

## Summary Sheet

### Name of Committee and Date of Committee Meeting

Cabinet – 17 December 2018

### Report Title

Annual update on the establishment of education provision at Waverley.

### Is this a Key Decision and has it been included on the Forward Plan?

No

### Director Approving Submission of the Report

Jon Stonehouse –Strategic Director, Children and Young Peoples Service's (CYPS)

### Ward(s) Affected

Holderness, Rother Vale, Brinsworth and Catcliffe.

### Report author:

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## Executive Summary

The Waverley development site is a residential and business community based in Rotherham. The site has outline planning consent for up to 3,890 homes, retail units, community facilities, two primary schools and green infrastructure.

This report provides an update to Cabinet in relation to the establishment of education infrastructure on the Waverley site.

## Recommendation

1. That the annual update report be noted.

## List of Appendices Included

None

## Background Papers

Reports to:

- The former Cabinet Member for Children, Young People and Family Services 5<sup>th</sup> December 2012 – Proposal to establish catchment area arrangements for the Waverley Estate
- The former Cabinet Member for Children, Young People and Family Services 16<sup>th</sup> March 2013 – Annual update on the Waverley Development

- The former Cabinet Member for Education and Public Health Services  
15<sup>th</sup> July 2014 – Annual update on the Waverley Development
- Commissioner Manzie – July 2015 – Annual update on the Waverley Development
- Cabinet and Commissioners Decision Making Meeting – 11<sup>th</sup> July 2017 – Report seeking approval to commence procedures to establish primary education provision at Waverley.
- Cabinet and Commissioners Decision Making Meeting – 11<sup>th</sup> September 2017 – Endorsement of the Academy sponsor appointment for the proposed primary school on the Waverley development site.

**Consideration by any other Council Committee, Scrutiny or Advisory Panel**

No

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## **Annual update on the establishment of education provision at Waverley**

### **1. Recommendations**

1.1 That the annual update report be noted.

### **2. Background**

2.1 Rotherham Metropolitan Borough Council has a historic annual profile of satisfying 90%+ parental first preferences in relation to, entry to primary and secondary school on national offer days and continues to remain above the national average.

2.2 The Waverley development will provide up to 3,890 new residential dwellings, with a developer education infrastructure contribution agreement of £11.2M in place made under Section 106 of the Town and Country Planning Act 1990 (S106). This will create an eventual two primary schools both with a two form entry with 60 pupils per year group.

2.3 As reported to Cabinet on 11<sup>th</sup> September 2017, the Regional School's Commissioner appointed Aston Community Education Trust (ACET) Multi Academy Trust as the Academy sponsor for the first school following a robust selection process coordinated by the Local Authority and chaired by an independent selection panel member.

2.4 Since the formal appointment of ACET as sponsor, Officers from Rotherham Metropolitan Borough Council (RMBC), Harworth (principal developer and land owner), Department for Education (DfE) and ACET have worked collaboratively to establish education infrastructure requirements and plans as a project group.

2.5 Plans for the new school to be known as Waverley Junior Academy have subsequently been submitted to the Planning Board for determination in December 2018/January 2019.

2.6 The Local Authority is responsible for funding pre opening sponsor costs and diseconomies in the first year of operation costs from Dedicated Schools Grant and a funding formula established by Schools Forum and in line with DfE guidance has been agreed between RMBC and ACET.

2.7 Waverley Junior Academy is scheduled to open in September 2020 and, necessary processes and plans to establish the school as required by DfE including admission arrangements, funding agreements, policies and education plans are currently being addressed by the project group and sub groups for sign off by DfE prior to the opening of the school.

2.8 The Section 106 agreement trigger points for the release of funding to develop the primary provision for the second primary school are:

*2.8.1 Occupation of the 1550<sup>th</sup> dwelling will release funds for the design / procurement process for the second new school. (5% of total funding for the education contribution)*

*2.8.2 Occupation of the 1750<sup>th</sup> dwelling release funds for a second 2 form entry primary school. (45% of total funding for the education contribution)*

2.9 The principal developer has made a provisional enquiry to amend the above trigger points to:

*2.9.1 Occupation of the 2,350<sup>th</sup> dwelling will release funds for the design / procurement process for the second new school. (5% of total funding for the education contribution)*

*2.9.2 Occupation of the 2,600<sup>th</sup> dwelling release funds for a second 2 form entry primary school. (45% of total funding for the education contribution)*

2.10 The view of the School Planning, Admissions and Appeals (SPAA) Service and the Strategic School Organisation group is that the current and long standing S106 trigger points for the second school are too early, as the full pupil yield from housing will not be realised at that stage and there will be surplus capacity at Waverley Junior Academy. To make a deed of variation to the existing S106 agreement, the developer will need to make an application to be considered and determined by planning procedures.

2.11 The secondary education infrastructure implications of the Waverley development have also been assessed and, proposals for an expansion of Aston Academy as one of the catchment area schools to create an additional 150 places have been submitted for determination by Cabinet on the 17<sup>th</sup> December 2018 by a separate report. Plans to expand Brinsworth Academy as the other catchment area school will be brought forward at a date to be determined as future DfE allocated funds for school expansions are informed.

### **3. Key Issues**

3.1 As the full pupil yield from new housing can take several years to be realised, the current trigger points to release funding to develop the second Waverley primary school are currently considered to be too early and would have an adverse effect on Waverley Junior Academy as, if the second school opens too early, there would potentially be significant surplus capacity in both schools until the pupil yield increases and schools are funded based on pupil numbers from schools census.

### **4. Options considered and recommended proposal**

4.1 A longstanding Section 106 of the Town and Country Planning Act 1990 funding agreement stipulates the funding release trigger points and timescale for the use of the funding to create primary school education infrastructure. Stipulations have been met for Waverley Junior Academy and any subsequent deed of variation relating to trigger points for school number two will need to be determined through the planning process.

4.2 Department for Education guidance stipulates that any new school must be opened under the Academy/Free School presumption procedure. The appointment of ACET as Academy Trust Sponsor has been approved by the Regional Schools Commissioner.

## 5. Consultation

- 5.1 A series of stakeholder events were organised between July and October 2016 to outline the Waverley school proposals and plans and to ascertain the views and opinions of stakeholders in advance of commencing the sponsorship process. This was completed in line with the requirements of the Department for Education guidance of June 2013 – Establishing a new school.
- 5.2 Furthermore, sponsor consultation has been undertaken as required by DfE to establish that there are no objections to ACET entering in to a funding agreement with the DfE to establish Waverley Junior Academy on the Waverley site.

## 6. Timetable and Accountability for Implementing this Decision

- 6.1 The table below shows the timeline for the build project to establish Waverley Junior Academy.

DATE	ACTION / LANDMARK EVENT
September 2018	Submit planning application
December 2018 / January 2019	Planning Board determination of planning application
January 2019	Application to discharge pre commencement conditions
June 2019	Commence build project
September 2020	School opens

## 7. Financial and Procurement Implications

- 7.1 Capital - The estimated capital cost of Waverley Junior Academy is £8.3m and is earmarked in the schools capital programme. The scheme is to be funded from Section 106 funding and schools basic need capital funding. The school building project will be procured through the 'YORbuild' framework which offers a compliant route to market in accordance with the Council's Financial and Contract Procedural rules and Public Contract Regulations 2015. .
- 7.2 Revenue - Initially the school will receive pre start up and diseconomies funding (linked to a guaranteed minimum number of pupils) until the school is financially viable (up to 3 years). Funding to be allocated from the Dedicated Schools Grants (DSG) growth fund, which is agreed on an annual basis as part of Schools Block consultation process. In future years the academy will be funded through the schools funding formula (based on pupil numbers and pupils characteristics) from the Schools Block of the DSG in line with other schools and academies.

## 8. Legal Implications

- 8.1 The proposals set out in this report are in line with the Authority's statutory duty under section 6A of the Education and Inspections Act 2006, which requires local authorities to seek proposals for the establishment of an academy where there is a need for a new school to be established in its area. This is known as the free school presumption.

8.2 Following completion of the build project, there will need to be a transfer of land and building assets to ACET as the sponsor, as required under the DfE's Academy conversion process.

## **9. Human Resources Implications**

9.1 The new school will create employment opportunities in relation to school leadership, teaching and learning support and ancillary posts such as caretaking, cleaning and catering required following opening of the school. All employees will be recruited and employed directly by ACET. Some ancillary roles such as caretaking, cleaning and catering may be contracted services however; this is for the Academy Trust Board to determine.

## **10. Implications for Children and Young People and Vulnerable Adults**

10.1 Waverley Junior Academy will have Early Years and Special Educational Needs resources on site in addition to mainstream primary school education facilities. The school has been designed to ensure it is fully accessible in relation to both physical and learning resources to enable pupils of all abilities to access education at the school.

## **11. Equalities and Human Rights Implications**

11.1 The opening of Waverley Junior Academy will allow more parents and carers from Waverley to access their first preference of school in future years allowing their child to access primary stage education in a modern, inclusive and innovative learning environment close to home.

## **12. Implications for Partners and Other Directorates**

12.1 There may be some initial impact on neighbouring schools' pupil numbers when Waverley Junior Academy opens, as there will inevitably be some pupil movement as parents and carers from Waverley apply for a place at the new school for their child. This however would be mitigated and minimised as far as possible as the academy would open initially as a one form entry school (30 pupils per year group) and numbers would rise incrementally up to an eventual two form (60 pupils per year group) as the Waverley development grows.

## **13. Risks and Mitigation**

13.1 The main risk when establishing school catchment areas in a new development is that there could be too much demand for a specific school due to a disproportionate amount of housing generated pupil yield compared to place availability. The risk will be mitigated as the more houses are built, the clearer the boundary for catchment areas can be defined.

13.2 There are always risks and uncertainties when school place provision is considered, since future pupil numbers are based on estimations. Over provision at one school could influence pupil numbers at other schools. The Local Authority uses the DfE model formula for pupil number forecasting and it is projected that for 1,000 houses within the development this will generate an eventual pupil yield of 30 pupils per year group - hence the phased implementation of primary school provision within the development to mitigate that risk. Local Authorities are obliged, however, to provide sufficient places, promote diversity and increase parental preference.

#### 14. Accountable Officers

Jon Stonehouse, Strategic Director of Children and Young People's Services  
 Pepe Di'lasio, Assistant Director of Education and Skills  
 Dean Fenton (Head of Service - School Planning, Admissions and Appeals)

Approvals obtained on behalf of:-

	<b>Named Officer</b>	<b>Date</b>
Strategic Director of Finance & Customer Services	Neil Hardwick	23.10.2018
Assistant Director of Legal Services	Linton Steele	22.10.2018
Head of Procurement (if appropriate)	Lorna Byne	19.11.2018
Head of Human Resources (if appropriate)	Amy Leech	9.10.2018

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