools, with long term performance/viability issues.
17. Set alongside the need for additional places, there is a need to ensure that school premises and other educational provision is improved wherever possible and kept in a condition which is fit for purpose. It should be noted that the County Council's responsibilities in this respect relate to maintained schools only, as academies access funding for condition issues direct from the DfE.
18. The above factors will therefore determine the key strategic priorities for the County Council, as this is what we receive central government funding for. However, our strategic ambition proposes to go further than this, and is predicated on a flexible and more innovative approach, designed to address other factors more unique to Leicestershire.
19. The County Council will therefore, where sufficient funding permits, and where change is appropriate and there is clear local demand, support schools and governing bodies to address changes which might further minimise transition stages. For example, this might include helping secondary schools to pursue age range changes, to gain 'all through status' (however, it should be noted that the Council does not receive dedicated funding for school re-organisation, or for academies generally), to seek to remove the 10+ system in the remaining four county areas of Castle Donington, Shepshed, Wigston and Oadby, to enable all primary schools to retain their year 6 pupils, and to replace, where requested

and appropriate, separate infant and junior schools in favour of combined primary provision. In addition, the Council will further develop provision within localities for pupils having SEN and disabilities, vulnerable individuals and those at risk of missing education. It will also seek to improve our Alternative Provision, building upon the work of local Behaviour Partnerships to ensure effective provision for excluded pupils, or those at risk of exclusion.

Resource Implications

20. There are no immediate resource implications arising from this report.
21. In the short term the development of the Strategy will be progressed utilising officer capacity and existing resources within the Children and Young People's Service (CYPS).
22. Longer term, consideration is being given to adopting an integrated (cross departmental) programme approach, as the most appropriate means of delivering the strategy. This is intended to enable a coordinated approach, to make the optimal use of available resources, drawing together all elements of school and other educational place planning. The revenue funding for the programme will be drawn from allocations agreed within the Medium Term Financial Strategy (MTFS) for delivery of the basic needs capital programme, budget allocations for the academies programme and existing budgets within CYPS Education Sufficiency.
23. Although the draft Strategy has been developed at a time of increasing financial constraint nationally, the recent allocation by the DfE of circa £56 million basic needs capital for Leicestershire schools for 2014-17, to address the need for additional school places, will be of substantial help to the delivery of the County Council's strategic priorities. Nevertheless, beyond 2017 more funding will be needed if the Council is to keep pace with demand, and to maintain Council school premises in good order. The DfE have allocated the basic needs funding based on detailed analysis of Leicestershire place planning needs and proposes to monitor how this is spent. The capital programme for 2014/15 to determine the Council's investment priorities is now being developed and a provisional programme for the remaining years, 2015/17, will be available later this year. The DfE have also recently confirmed that the funding allocation for 2014/15 to address condition issues in Council maintained schools will be £4.225 million.
24. Longer term (potentially the next 15 years) will see substantial housing development in Leicestershire, much delivered through Sustainable Urban Expansions (SUE's). Presently, 15 new primary schools and two new secondary schools are planned for the SUE's - each new school by law is expected to be an academy. These will be funded by housing developers to meet their planning obligations and have a possible investment value of circa £75 million.
25. The Director of Corporate resources has been consulted in the preparation of this report.

Other considerations - Section 106 Contributions

26. In tandem with the development of this draft Strategy, work is underway to review the County Council's policy to secure developer contributions for new school places, presently secured through Section 106 planning agreements. These agreements are negotiated between the local planning authority (normally the District Council) and the developer, with input from the County Council. The process requires the Council to demonstrate to the local planning authority sufficient need for additional school places. The review of the Council's developer contributions policy will help ensure alignment with the strategic intentions for the provision of additional places, and to achieve the maximum contribution from developers to support the provision of additional school places that we believe is proportionate to the impact of development.

Equal Opportunities Implications

27. The underlying purpose of developing a strategy for the provision of school and other educational places is to offer greater choice and diversity of educational provision, and help improve standards for all children and young people. In particular the Strategy is intended to support fair access arrangements to all educational settings for pupils from vulnerable groups. All schools are encouraged to undertake an Equality Impact Assessment as part of any proposals for organisational change.

Risk Assessment

28. The risks to the Council arising from increased demand for school places are kept under regular review by officers within the CYPS Education Sufficiency service and reported to the Corporate Schools Group.

Conclusions and Next Steps

29. The Council has robust and effective arrangements in place for the planning of school places. However, the education environment is now changing quite rapidly and dramatically. The priorities set out in the draft Strategy will ensure that the Council is able to keep pace with the change and have a strong strategic influence, in keeping with its statutory responsibilities. Delivery of the priorities set out in the draft Strategy will be coordinated and monitored by the Corporate Schools Group.
30. Subject to amendment to reflect the comments made by the Committee, the draft Strategy will be submitted to the Cabinet on 17 June 2014 to seek approval for consultation with all stakeholders. It is expected that following consultation, a final version of the Strategy will be submitted to the Cabinet for approval in September.
31. A revised County Council policy for seeking developer contributions through S106 planning agreements will be presented to the Cabinet on 17 June 2014

and, subject to approval, will follow a similar timescale for consultation and implementation.

Circulation under the Local Alert Issues Procedure

32. The report to the Overview and Scrutiny Committee will be circulated to all Members of the County Council via the Members' News In Brief Service.

Background Papers

Academies Act 2010 and Education Act 2011

Reports to Children and Young People's Services Overview and Scrutiny Committee
11 June 2012 – 'Policy on the provision of new school places - the changing role of the Local Authority'.

Children and Families Overview and Scrutiny Committee 9 September 2013 –
'Provision of School Places in Leicestershire'.

Officers to Contact

Lesley Hagger, Director of the Children and Family Service
Tel 0116 265 6340 email: lesley.hagger@leics.gov.uk

Gill Weston, Interim Assistant Director Education and Learning, Children and Young People's Service
Tel 0116 305 7813 email: gill.weston@leics.gov.uk

David Atterbury, Head of Strategy (Education Sufficiency) Children and Young People's Service
Tel 0116 305 7729 email: david.atterbury@leics.gov.uk

Appendices

Appendix A - 'In the right place' A Strategy for the Provision of School and Other Learning Places in Leicestershire 2014/18.

This page is intentionally left blank