

## Summary Sheet

### Name of Committee and Date of Committee Meeting

Cabinet - 17 December 2018

### Report Title

Proposal to increase capacity at Aston Academy through basic need funding

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

Yes

### Strategic Director Approving Submission of the Report

Jon Stonehouse, Strategic Director of Children and Young People's Services

### Report author:

Dean Fenton (Head of Service – School Planning, Admissions and Appeals)  
01709 254821 or dean.fenton@rotherham.gov.uk:

### Ward(s) Affected

Holderness, Brinsworth and Catcliffe

### Executive Summary

Aston 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 to accommodate the current and future demand for places, subject to a successful planning application.

### Recommendations

1. That, subject to a successful planning application, approval be granted to the proposal to allocate £4.5m capital to increase capacity by 150 places at Aston Academy by the installation of additional classroom space to accommodate future pupil numbers and to replace temporary classrooms currently on site.

### List of Appendices Included

Appendix 1 Summary of consultation

**Background Papers**

- Report to Cabinet and Commissioners' Decision Making Meeting (10.07.2017) – Approval granted for the commencement of procedures to establish primary education provision at Waverley.
- Report to Cabinet and Commissioners' Decision Making Meeting (11.07.2016) – Approval granted for the proposal to increase secondary school capacity across the borough, to meet future demand.
- Report to the former Cabinet Member for Children, Young People and Families (16.03.2013) – Approval granted for the proposal to expand Aston Hall Junior and Infant School.
- Report to the former Cabinet Member for Lifelong Learning and Culture (24.04.2012) – Approval granted for the proposal to expand Treeton CE Primary School.

**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 Aston Academy through basic need funding**

### **1. Recommendations**

- 1.1 That, subject to a successful planning application, approval be granted to the proposal to allocate £4.5m capital to increase capacity by 150 places at Aston Academy by the installation of additional classroom space to accommodate future pupil numbers and to replace temporary classrooms currently on site.

### **2. Background**

- 2.1 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<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.
- 2.2 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.
- 2.3 Aston Academy is an 'academy status' school following conversion in May 2011. 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'.
- 2.4 The school 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 expansion of 2 existing feeder schools and the opening of the new Waverley Junior Academy in September 2020 which sits within the Secondary catchment areas of Aston Academy and Brinsworth Academy respectively.
- 2.5 The Aston Academy Governing Body has incrementally increased the Published Admission Number (PAN) in recent years to ensure that sufficient places are available to meet local 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'.

- 2.6 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 2021 at the Academy. With the installation of the additional classrooms, the school will have an increased capacity of 150 places. The additional classrooms 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.
- 2.7 The current registered capacity at Aston Academy is 1,650 and the number of pupils on roll is now in excess of 1,700.
- 2.8 The design of the accommodation will be such, that should further resources be necessary at the academy in the future, this can be facilitated.

### **3. Key Issues**

- 3.1 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.
- 3.2 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.
- 3.3 There are significant additional costs to the building project as there are 4 temporary classrooms and a school gymnasium with changing rooms on site which have a temporary planning consent, as they are located on Green Belt land. These resources were installed as an interim solution as the school was to be completely rebuilt under the Building Schools for the Future (BSF) project. Subsequently, the Department for Education terminated the BSF project and the Aston Academy rebuild project was cancelled. The temporary classrooms and gymnasium will have to be replaced and relocated on site as part of the previous planning conditions. The cost of 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.

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

- 4.1 **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 in the local area. Temporary classrooms and the gymnasium would still need to be replaced.
- 4.2 **Option 2 – Recommended:** 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 pupil numbers.

4.3 It is recommended that the proposal to fund an increase in capacity by 150 places at Aston Academy by the installation of additional classrooms to accommodate current and future pupil numbers be approved. This will also mean existing temporary classrooms and the gymnasium at the Academy with temporary planning consent will also be replaced at the same time to comply with the planning consent guidelines.

## **5. Consultation**

5.1 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'.

5.2 A period of local consultation has been held with governors, parents / carers, staff, Elected Members, neighbouring schools and other interested parties 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 application to amend the funding agreement between the 2 parties.

5.3 Responses to the consultation completed between 18<sup>th</sup> May and 29<sup>th</sup> June 2018 are detailed in Appendix 1 of the report. Cabinet should have regard to the responses when considering the recommendations of this report.

5.4 There were 5 responses received to the consultation, a summary is provided below and redacted comments are outlined in appendix 1:

5.5 Responses to the consultation are broadly supportive of the proposals and highlight the need for additional capacity at the academy to support pupil learning and outcomes. Reference is also made to the condition of some buildings at the school. However as an Academy, the school is outside of the Local Authority's control and therefore receives funding directly from the Department for Education for wider premises condition repairs and maintenance. The Local Authority is however responsible for replacement of the temporary classrooms and gymnasium installed on site.

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

6.1

December 2018	Seek Cabinet approval of the proposal
September 2019	Planning application
September 2020	Commencement of building works
August 2021	Sign off completion and handover

6.2 The building project will be led by the Rotherham Metropolitan Borough Council (RMBC) Corporate Property Unit, with accountability to the Strategic Director of Regeneration and Environment.

## 7. Financial and Procurement Implications

7.1 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.

7.2 Within the Children and Young People’s Services (CYPS) Capital Programme for 2019/20 and 2020/21 an amount of £3.8m has been allocated to provide secondary school places in the Borough. This budget is funded by £3.150m of Basic Need Grant and £0.650m of School Condition Grant. The Basic Need allocation grant is the Governments assessment of the Council funding requirement to meet the costs of additional school placements,

7.3 The cost of this project is now estimated at £4.5m in total, an increase of £0.700m, to provide the additional 150 places to accommodate current and expected future pupils, associated resources and replace temporary provision.

7.4 Confirmation has now been received from the DfE that the actual 2020/21 Basic Need Grant allocation is £5.054m, an increase of £1.150m compared to the original estimate. It is therefore proposed that this increase will be used to support the Aston Academy project, by building into the project this £1.150m, it will cover the additional costs of £0.700m and allow for £0.450m of the School Condition Grant to be removed from the budget and allocated to other schemes.

<b>Funding Source</b>	<b>Original Budget £3.8m</b>	<b>Proposed Budget £4.5m</b>	<b>Variation</b>
Basic Need Grant	£3.150m	£4.300m	£1.150m
School Condition Grant	£0.650m	£0.200m	(£0.450m)
<b>Total</b>	<b>£3.800m</b>	<b>£4.500m</b>	<b>£0.700m</b>

7.5 The expenditure profile is now as follows:

2018/19	£0.200m
2019/20	£1.800m
2020/21	£2.500m

The expenditure in 2018/19 will be funded by utilising the planned contribution of School Conditions Grant of £0.200m. There is an available unallocated balance in 2018/19 that can be used to cover these costs.

- 7.6 A Strategic Outline Case is in the process of being prepared and will need to be finalised before the scheme commences. The project will be procured using 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
- 7.7 Revenue funding for the additional pupils at Aston 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.

## **8. Legal Implications**

- 8.1 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.
- 8.2 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.
- 8.3 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.
- 8.4 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 8.2 and 8.3 above. Despite the fact that Aston Academy is no longer a local authority maintained school these basic needs funds can be used to fund the proposed works at Aston.
- 8.5 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.

## **9. Human Resources Implications**

- 9.1 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.

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

10.1 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.

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

11.1 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.

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

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 the new Waverley Junior Academy in September 2020 and the associated housebuilding programme at Waverley and subsequent future pupil yield.

## **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 under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, 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 Body to strategically plan for future cohort numbers and continue to deliver an effective education to all pupils within the local area.

## **14. Accountable Officer(s)**

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	Colin Allen / Vera Njegic	25.9.2018
Assistant Director of Legal Services	Linton Steele	10.9.2018
Head of Procurement (if appropriate)	Lorna Byne	19.11.2018
Head of Human Resources (if appropriate)	Amy Leech	6.9.2018

*Report Author:* Dean Fenton (Head of Service - School Planning, Admissions and Appeals).

This report is published on the Council's website or can be found at:-  
<http://moderngov.rotherham.gov.uk/ieDocHome.aspx?Categories=>