

**Committee Name and Date of Committee Meeting**

Cabinet – 23 December 2019

**Report Title**

Proposal to increase capacity at Rawmarsh Community School

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

Yes

**Strategic Director Approving Submission of the Report**

Sally Hodges, Interim Strategic Director of Children & Young People's Services

**Report Author(s)**

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**Ward(s) Affected**

Rawmarsh

**Report Summary**

Rawmarsh Community School is rated by Ofsted as a good school. It is currently oversubscribed and the trend is set to continue in future years.

This report seeks Cabinet approval to fund an increase in capacity at the school to accommodate the current and future demand for places within catchment area, subject to a successful planning application.

**Recommendations**

1. That, subject to a successful planning application and receipt of satisfactory procurement evidence, approval be granted to allocate £0.9m capital to the Wickersley Partnership Trust to increase capacity by 150 places at Rawmarsh Community School, to be achieved by the installation of additional classroom space as part of a larger Trust led building replacement programme to accommodate future pupil numbers.

**List of Appendices Included**

- Appendix 1 Equality Screening Assessment
- Appendix 2 Equality Analysis
- Appendix 3 Summary of consultation on proposals to increase capacity at Rawmarsh Community School

**Background Papers**

Education Act 1996

DfE School Admissions Code 2014

DfE School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013

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

No

**Council Approval Required**

No

**Exempt from the Press and Public**

No

## **Proposal to increase capacity at Rawmarsh Community School**

### **1. Background**

- 1.1 Rotherham Metropolitan Borough Council (RMBC) has a historic profile of satisfying 90%+ parental first preferences for entry to secondary school education on the national offer day of 1<sup>st</sup> March annually. The percentage of pupils who are allocated one of their 3 preferences of a school is above both the statistical neighbour average and the national average as verified by the Department for Education (DfE) school place provision scorecard for Rotherham.
- 1.2 The Local Authority has a statutory duty under the Education Act 1996 (as amended) sections 9 and 13(1) to ensure a sufficiency of school places and satisfy parental first preferences as far as possible within funding parameters.
- 1.3 Rawmarsh Community School is an academy status school being part of the Wickersley Partnership Trust following conversion in August 2014. The Academy is rated as Good by Ofsted and as such falls in to the successful and popular schools category. As an Academy, the Governing Body are the Admissions Authority for the school and, under the requirements of the DfE School Admissions Code 2014, 'own admission authorities are not required to consult on their Published Admission Number (PAN) where they propose either to increase or keep the same PAN'.
- 1.4 The school has experienced a significant increase in pupil numbers from within its own catchment area, it is currently oversubscribed in lower year groups and the trend is set to continue in future years. This will be further impacted upon by the higher cohort number of pupils applying for Secondary education in future years following the expansion of Sandhill Primary School as a feeder school and the increased cohort numbers within the other catchment area feeder primary schools.
- 1.5 Rawmarsh Community School Governing Body has incrementally increased the Published Admission Number (PAN) in recent years to ensure that sufficient places are available to meet catchment area demand. This process has followed the DfE School Admissions Code 2014 guidance to 'notify the local authority in good time to allow the local authority to deliver its co-ordination responsibilities effectively'.
- 1.6 As a result of the additional pupils being allocated places as outlined above and, the expected future increase in pupil numbers, there is a requirement for additional classrooms to be installed by September 2020 at the Academy. With the installation of the additional classrooms, the school capacity will increase by 150 places. The additional capacity will allow for sufficient space for all pupils and also allow the Governing Body to set a PAN in future years in line with increased demand for places and within the additional space available.
- 1.7 The current registered capacity at Rawmarsh Community School is 1,075 and the number of pupils on roll is now in excess of 1,000 and is expected to exceed the current capacity limit by September 2020.

- 1.8 Following a Trust commissioned condition survey of the 1960's constructed Raising of the School Leaving Age (RoSLA) block on the school site, the Trust brought forward a proposal to work collaboratively with the Local Authority to replace the RoSLA block with a modular type build and provide the additional 150 places required as a joint venture, which would be project managed by the Trust.
- 1.9 By working collaboratively with the trust and contributing to the joint scheme, the Local Authority can achieve a potential capital saving due to the economies of scale involved of between £200k and £400k based on the recent costs of 2 capital projects to create 150 new places at 2 other secondary schools constructed as stand-alone projects. The scheme will also create similar savings for the Trust from their own capital allocation from the Department for Education.

## **2. Key Issues**

- 2.1 There is a statutory duty on Local Authorities under the requirements of the Education Act 1996 to ensure the sufficiency of school places in their area, within funding parameters.
- 2.2 The additional capacity would enable more parents to access their first preference school for their child and, therefore maintain or increase performance against that indicator on national offer day for entry to secondary phase education.
- 2.3 The cost of the Local Authority contribution to this work can be met from DfE funds provided to the local authority to meet their statutory obligations to provide sufficient school places in maintained schools, academies and free schools.

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

- 3.1 **Option 1:** Maintain capacity at the school at the current level. However as the school will be oversubscribed by September 2020 this would mean that current lack of capacity issues would remain and increase further in future years, resulting in more parents and carers being unable to secure a place at their catchment area school.
- 3.2 **Option 2:** Increase capacity at the school to enable the Governing Body to forward plan long term with sufficient capacity to accommodate the expected future rise in catchment area pupil numbers by creating the additional capacity as a standalone project at a cost of between £1.1m and £1.3m based on similar previous projects.

### 3.3 **Option 3: – Recommended option.**

That subject to a successful planning application and receipt of satisfactory procurement evidence, approval is granted to allocate £0.9m capital to the Wickersley Partnership Trust to increase capacity by 150 places at Rawmarsh Community School. This will be achieved by the installation of additional classroom space as part of a larger Trust led building replacement programme to accommodate future pupil numbers.

3.4 Option 3 is the recommended proposal as this will enable the Governing Body to forward plan long term with sufficient capacity to accommodate the expected future rise in catchment area pupil numbers by working collaboratively with the trust. The building replacement programme, at a cost of £0.9m will create a saving on the basic need budget of between £200k and £400k, although making a contribution to betterment of £200k which is the Academy's responsibility.

## 4. **Consultation on proposal**

4.1 As an Academy, the School Governing Body is the 'Admissions Authority' and, under the requirements of the DfE School Admissions Code 2014, 'own admission authorities are not required to consult on their PAN where they propose either to increase or keep the same PAN. If, at any time following determination of the PAN (set during the annual admissions consultation), the admissions authority decides that it is able to admit above its PAN, it must notify the local authority in good time to allow the local authority to deliver its co-ordination responsibilities effectively'.

4.2 A period of local consultation has been facilitated by the Local Authority with a range of stakeholders including:

Governors at the school

Parents/carers of pupils attending the school

Staff employed at the school

Elected Ward Members

Elected Member of Parliament

Neighbouring schools and schools who may be affected

Other interested parties

Both as a matter of good practice and, to assist the Academy Trust to provide the necessary evidence of local consultation to the Department for Education when submitting any subsequent application to amend the funding agreement between the 2 parties.

4.3 Responses to the consultation completed between 1 February and 29 March 2019 are detailed in Appendix 3 of the report. Cabinet should have regard to the responses when considering the recommendations of this report.

4.4 There were 9 responses received to the consultation. The responses are broadly supportive of the proposals and highlight the need for additional capacity at the academy to support pupil learning and outcomes. The responses also make reference to the success and improvement of the school in recent years.

## 5. **Timetable and Accountability for Implementing this Decision**

5.1 The timeline for the project is outlined below:

1 February to 29 March 2019	Stakeholder consultation on proposals to add capacity to Rawmarsh Community School
November 2019	Seek Cabinet approval of the proposal
February 2020	Procurement process and funding agreement completed
April 2020	Commencement of building works
August 2020	Completion of building works

5.2 The building project will be led by the Wickersley Partnership Trust working in partnership with RMBC Corporate Property Unit.

## 6. **Financial and Procurement Advice and Implications**

6.1 The proposal in principle, to increase secondary school capacity across the borough, to meet future demand for places was approved at Cabinet on 11<sup>th</sup> July 2016 (minute number 46). Approval of the borough wide strategy was granted subject to detailed reports relating to individual projects being brought forward for consideration by Cabinet.

6.2 The total cost of the building project for replacement (betterment) and new places (basic need) is £1.6m. The cost of the RMBC contribution of £0.9m will be funded from Basic Need funding allocated to the Local Authority from the DfE to ensure a sufficiency of education places. The contribution towards the project although contributing to betterment represents a potential saving on the capital budget of between £200k and £400k based on previous similar basic need projects. The saving achieved from basic need funding can be profiled against other capital projects.

6.3 A Strategic Outline Case is in the process of being prepared and will need to be finalised before the scheme commences.

6.4 Revenue funding for the additional pupils at Rawmarsh Community School will be provided from the Schools Block within the Dedicated Schools Grants (DSG) and will be allocated through the schools funding formula (based on pupil numbers and pupils characteristics) in line with other schools and academies.

6.5 The project will be procured by the Wickersley Partnership Trust (Multi Academy Trust) compliant to Public Contract Regulations 2015. Procurement risk lies with the Wickersley Partnership Trust as opposed to with the Local Authority (LA). However, to ensure an open, fair and transparent process has been followed, the LA will only release funding when required evidence has been received from the Trust that a satisfactory tendering process has been completed.

- 6.6 A legal agreement will be required which outlines the responsibilities and financial contributions for both parties and clarifies how any under or overspend on the scheme will be apportioned.

## **7. Legal Advice and Implications**

- 7.1 The Local Authority has statutory duties under the Education Act 1996 to educate children in accordance with parental wishes; and secure efficient education to meet the needs of the population of their area.
- 7.2 Section 9 of the Education Act 1996, requires the Secretary of State and local authorities in exercising their powers and duties under the Act to have regard to the general principle that pupils are to be educated in accordance with the wishes of their parents so far as is compatible with the efficient instruction and training and the avoidance of unnecessary public expenditure.
- 7.3 Section 13(1) of the Education Act 1996 requires local authorities to contribute towards the spiritual, moral, mental and physical development of the community by securing efficient primary and secondary education and in the case of a local authority in England further education are available to meet the needs of the population of that area.
- 7.4 The allocation of DfE basic needs funding provided to assist local authorities to ensure a sufficiency of school places in their area will assist in the performance of the statutory functions mentioned in paragraphs 7.2 and 7.3 above. Despite the fact that Rawmarsh Community School is no longer a local authority maintained school these basic needs funds can be used to fund the proposed works at the school.
- 7.5 Consultation by the Local Authority with those who may be affected by proposals is good practice and the absence of adequate consultation can result in successful legal challenges to the decision made by the local authority.

## **8. Human Resources Advice and Implications**

- 8.1 There are no Human Resource implications to consider from the Local Authority's perspective. Future rising cohort numbers and additional capacity may well lead to further employment opportunities at the school. This however would be for the Trust Board / Governing Body to determine as the employer.

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

- 9.1 The proposals would lead to more parents and carers being able to access their first preference school, maintaining or further improving the secondary school 'National Offer Day' 1<sup>st</sup> preference and combined 3 preference profile within the Borough.

## 10. Equalities and Human Rights Advice and Implications

- 10.1 The proposals would lead to more parents and carers being able to access their first preference and catchment area school, increasing parental satisfaction in being allocated their preferred and local school. An Equalities Impact Assessment (EIA) has also been completed in relation to the proposals to create additional capacity at Rawmarsh Community School (Appendix 1 and 2).

## 11. Implications for Partners

- 11.1 The proposal to add additional capacity at the academy will have minimal impact on neighbouring secondary schools in the authority, as the secondary pupil population continues to rise in the local area and the increased capacity at Rawmarsh Community School is to meet increased demand from within its own catchment area.

## 12. Risks and Mitigation

- 12.1. There are always risks associated with increasing the number of places at a school, since this could adversely impact numbers at other schools. However the academy will be operating above its maximum capacity by 2020 and future catchment area pupil numbers are expected to rise further in future years.
- 12.2 The Local Authority has a statutory duty under the Education Act 1996, to ensure a sufficiency of school places in areas of current and future need within funding parameters.
- 12.3 additional capacity at the academy will allow the Governing Body to strategically plan for future cohort numbers and continue to deliver an effective education to all pupils within the catchment area.

## 13. Accountable Officers

Dean Fenton (Head of Service – Access to Education)

Approvals obtained on behalf of Statutory Officers:-

	<b>Named Officer</b>	<b>Date</b>
Chief Executive	Sharon Kemp	05/12/19
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	01/11/19
Head of Legal Services (Monitoring Officer)	Bal Nahal	27/11/19

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