

## Children and Young People Overview & Scrutiny Committee

2 February 2012

### Draft Framework for Organising Education Provision in Warwickshire

#### **Recommendation:**

That the Committee considers the draft at Appendix A and makes its views known as part of the consultation process.

#### **1.0 Key Issues**

- 1.1 The Framework for Organising Education Provision in Warwickshire sets out the current pattern of school organisation across Warwickshire, highlights trends in the demand for school places and factors that may affect the way schools organise in the years ahead. The document is also intended to identify the key issues and provide an effective basis for planning school organisation to ensure that the County Council can meet its statutory responsibilities.
- 1.2 A number of factors remain key when considering the future provision of school places. These include:
- The number of births in the county, and predicted birth-rate trends
  - The level of current and predicted housing development across the county
  - A pattern of schools that support the raising of standards and the provision of the best quality education

Systems are well in place to consider these factors and representatives of the Local Authority work closely with schools and other stakeholders including District and Borough Councils to ensure we are able to meet our statutory obligations.

- 1.3 An increase in the number of births together with the impact of new housing means that pupil cohorts are rising. This trend is not consistent across all parts of the county with the larger increases of pupil numbers in the main urban areas. Primary schools in rural areas have generally experienced smaller increases in pupil numbers, if they have experienced any increase at all. The number of new houses being built has been relatively low over recent years due to the prevailing economic conditions. However, the impact of large new developments coming on stream perhaps from 2012 onwards could start to further increase the demand for school places.
- 1.4 In order to respond to the need for additional primary school places in certain parts of the county, the Local Authority has looked at options for the provision

of places, in the areas where people want them, and as cost-effectively as possible. This work continues with consultation taking place on specific proposals for expansion as appropriate.

- 1.5 Attainment in Warwickshire is above average at both ages 11 and 16. However, our ambition is to increase this still further. The Council's continued aim is to promote high standards in all schools. At the moment, Ofsted judge 62% of Warwickshire schools to be good or outstanding. Our aim is that all Warwickshire schools will be judged at this level and our planning will be designed to help schools to be able to achieve that goal.
- 1.6 Since the last School Organisation Framework was produced, there has been a change of Government, and with that change has come a number of new challenges for local authorities when considering the future provision of school places. These include:
- Schools actively looking to work more collaboratively together, including moving to federations of schools
  - The drive from Government for schools to become more autonomous and move away from local authority control
  - The introduction of 'free schools', i.e., the potential for new independent state-funded establishments
  - The introduction of Academy Schools, University Technical Colleges and Studio Schools
  - The drive by Government for local authorities to enforce structural change to support the improvement of educational standards where schools are not judged to be meeting need
  - Current consultation on a new Schools' Admissions Code
  - Current consultation on SEN provision
- 1.7 Warwickshire now has several school federations. Federation brings schools together in statutory partnership, with a single governing body. It creates new opportunities to develop dynamic leadership structure, allows school-to-school support to develop in a supportive environment and creates new ways for professionals to focus in more detail on important aspects of the school improvement agenda. In the past, although the LA has been supportive of the development of federations, the process has been largely driven by schools. However, we would now see this changing with the local authority taking on a more proactive role in promoting federations as a possible future model to support raising standards.
- 1.8 Academy Schools are funded directly by central Government, own their own buildings and land and are their own admissions authority. The focus for Academies changed after the general election of May 2010 and now all maintained schools, including special schools, will be able to apply to become Academies. Schools other than those judged by Ofsted as 'outstanding' or 'good with outstanding features' will need to apply in partnership with one that is, or join an existing Academy trust with a proven record of school improvement. Where a school performs consistently poorly, as judged by Ofsted, it will be considered for closure as required by national guidance or supported to improve and, where appropriate, move to Academy status (as is the expectation of Government). The Government's policy is to extend

Academy status to all schools and currently 24 secondary schools in Warwickshire have had Academy Orders issued by the DfE with an expectation that a number more will convert in the coming 12 months. Only one Primary school has sought Academy status at this time, but it is very possible that the movement towards Academy status in the Primary phase will increase over the coming years.

- 1.9 The Government has invited teachers, parent groups and other potential interested parties to bring forward plans for the creation of new 'Free Schools', which are independent state schools funded directly by central Government on a similar basis to the new Academy schools. The Priors School at Priors Marston has been granted 'Free School' status, but currently there is no indication of further Free Schools being proposed in Warwickshire.

## **2.0 Options and Proposal**

- 2.1 The most recent School Organisation Framework ran from 2005 to 2010 and work took place to develop a revised draft to support development through to 2015. In February 2011, the County Council gave approval for consultation with stakeholders and asked that the outcome of consultation be considered by the Overview and Scrutiny Committee before a decision was taken by Cabinet.
- 2.2 An 8-week consultation took place between April and June. The response to the consultation was limited with only two written submissions received. Both of the responses were from schools and challenged assumptions made within the draft document.
- 2.3 Although it is important to note that a significant amount of work went into the production of the Draft School Organisation Framework 2011-15, the level of change in the field of education and the role of LAs, meant that the document was no longer appropriate in supporting school organisation in the future.
- 2.4 In order to ensure we had something that could be considered 'fit for purpose', the decision was taken to radically re-draft the document. A draft Framework for Organising Education Provision in Warwickshire was circulated during early January and comments received will inform the final document.
- 2.5 A copy of the draft Framework is attached as **Appendix A** and we welcome the views of Members as part of the consultation process.

## **3.0 Timescales associated with the decision/next steps**

- 3.1 Comments received during the consultation process will be fully considered and changes made to the draft document as is felt appropriate.
- 3.2 A full report outlining what changes have taken place, and why, will be made available to this Committee in April. It is the intention that the document will then be submitted to Cabinet in May 2012 for final approval.

- 3.3 The revised Framework has not been given a lifespan but will be reviewed regularly and amended as appropriate. This should help ensure that the document does not become out of date and remains fit for purpose.

## Background Papers

1. Cabinet Report February 2011

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## Framework for Organising Education Provision in Warwickshire 2012 Issues paper

This issues paper gives an overview of the Local Authority's Framework for Organising Education Provision in Warwickshire and puts forward views on how the Local Authority will approach the organisation of educational provision for children and young people at a time of change and uncertainty in education.

### 1. Background

Local Authorities are required to "plan effectively for school organisation". Each Local Authority is under a duty to ensure that there are sufficient school places as well as Early Years and Childcare places and that there is sufficient post 16 provision within its area. The purpose of this paper is to provide an effective basis for planning such provision and demonstrate how the LA intends to meet its statutory responsibilities to secure sufficient education provision within its area whilst promoting higher standards of achievement, taking account of both, the national and local context.

At present, Local Authorities have a statutory duty in their area to:

- ensure that there are sufficient schools and school places;
- ensure that there are sufficient Early Years and Childcare places
- ensure that there is sufficient post 16 provision
- promote high educational standards;
- ensure fair access to educational opportunity;
- promote the fulfillment of every child's educational potential;
- promote diversity and increase parental choice;
- respond to the views of parents on school provision;

The recent Education Act 2011 confirms the increasing diversity of education provision and the greater freedom extended to schools and other educational providers. The ability of a Local Authority to manage educational provision in a coherent manner is therefore constrained, so requiring cooperation with the broad range of educational providers if the LA is to meet its statutory duties. There is already a proven record of working effectively with a range of private, voluntary and independent providers in the field of Early Years and Childcare to provide appropriate local provision.

Warwickshire County Council has developed a robust **process for producing forecast data which informs the planning of education places**. Forecasts are generated following receipt of annual data from colleagues in Health, who record the number of live births in each area of the county. Information relating to past trends on the movement of young people across the county boundary and loss to the independent sector are then factored in. Work can then take place to forecast numbers for specific educational settings based on actual numbers in an area, past trends of parental preference, the impact of new housing any other local contextual factors of relevance.

Forecast data is analysed alongside capacity information to enable work to take place to ensure a sufficiency of places within the county. Any changes to LA maintained school capacities are made following statutory processes and full consultation with stakeholders. The new provisions in the Admissions Code 2012 allow schools which are their own Admission Authorities (i.e. Academy Schools, Voluntary Aided and Foundation Schools) to increase their Published Admission Number without consultation.

When new housing developments are proposed, an assessment of the likely impact on numbers takes place. An analysis is undertaken of existing local capacity within the area and the likely

additional numbers to determine whether or not there is sufficient capacity to meet additional demand. In cases where new development will take the numbers in an area above the number of places available, discussions take place with the developers and the relevant local council officers to secure appropriate resources necessary to address any increased demand.

## 2. Key Factors Affecting Numbers of children and young people

There are a number of factors affecting the rise or fall in numbers of children and young people across Warwickshire. While there are general factors across the County as a whole, differences at area and locality level do have a significant impact.

The **demography** of Warwickshire shows a rise in population in recent years and predicts a further rise in numbers over the next twenty years, although closer examination at area level reveals significant variation within the five Districts and Boroughs. Specific factors within an individual area also mean that demographic increases will have variable impact at a locality level. In terms of education place planning it is important to note that while there is some predicted growth at pre school and school age numbers in Warwickshire, the most significant population rise is in older age groups.

The rate of **housing development** is very dependent on the prevailing economic conditions at national, regional and local level. Housing development policies across the five District and Borough councils reflect these economic and demographic pressures as well as the different strategic approaches adopted by each of the councils. Education place planning is further complicated as the five areas are currently at different stages in their strategic planning process with the majority of District and Borough councils planning to finalise their Strategic Plans in 2012 however it is expected that each of the council's strategic housing plans, with the possible exception of North Warwickshire, will need to address the demands of rising population in their areas.

In terms of **cross border movement** there is a significant number of pupils living in neighbouring LAs who attend schools in Warwickshire and to a lesser extent there is also movement of Warwickshire pupils to schools in neighbouring authorities. Overall, Warwickshire is well above the national average as a net receiver of pupils in the primary phase and even more so in the secondary phase. Movement at pre-school age is far less significant.

Warwickshire relies heavily on the private, voluntary and independent (PVI) sector in order to deliver the required number of **pre-school places** for 3 and 4 year olds. There are currently no areas of the county without sufficient early years' places, although in some (predominantly rural) areas, parental choice may be limited. New legislation effective from September 2013 will require all local authorities to fund free places for approximately 20% of their most economically disadvantaged **two year olds**, rising to 40% from September 2014. This requirement will necessitate a significant expansion in early years' provision and will present a considerable challenge in terms of overall sufficiency of suitable Early Years and Childcare places.

In terms of the impact of the **independent sector**, based on data trends it is estimated that approximately 7% of Warwickshire children of school age attend private schools but once again there significant variations between areas of the county and yearly changes brought about by the prevailing economic conditions.

The **Academy Schools** movement adds complexity to educational provision and, in particular, pupil place planning, as while these schools are independent of the Local Authority and are their own Admission authorities, the Local Authority still carries the responsibility for a sufficiency of publicly funded school places overall. The situation is further complicated by the introduction of a new Admissions Code (2012) which enables Academy Schools to increase their Published Admission Number (PAN) without a requirement to consult. This greater autonomy reflects the

government's view that successful schools should be encouraged to expand but in turn makes the Local Authority's forecasting, planning and coordination all the more challenging.

Legislation in 2008 concerning the **educational participation age** requires young people to continue in education or training until the end of the academic year in which they turn 17 from 2013 and until their 18<sup>th</sup> birthday from 2015. Educational pathways may be full time education, such as school, college or home education, work based learning such as an Apprenticeship or part time education or training if they are employed, self employed or volunteering for more than 20 hours a week. These changes will clearly result in more young people in the 'education system' but in terms of impact on school places research suggests that the majority of these 'extra' students will be accessing vocational courses in FE institutions or work related learning rather than increasing numbers in school 6<sup>th</sup> forms.

The **Early Years forecast** for Warwickshire shows a small rise in overall numbers of pre-school children, but within this headline figure there are significant local differences. The new legislation to fund free places 20% of their most economically disadvantaged two year olds will clearly increase demand for places. The **Primary school place forecast** for Warwickshire as a whole shows a gradual but steady rise in pupil numbers entering primary schools although once again there are differences across the county particularly in terms of growth in urban areas and decline or non growth in many rural areas. The **Secondary school place forecast** shows a relatively stable position over the coming seven years although once again the county figures hide area variations, particularly between urban and rural locations. The majority of significant new residential developments are in urban areas and these will impact on the demand for secondary school places

### 3. Underlying Issues in Securing a Sufficiency of Education Places

The Local Authority's paramount aim in developing educational organisation policy is to continue to **raise standards** and so ensure the best possible high quality education for all learners. The Local Authority will continue to promote high standards in all schools and will not maintain schools where attainment is consistently low. Where a school performs poorly as judged by Ofsted or where attainment is consistently below the floor standard the school will be considered for closure or some other structural solution as required by legislation. In line with national policy the LA will support the expansion of successful and popular schools where the local context is appropriate. Within the Local Authority it is the Local Leaders of Education network (LLE) which will provide the main strand of school improvement work within the **Primary phase**. The principal objective of this initiative is to build the capacity for sustainable improvement in schools across the county. Local Leaders of Education are experienced and successful headteachers of good or outstanding schools who have been specifically trained by the National College to provide school-to-school support by working with fellow headteachers.

As strategic commissioners of **Secondary Phase** provision in our area Warwickshire County Council is committed to developing a high quality, vibrant and diverse offer that meets the needs of all of our learners and helps us to secure the goals set out within our *Children and Young People's Plan 2009 – 2012*. These include maximising the range of learning opportunities available to all young people in Warwickshire, in order to raise standards and inspire children to become confident, curious and capable learners who can make a positive contribution within a rapidly changing world. In working towards these aims, key actions have been identified within the *Warwickshire Secondary Phase Strategic Partnership Strategy 2010 – 2015*, and also within the key document *Raising the Participation age in Warwickshire*.

In terms of **Special Educational Needs** any new building or new school should provide the highest level of disability access, and should provide learning environments that will meet the needs of most children with SEN and additional needs. Warwickshire will retain its commitment to special schools and look to reduce the number of pupils who have to access specialist provision outside the County. Clearly the Local Authority will need to address issues within the forthcoming Bill on special educational needs, but the Local Authority is already mindful of the messages arising from the Green Paper.

Key points:

- In providing school places LA will consider, where appropriate the expansion of successful and popular schools. It is understood that, in some instances, a limitation in site capacity, a lack of availability of alternative sites or shortage of capital funds, or adverse impact on neighbouring school may mean this is not possible.
- Where a school performs poorly as judged by Ofsted and others or consistently below the floor standard the LA will consider closure or else a structural solution. The capacity of a school to provide effective educational and social provision for each child should be the prime consideration.
- New building or new schools should provide the highest levels of disability access, and will provide learning environments that will meet the needs of most children with SEN and additional needs.
- Warwickshire will retain its commitment to special schools and look to reduce the number of pupils who have to access specialist provision outside the County.

The Education system in Warwickshire has long since reflected a **diversity of provision** whereby LA maintained Community schools have operated alongside Catholic Voluntary Aided schools, Church of England Voluntary Aided schools and Church of England Voluntary Controlled schools as well as Foundation schools. In recent years this diversity of provision has expanded to include a range of new school provision, not maintained by the LA, but operating as part of the wider family of publically funded education provision. As of January 2012 these include Academy Schools and a Free School with proposals for the future development of Studio Schools and University Technical Colleges in some areas of the county. The LA will work closely with these new providers to coordinate and ensure sufficiency of places and high standards in all schools.

Key points:

- In line with statutory requirements, where there is a need for a new school, the Local Authority will seek proposals for the establishment of an Academy
- The Local Authority welcomes the opportunity to work with potential educational providers to consider proposals to provide other styles of educational provision as long as it increases the opportunities for young people in Warwickshire, and does not have a detrimental impact on the sufficiency of places or lower educational standards.

In terms of **Primary school size and organisation** the Local Authority wants to see schools large enough to offer a well resourced and broadly based education to all pupils but not so large that they become impersonal. Warwickshire has a number of outstanding small schools with, or forecast to have, 100 pupils or less. There is a presumption nationally in favour of keeping small schools open as long as the quality of education provided is acceptable and they offer value for money. Small schools have significantly greater unit costs per pupil and all schools with 50 pupils on roll or less will continue to be monitored for continuing viability in terms of projected pupil numbers, the standard of education provided value for money and the contribution of the school to the community. In developing new primary schools it is considered that the minimum size should be at least 210 pupils.

With regard to an upper size limit of primary schools, there has been a working assumption that new primary schools should not exceed 2 forms of entry (420 pupils). However, a number of Warwickshire's most successful schools are already larger than this. Moreover, recent evidence is



that larger schools can perform at least as well as, if not better than, smaller schools in all aspects, whilst having a lower unit cost.

Key points:

- Warwickshire has a number of outstanding small schools with, or forecast to have, 100 pupils or less. There is a presumption in favour of keeping small schools open as long as the quality of education provided is acceptable and they offer value for money
- The size of any proposed new primary school will be based on the local context and need but it is expected that the school will be over 210 pupils on roll. In terms of a maximum limit none is set although careful consideration will be given to any school needing to exceed 400 pupils on roll.
- Wherever possible primary schools should be supported to organise in whole year groups (i.e. 1 Form of Entry (FE) with seven classes, 2 FE with fourteen classes), to aid class organisation to meet Infant Class Size Legislation.
- Wherever possible, 2 FE is preferable in terms of effective deployment of resources. It is accepted however that this may not always be possible.
- Wherever possible new primary schools should be commissioned to have either seven or fourteen classes. Any school built as 1 FE should if possible have a site capable of development to 2 FE, and be built with infrastructure (e.g. hall size) that can be added to easily.

In terms of **secondary schools size and organisation** the level of per pupil funding is not considerably different depending on size. Nationally, there is a tendency for smaller secondary schools to be more expensive per pupil and therefore schools with less than 600 pupils may face viability issues. Such schools are more likely to face diseconomies of scale which can restrict the breadth and depth of curriculum provision that can be sustained. Whilst there are examples of successful, four-form entry secondary schools, experience indicates that a workable baseline is usually five forms of entry. The DFE guidance is that new secondary schools should be no smaller than 900 places and no larger than 1200, exclusive of 6<sup>th</sup> form. Other research suggests that larger schools in excess of 1500 pupils can be effective. Judgements on the optimum size of schools need to be made in the context of the Authority's Principles for Commissioning Post 16 Provision which anticipates increased collaboration between schools and other providers of learning opportunities to ensure all young people in an area have access to the broadest range of courses and programmes.

Key points:

- It is the LA's view that all new secondary schools should normally have a minimum size of 900 pupils and should have a site capable of expansion to 1200 pupils as a minimum.
- To ensure that Warwickshire learners have access to the broadest range of courses the LA will work with all educational providers in an area to encourage effective collaboration.

While the Local Authority has a responsibility to **ensure a sufficiency of education places**, part of the challenge is to identify where there is an issue of surplus places. A reduction of surplus places can be achieved with an adjustment to Published Admissions Number, alterations to priority areas or in extreme cases the amalgamation or closure of a school. The LA will continue to review surplus places numbers in schools and with schools with 25% or more surplus places the Authority will state how it intends to address the situation in conjunction with the school.

When considering proposals to reduce the number of schools in an area, or re-organise provision, key drivers will include:

- the educational performance of the school
- the school's ability to deliver a full range of quality curriculum and social experiences
- whether the schools actually serve the majority of the community in which they are sited
- whether the schools are financially viable
- the physical condition of the premises
- the nature of the site, accessibility to it and scope for expansion

In Warwickshire the smallest schools tend to be located in rural areas and the Government and the Local Authority has a presumption against the closure of rural schools unless there are overriding and compelling reasons. Whilst any structural change to the provision of schools has to consider the needs of the individual community, larger schools provide economies of scale; greater capacity for leadership and more flexibility to support a more diverse and complex curriculum. The Local Authority will therefore keep the issue of school size under review including the consideration of the **amalgamation of infant and junior schools** where appropriate.

The Local Authority will continue to promote innovative patterns of school organisation which encourages schools to work together through collaboration and federation. The LA will support schools, where appropriate, to explore collaborate models of school organisation.

The development of all through 0 -16 or 0- 19 schools will in future be considered, particularly where the primary school would benefit from greater management capacity and access to additional curriculum resource and where the long term sustainability of a secondary school would benefit from being part of a larger entity.

Key points:

- The Authority will continue to review surplus places numbers in schools and with schools with 25% or more surplus places the Authority will state how it intends to address the situation in conjunction with the school.

When considering proposals to reduce the number of schools in an area, or re-organise provision, key drivers will include:

- the educational performance of the school
  - the school's ability to deliver a full range of quality curriculum and social experiences.
  - whether the schools actually serve the majority of the community in which they are sited;
  - whether the schools are financially viable;
  - the physical condition of the premises;
  - the nature of the site, accessibility to it and scope for expansion.
- Amalgamation or federation of separate infant and junior schools will be discussed with the Governing Bodies whenever one headship is to become vacant, or when the schools are involved in a wider review of provision.
  - The Local Authority will continue to promote innovative ways of schools organisation which encourages schools to work together through collaboration and federation. The LA will support schools, where appropriate, to explore collaborate models of school organisation.
  - The development of all through 0 -16 or 0- 19 schools will be considered where conditions are appropriate.

#### 4. Concluding remarks

The factors outlined in this issues paper highlight some of the changing context of school organisation and the complexities of education place planning. It is important that the Local Authority, as the champion of all young people, uses these factors to establish a baseline guide for the education organisation process particularly as the LA works with an increasing diversity of partners. It is the statutory duty of the Authority to ensure there are sufficient education places in their area, promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential.

The Local Authority will be working with providers, employers, local and voluntary organisations and neighbouring authorities to raise achievement, secure access to high quality provision, raise participation and tackle educational inequality

To organise education provision effectively the Local Authority will need to establish itself in a new role as a strategic commissioner rather than purely a provider of places. The movement toward greater diversity of school provision and freedom for schools from central authority has accelerated in recent months. There has already been a rapid movement toward Academy Schools in Warwickshire at secondary level; we wait to see whether this movement gathers momentum in the Primary phase. Certainly, school organisation and educational place planning will need to keep apace of these developments and the possible introduction of other educational partners whether in the form of Free Schools, Studio Schools or University Technical Schools. Alongside these developments demographic pressures and the strategic response of each of five Warwickshire District and Boroughs will heavily influence demand for schools places. Therefore the Framework will need to continue to be flexible and responsive to the changing demands of the educational landscape to ensure not just a sufficiency of places but the highest standard of education is available for Warwickshire children.