

**Committee Name and Date of Committee Meeting**

Cabinet – 14 February 2022

**Report Title**

Proposal to increase capacity at Brinsworth Academy

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

Yes

**Strategic Director Approving Submission of the Report**

Suzanne Joyner, Strategic Director of Children and Young People's Services

**Report Author(s)**

Dean Fenton, Head of Service – Access to Education

[Dean.fenton@rotherham.gov.uk](mailto:Dean.fenton@rotherham.gov.uk)

**Ward(s) Affected**

Brinsworth

**Report Summary**

Brinsworth Academy is rated by Ofsted as a good school and 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 by 150 new places (30 per statutory year group) to accommodate the current and future demand for places, subject to a successful planning application.

**Recommendations**

1. That approval is granted to the proposal to allocate £1.7m capital funding to increase capacity by 150 places (30 places per statutory aged year group) at Brinsworth Academy, subject to a successful planning application.

**List of Appendices Included**

- Appendix 1 Summary of stakeholder consultation
- Appendix 2 Equalities Impact Assessment
- Appendix 3 Environmental Impact Assessment

## **Background Papers**

Report to Council Cabinet (11.7.2016):  
proposals to increase secondary school capacity across the borough, to meet future demand.

### **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 Brinsworth Academy**

### **1. Background**

- 1.1 Rotherham Metropolitan Borough Council has a historic profile of satisfying 90%+ parental first preferences for entry to secondary school education on the national offer day of 1 March annually. The percentage of pupils who are allocated one of their 3 preferences of a school place is above the national average as verified by the Department for Education (DfE).
- 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. The duty also extends to the requirement to ensure new school places are delivered in 'successful (Ofsted rated as good/outstanding) and popular (demand led)' schools.
- 1.3 Brinsworth Academy was a school identified in a report to Cabinet on 11 July 2016 (minute number 46) which outlined proposals for meeting longer term future demand in the secondary phase of education.
- 1.4 This report seeks approval of capital investment of £1.7m from Department for Education allocated Basic Need funding (allocated to Local Authorities to create additional capacity in areas of present and future need) and inclusion of the funding in the capital programme to create an additional 150 places (30 places x 5 statutory aged year groups) at Brinsworth Academy to meet present and future need.
- 1.5 Brinsworth Academy has experienced a significant increase in pupil numbers in recent years and remains successful and popular. The school is currently oversubscribed 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 opening of the new Waverley Junior Academy in September 2020 as the Waverley development partly sits within the Secondary catchment area of Brinsworth Academy.
- 1.6 The current registered capacity at Brinsworth Academy is 1,487 and the number of pupils on roll is presently 1,500. With the creation of an additional 150 places the capacity will increase to 1,637. This will create surplus capacity in the short term in preparation for the higher cohort numbers expected in the Year 6-7 transfer group in future years aligned to projected catchment area growth.
- 1.7 The proposal will allow the Academy Principal and Governing Board to plan for future years expected increased intake of pupils from within the catchment area with the assurance that there is sufficient space to continue to deliver the schools' curriculum.

## 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.

## 3. Options considered and recommended proposal

- 3.1 **Option 1:** Maintain capacity at the school at the current level. However as the school is already oversubscribed this would mean that current lack of capacity issues would remain and increase further in future years as a result of catchment area pupil yield growth, resulting in parents and carers being unable to secure a place in the local area secondary school from catchment area and feeder schools.
- 3.2 **Option 2 – Recommended:** Increase capacity at the school to enable the Governing Board to forward plan long term with the assurance that there is sufficient capacity to accommodate the expected future incremental rise in pupil numbers from within the catchment area and associated feeder schools.

## 4. Consultation on proposal

- 4.1 A period of local consultation has been held with governors, parents / carers of students who presently attend the academy and staff, Borough Elected Members, Parish Council, Constituency MP, neighbouring schools and other interested parties via RMBC Communications and the Neighbourhoods Team as a matter of good practice. This will also further assist the Academy Trust to provide the necessary evidence of local consultation to the Department for Education when submitting an application to amend the funding agreement between the 2 parties under the DfE making significant changes to an Academy procedure.
- 4.2 Responses to the consultation completed between 19 November and 17 December 2021 are summarised in Appendix 1 to this report. Cabinet should have regard to the responses when considering the recommendations of this report.
- 4.3 There were 11 responses to the consultation and redacted responses are summarised in Appendix 1. Responses are broadly supportive of the proposal, issues raised during the consultation include:

- *Existing welfare facilities not working effectively.*

Assurances have been given from the Academy that the issues raised were repaired and the issue is now resolved.

- *An increased cohort for existing staff to deal with.*

Academy funding is generated from the annual October census. Any increase in pupil numbers would generate additional funding to enable the Trust to recruit additional staffing resources to meet the requirements of an increased cohort of pupils.

- *Lack of lunchtime facilities.*

The Academy Trust are looking at creative solutions to address any concerns regarding space at meal times. This is an issue that has been raised during previous secondary school expansions as a result of catchment area growth. The issues have been addressed by timetabling adjustments.

- *Staff parking in the event of additional staffing.*

This is an issue that would be considered by Planning Board as part of the planning application process.

- *Additional facilities linked to the additional places.*

The additional building will be designed to incorporate additional work and welfare facilities.

- *Rationale for the additional places.*

This report outlines the rationale for the increase in capacity with the aim of ensuring local demographic growth from within the catchment and feeder school area can be effectively planned for, ensuring all local children can continue to attend their local secondary school.

- *Transport to school.*

Home to school transport requirements will continue to be assessed in line with current home to school transport policy.

- *Disruption to learning and examinations during the build phase.*

The 10 month build project, as with other school expansion projects will be risk assessed and systems of work and the work programme will be designed in such a way as not to detrimentally affect teaching, learning and study. Part of the programme will also be scheduled to coincide with the 6 week summer school holidays.

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

- 5.1
- 19 November – 17 December 2021 – stakeholder consultation
  - February 2022 – report to Cabinet – seeking approval of the capital investment  
If approved by Cabinet:
  - March 2022 – commence design and planning approval process
  - November 2022 – build programme commences to create 150 additional places (30 places x 5 year groups) at the academy
  - August 2023 – build completion and handover
  - September 2023 – new academic year commences with the additional capacity available
- 5.2 The building project will be led by the Rotherham Metropolitan Borough Council (RMBC) Asset Management Service, with accountability to the Strategic Director of Regeneration and Environment.

## **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 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 Within the Children and Young People's Services (CYPS) Capital Programme for 2022/23 and 2023/24 an amount of £1.7m has been allocated to provide secondary school places in the Borough. This allocation is funded by DfE Basic Need Grant. The Basic Need allocation grant is the Government's assessment of the Council funding requirement to meet the costs of additional mainstream school placements.
- 6.3 The cost of this project is estimated at £1.7m in total to provide the additional 150 places to accommodate current and expected future pupil numbers.
- 6.4 A Strategic Outline Case is in the process of being prepared and will need to be finalised before the scheme commences. This will include clear consideration of the timescales required to robustly undertake the necessary procurement activity. The project must be procured in line with the Council's financial and procurement procedural rules and Public Contract Regulations 2015 (as amended).
- 6.5 Revenue funding for the additional pupils at Brinsworth Academy 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.

## **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 Education Acts 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 outlined above. Basic need funds can be used to fund the proposed works at academies and maintained schools.
- 7.5 Consultation 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. All consultation responses should be considered to reduce the risk of any potential legal challenge.

## **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 school, increasing parental satisfaction in being allocated a preferred school.
- 10.2 An equalities impact assessment has been completed and is Appendix 2 to this report.

## **11. Implications for CO2 Emissions and Climate Change**

- 11.1 An impact assessment has been undertaken linked to the proposals contained within this report and is Appendix 3.

## **12. Implications for Partners**

- 12.1 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 this will be further impacted upon as a result of the opening of Waverley Junior Academy in September 2020 and the ongoing associated housebuilding programme at Waverley and subsequent future pupil yield increase.

## **13. Risks and Mitigation**

- 13.1 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 is already operating above its maximum capacity and future cohort numbers are expected to rise further as the Waverley development grows.
- 13.2 The Local Authority has a statutory duty to ensure a sufficiency of school places in areas of current and future need within funding parameters.
- 13.3 The additional capacity at the academy will allow the Governing Board to strategically plan for future cohort numbers and continue to deliver an effective education to all pupils within the local area.

## **14. Accountable Officers**

Nathan Heath – Assistant Director, Education and Inclusion  
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	28/01/22
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	26/01/22
Assistant Director, Legal Services (Monitoring Officer)	Phil Horsfield	21/01/22

*Report Author:*            *Dean Fenton, Head of Service – Access to Education*  
*Email:* [dean.fenton@rotherham.gov.uk](mailto:dean.fenton@rotherham.gov.uk)  
This report is published on the Council's [website](#).