

# Children and Young People Overview and Scrutiny Committee

20 June 2012

## A Framework for Organising Education Provision in Warwickshire 2012

### Recommendation

That the Committee discusses and comments on the report.

This paper sets out the Authority's approach to the commissioning of school places and the issues which the Council needs to take account of as part of that commissioning process. It builds on the framework for school organisation which was previously a statutory requirement and formally agreed by the County Council.

### 1.0 Background

1.1 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 Council 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.

1.2 Local Authorities have a statutory duty in their area to:

- ensure that there are sufficient schools and school places within a locality
- 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;

- 1.3 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 Council 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.
- 1.4 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.

## 2.0 The Commissioning of School Places

- 2.1 Forecast data, the pattern of parental preference and capacity information is analysed to identify areas where there is a shortfall or surplus of school places.
- 2.2 Forecast data will seek to take account of new housing developments and estimate the number of children who may require a school place.
- 2.3 Data and information is shared with Heads and Governors of schools, local Elected Members and the Church authorities when relevant, in order to identify actions the Authority might take to ensure a match between the supply and demand for school places. Where there is a shortfall of school places action could include:
- proposals to change priority areas to better manage admissions to individual schools;
  - proposals to bring back accommodation into use and to increase the planned admission number, thus increasing the number of school places available;
  - proposals to expand the capacity of particular schools in order to increase the number of school places available in an area;
  - proposals to develop new schools.
- 2.4 Such proposals would normally only be made with the agreement of the governing bodies of the schools concerned; this would be a requirement in the case of Academy schools.

- 2.5 Proposals to increase the capacity of school will ordinarily require capital investment. The provision of school places 'basic need' is a priority both for the Government in its allocation of capital funding and for the County Council. Such capital could be available to Academy schools in order to assist the Council to meet its statutory duties.
- 2.6 If a new school is required the Council is required to run a competition to identify an organisation prepared to make provision in an area. This could be a Free School sponsored by parents or local community, an Academy sponsor including, for example, the church authorities.
- 2.7 Where there is a surplus of school places, action could include:
- proposals to federate or amalgamate schools to secure strong leadership and economies of scale;
  - proposals to reduce planned admission numbers by finding alternative uses for accommodation within schools;
  - proposals to close schools.
- 2.8 The County recognises the impact on communities, particularly rural communities of the closure of primary schools. There is a presumption in law that authorities will not close schools in rural areas, unless the quality of education provided is deemed unsatisfactory. Primary schools are by definition local schools and the Council will need to consider carefully the costs of transport and its appropriateness for young children. The emphasis of the County as required by law therefore is to promote new patterns of school organisation (federation, etc.) to reduce costs, and promote effectiveness but to retain provision within communities, wherever possible.
- 2.9 The ability of the Council to manage the supply of places is increasingly difficult in a context where successful schools which are their own admission authority can decide to increase their planned admissions number, where Free Schools can be established by parent, community or charitable groups and where Academy schools can make proposals to extend the age range from 11-16 to 11-18.
- 2.10 Once a business case for a particular course of action is agreed Council will be asked to authorise formative and if appropriate statutory consultation and to allocate capital resources as required.
- 2.11 The commissioning process has been reflected in **Appendix A**.

### **3.0 Key Factors Affecting Numbers of children and young people**

- 3.1 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.

- 3.2 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 growth is also predicted on pre-school and school age numbers, the most significant population rise in Warwickshire is in older age groups.
- 3.3 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 expected 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.
- 3.4 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.
- 3.5 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**, potentially 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.
- 3.6 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.

- 3.7 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 commissioning all the more challenging.
- 3.8 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 contributing to a significant increase in numbers in school 6<sup>th</sup> forms.
- 3.9 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 for 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. It is very important to consider primary and early years provision on an area by area basis, recognising that wherever possible we would seek to provide school places in localities so that parents / carers could walk with their children to school. The **Secondary school place forecast** shows a relatively stable position over the next few years until recent increases in the primary population began to impact on secondary levels, 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. Forecast data is shared with schools through individual School Profiles which will enable Heads and Governors to understand and foresee future pressures.

## 4.0 Underlying Issues in Securing a Sufficiency of Education Places

- 4.1 The paper has already referred to the **changing nature of Local Authority's relationship with schools**. The drivers for these changes are numerous but key elements are recent governments' focus on empowering schools through greater autonomy and the increasing diversification of educational provision. The national economic conditions and their impact on reduced funding for Local Authorities is another element as LA services to schools are reviewed, revised and in some

cases withdrawn. The County has undertaken a major review of the potential impact of these changes with Paul Galland's report, 'A Self Sustaining School System -The County Council's Future Relationship with Schools'. This far ranging report recommends a raft of measures needed to redefine the Council's relationship with schools. This changing relationship is still evolving but inevitably will have a significant impact of the LA's role in ensuring educational provision and the levers and powers the LA hold to undertake this task.

- 4.2 The Local Authority's paramount aim in developing educational commissioning 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 Professional Learning Communities (PLCS), partnerships of local schools and the Local Leaders of Education network (LLE) which will provide the main strands 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.
- 4.3 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*. Within the complex context described above relating to Academy schools and admissions the LA seeks to work with secondary phase LLEs, National Support Schools, Teaching Schools and others to create a self improving school system.
- 4.4 In terms of **Special Educational Needs (SEN)** 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. The Local Authority is undertaking a major review of SEN provision which will reflect the issues within the forthcoming Bill on special educational needs but the Local Authority is already mindful of the messages arising from the Green Paper. Special school improvement to meet the challenges envisaged is driven by a partnership between Headteachers and officers in the context of the decision to close the Pupil Referral Unit. The LA is working with potential providers to develop a range of alternative provision to be commissioned by the Area Behaviour

Partnerships and the LA. Consideration is being given to the establishment of a new Additional Needs School (EBS), to include provision for those with Emotional, Behavioural and Social difficulties in the county, and extensive work is taking place within the Area Behaviour Partnerships using their devolved funding to address the specific needs of young people with behavioural difficulties in schools.

Key points:

- In providing school places LA will consider, where appropriate commissioning 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. This could include commissioning an external Sponsor under Academy Regulations. The capacity of a school to provide effective educational and social provision for each child should be the prime consideration.
- All commissioned new buildings 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.

4.5 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 which will impact on 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 will consider the range of options including, the Local Authority seeking proposals to commission 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.

- 4.6 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.
- 4.7 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 420 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.

- 4.8 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 encourages 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 be commissioned having 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.

4.9 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.

4.10 When considering proposals to de-commission provision by reducing the number of schools in an area, or re-organising 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.

4.11 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.

- 4.12 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 and management structures.
- 4.13 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, if necessary by de-commissioning places.
- 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.

## 5.0 Concluding remarks

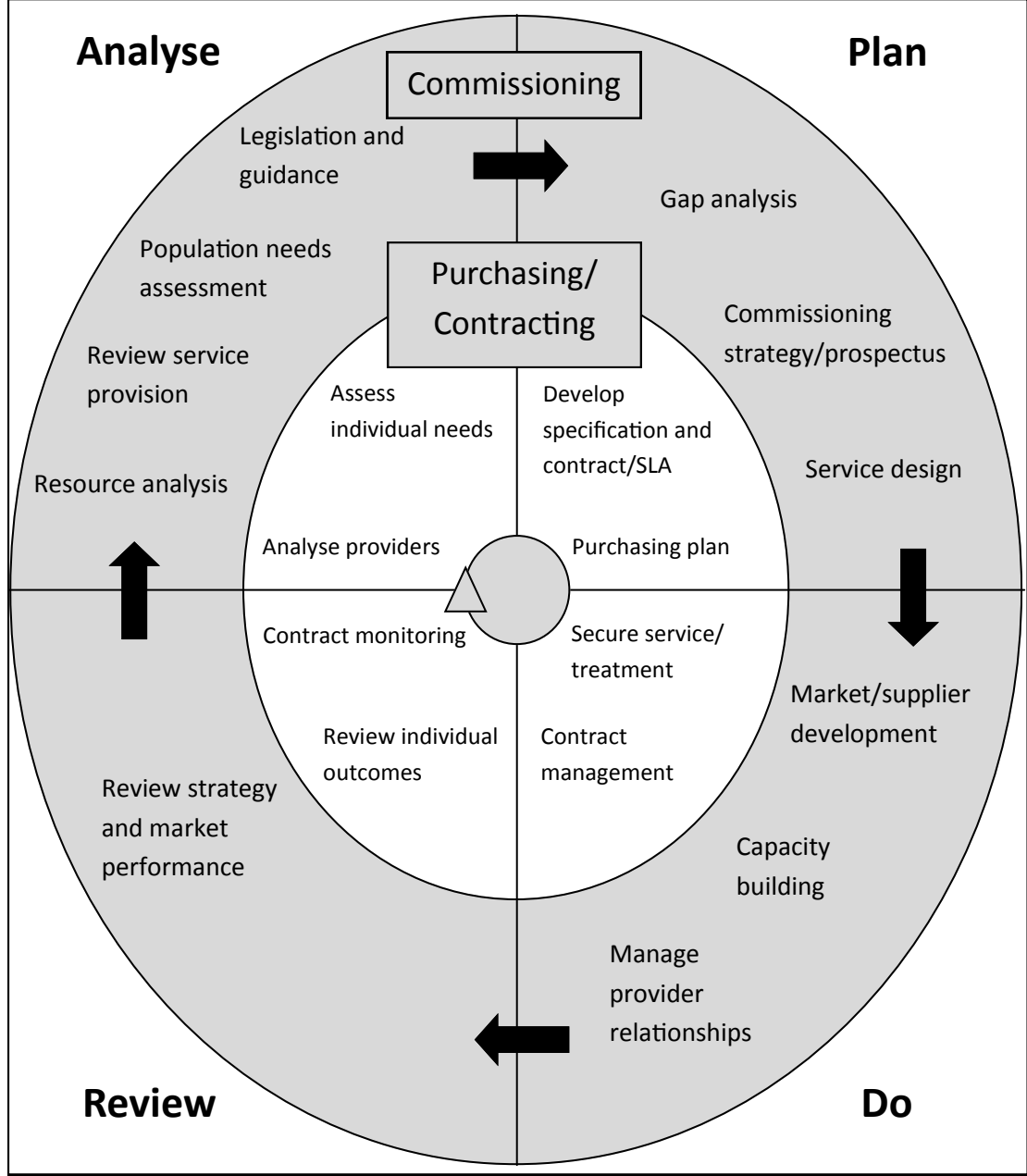
- 5.1 The factors outlined in this issues paper highlight some of the changing context of school organisation and the complexities of commissioning education places. It is important that the Local Authority, as the champion of all young people, uses these factors to establish a baseline guide for the 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.

5.2 To organise education provision effectively the Local Authority, as Paul Galland’s report highlights, 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 pace 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 that the highest standard of education is available for Warwickshire children.

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- ANALYSE**
- Admissions Code and legal framework
  - PCT births data
  - Observatory Admission trends data
  - New housing intelligence
  - School capacities/priority areas
  - Who goes where/preference data
  - Quality impact assessment

- Impact on standards
- Review of admissions data (1+ yr on)
- Contract, standards and performance framework



- PLAN**
- Gap analysis (supply v demand) by locality
  - Options appraisal
  - Feasibility studies (site, cost, condition)
  - Service design (co-location, multi-use etc.)
  - Securing Developers' contributions (S.106/CIL)
  - Agreed Capital Programme
  - Consultative and legal processes

- Commission Design and Construction (existing schools)
- Competition (new schools)
- Contract management/quality assurance