

Committee Name and Date of Committee Meeting

Cabinet – 18 December 2023

Report Title

Expansion of Waverley Junior Academy

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

Yes

Strategic Director Approving Submission of the Report

Nicola Curley – Strategic Director, Children & Young Peoples Services

Report Author(s)

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Ward(s) Affected.

Rother Vale, Brinsworth and Catcliffe.

Report Summary

Waverley Junior Academy opened in September 2020 in response to need created for primary school places by a new housing development. It was originally developed as a 2-form entry school, providing 60 places per year group, with the potential for expansion if needed.

The school is currently oversubscribed, and this trend is set to continue in future years. Projections based on the pupil yield created so far during the development indicates that the expansion by creation of a third form of entry will be required to meet need across the local area in September 2025.

This report seeks Cabinet approval to progress the expansion of the school through the use of s106 developer funding to accommodate current and future demand for places, subject to a successful planning application and DfE approval for significant change.

Cabinet should note that any expansion is subject to a successful planning application and Department for Education regional advisory approval for significant change.

Recommendations

1. That Cabinet note release of the Section 106 funding, as per the agreement with Harworth, to create additional capacity of 210 places at Waverley Junior Academy now that trigger has been met.

2. That Cabinet approve the addition of the proposed expansion to the Capital Programme.

List of Appendices Included

- Appendix 1 Initial equality screening assessment
- Appendix 2 Equality analysis form
- Appendix 3 Carbon impact review

Background Papers

The former Cabinet Member for Children, Young People and Family Services
5th December 2012

Proposal to establish catchment area arrangements for the Waverley Estate

The former Cabinet Member for Children, Young People and Family Services
16th March 2013

Annual update on the Waverley Development

The former Cabinet Member for Education and Public Health Services
15th July 2015

Annual update on the Waverley Development

Commissioner Manzie

July 2016

Annual update on the Waverley Development

Cabinet and Commissioners decision making powers.

11th July 2017

Report seeking approval to commence procedures to establish primary education provision at Waverley.

Cabinet and Commissioners decision making powers.

11th September 2017

Endorsement of the Academy sponsor appointment for the proposed primary school on the Waverley development site.

Cabinet Decision Making Meeting

17th December 2018

Annual update on the establishment of education provision at Waverley

Consideration by any other Council Committee, Scrutiny or Advisory Panel

Name of Committee – Click here to enter a date.

Council Approval Required

No

Exempt from the Press and Public

No

Expansion of Waverley Junior Academy

1. Background

- 1.1 Rotherham Metropolitan Borough Council has a 5-year profile of satisfying 93%+ parental first preferences for entry to primary school education on the national offer day of 16 April annually. The percentage of pupils who are allocated one of their three preferences of a school is above the national average as verified by the Department for Education (DfE) school place provision scorecard for Rotherham. 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.
- 1.2 Waverley Junior Academy is an academy sponsored by the Aston Community Education Trust. The Academy was inspected by OFSTED in July 2023 and rated as 'Good'. As an Academy, the Governing Body are the Admissions Authority for the school and, under the requirements of the DfE School Admissions Code 2021, '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'.

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 Since opening in 2020, Waverley Junior Academy has experienced an increase in pupil numbers. Admissions have been to the Academy's agreed Published Admission Number since September 2020, meaning the school is at capacity for entry to Reception in each year, with the school being oversubscribed in the Catchment area category on National Offer Day since 2021. To date it has been possible to provide for all children refused admission at an alternative local school within a reasonable distance of 2 miles. In the 2022 intake round this was the case for 21 catchment children and for 27 children in 2023.
- 2.3 Waverley Junior Academy remains a successful school and popular with families in the Waverley and surrounding areas and the trend of oversubscription is set to continue in future years. The yield of pupils generated by the Waverley housing development has far exceeded the government formula and the pupil yield rate for the Borough. The high pupil yield is projected to continue based on previous 3-year trend.
- 2.4 Department for Education Guidance 'Estimating pupil yield from housing development', August 2023, recommends that 'The department's pupil yield data may be considered a starting point or baseline position, which local authorities can supplement or adjust according to local circumstances and evidence.' It is considered appropriate in this instance to use local data due to the significant variation from the DfE data.

- 2.5 It has been possible to utilise capacity in other schools across the planning area to meet demand to date and it is anticipated that this will remain the case for entry in 2024. Beyond this time the capacity at schools within a reasonable distance is not sufficient to meet projected demand. The expansion of Waverley Junior Academy is anticipated to meet growing demand for school places across the planning area as a result of new development on the Waverley development and is therefore not projected to impact the overall capacity in local schools.
- 2.6 In line with the continued building of dwellings on the development, the high pupil yield already noted and the projected number of children requiring a school place produced from birth data, there is a requirement for additional classrooms to be installed by September 2025 to meet local need. The additional classrooms, combined with projected surplus capacity in other schools in the planning area, will allow sufficient space for numbers of pupils anticipated to require a school place across the local area and will 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.
- 2.7 The additional capacity would enable more parents to access their first preference school for their child and, therefore maintain or increase performance against national and regional indicators on national offer day for entry to secondary phase education.
- 2.8 Under the s106 agreement with the developer, Harworth Group, they will pay on request to the Council the sum of £2.945m, subject to the Building Cost Information Service index, on occupation of between 1500-1700 dwellings. This threshold has now been met with 1600 dwellings occupied and the amount payable based on the November 2023 forecast is £3,131m.
- 2.9 Any approval for a significant change by way of increasing the PAN through an expansion will need to be approved by the DfE regional advisory board. Access to Education colleagues engage with the DfE regional place planning advisers on a regular basis to support this process and have been guided by them in decisions relating to expansion of Waverley Junior Academy.
- 2.10 Projected pupil numbers in line with ongoing development will be kept under regular review, with a mid-point review by December 2024 to establish if there needs to be a parallel plan for further sufficiency to be created across the local planning area to serve the need to the Waverley development.
- 2.11 A project group of key stakeholders across Education, Planning and Asset Management will be established to oversee the planning, development, and implementation of this project.
- 2.12 The estimated cost of the expansion, including a 10% contingency and 15% fees is £2,936m. The building work would be procured and delivered by the Council.

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, resulting in more parents and carers being unable to secure a school place within a reasonable distance.
- 3.2 **Option 2 – Recommended:** A plan is progressed to increase capacity at the school as detailed within this report to Cabinet to enable the Governing Body to forward plan long term with sufficient capacity to accommodate the expected future rise in pupil numbers.
- 3.3 It is recommended that the proposal to release funding to increase capacity by 210 places at Waverley Junior Academy by the installation of additional classrooms to accommodate current and future pupil numbers be progressed.

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 2021, '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 will be held with governors, parents / carers, staff, Elected Members, neighbouring schools and other interested parties by the Academy Trust to provide the necessary evidence of local consultation to the Department for Education when submitting any application to amend the funding agreement between the 2 parties.
- 4.3 Consultation with the Waverley Community Council to support the requirement for Aston Community Education Trust to evidence local consultation to the Department for Education in any application to amend the funding agreement between the 2 parties will be undertaken through RMBC Officer attendance at their early January meeting.

5. Timetable and Accountability for Implementing this Decision

5.1	December 2023	Seek Cabinet approval of the proposal
	January 2024	Planning application
	May 2024	Discharge of conditions application
	September 2024	Commencement of building works
	August 2025	Sign off completion and handover

6. Financial and Procurement Advice and Implications

- 6.1 The proposal is to expand the school to a 3-form entry and create an additional 210 places (7 classrooms) at an estimated cost of £2.936m.
- 6.2 The capital works are to be funded from the £3.131m S106 funding as outlined in the body of the report.
- 6.3 On the basis that the Council will act as the contracting authority that enters into the contractual arrangement with the appointed Contractor for the construction, all procurement implications will be borne by the Council. All procurement activity must therefore be undertaken in compliance with the Public Contracts Regulations 2015 (as amended) and the Council's own Financial and Procurement Procedure Rules.

7. Legal Advice and Implications

- 7.1 Section 14 of the Education Act 1996 place a general duty of local authorities in England to ensure that there are sufficient schools in their area to provide primary and secondary education. If more primary school places are required in Rotherham, then an enhancement of the capacity is likely to be more cost-effective, less time consuming, and more simply effected than the creation of a new school.
- 7.2 The payment of the education sum will be in accordance with the provisions of the s106 agreement between the Council and Howarth.
- 7.3 The s106 agreement indicates that Harworth Group will pay on request by the Council the sum of £2,945,000 (two million nine hundred and forty-five thousand pounds) subject to indexation on the occupation of between 1,500 and 1,700 dwellings. The threshold has now been reached and the payment is now due.

8. Human Resources Advice and Implications

- 8.1 There are no HR Implications in relation to the proposals to increase PAN. If approved the Academy will recruit to posts where required due Human Resources process will be followed.

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 preference and combined 3 preference profile within the Borough.

10. Equalities and Human Rights Advice and Implications

- 10.1 Due regard has been given to equality impact and a full equality impact analysis is appended to this report. The proposed impact on equality is a

positive one as the expansion will provide fully inclusive educational facilities and will meet the needs of the local community.

11. Implications for CO2 Emissions and Climate Change

- 11.1 A carbon impact assessment has been undertaken and is appended to this report. The impact of the proposed extension is that more children will be attending school locally and so this will reduce travel by car.

12. Implications for Partners

- 12.1 The proposal to add additional capacity at the Academy will have minimal impact on neighbouring primary schools in the authority, as there is not sufficiency in local school to meet projected primary numbers in September 2025. The proposed expansion is not projected to negatively impact capacity within other schools within the planning area.

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 oversubscribed, and future cohort numbers are expected to rise further as the Waverley development grows.
- 13.2 The Local Authority has a statutory duty under section 14 of the Education Act 1996, to ensure that sufficient schools are available for their area to provide primary and secondary education.
- 13.3 The 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 local area.
- 13.4 The cost of the building the additional classroom, exceeds the S106 agreement. In this event, the shortfall would need to be allocated from DFE capital allocations.

14. Accountable Officers

Nicola Curley, Director of Children's Services

Approvals obtained on behalf of Statutory Officers: -

	Named Officer	Date
Chief Executive	Sharon Kemp	04/12/23
Strategic Director of Finance & Customer Services (S.151 Officer)	Judith Badger	01/12/23
Assistant Director of Legal Services (Monitoring Officer)	Phil Horsfield	01/12/23

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