

20 March 2023**Agenda Item 5****REPORT OF THE CABINET MEMBER FOR CHILDREN AND FAMILIES****SECONDARY SCHOOL PLACE PLANNING****Purpose of the Report**

1. This is the first report to the Children and Families Select Committee in respect of Secondary School Place Planning. The report seeks to provide an update to members in respect of the current position of secondary school place planning in Nottinghamshire in relation to the overall sufficiency of school places and in terms of specific year group pressures to enable the Committee to monitor the Council's discharge of statutory duty in this area.

Nottinghamshire Context

2. Nottinghamshire is proud of the quality of education provided by its diverse and high performing system of schools, colleges and early years settings. Nottinghamshire is committed to ensuring its residents have access to good or outstanding local schools.
3. Residents have a good choice of schools with high standards: 79% of Nottinghamshire schools are rated Good or Outstanding by Ofsted. Furthermore, in 2022 over 96.7% of residents have secured a secondary school place at one of their preferences.
4. Nottinghamshire faces significant challenges in the future due to a growing population (caused by increased housing development and inward migration), a temporary uplift in the number of pupils within the upper primary / lower secondary school estate, and in line with other local authorities nationally a growing cohort of children with specialised and complex needs.

Projecting Need to ensure Sufficiency of Places

5. The Local Authority has a statutory duty under section 14 of the Education Act 1996 to ensure a sufficiency of places in the area. The number of school places required relates to the number of pupils of statutory school age resident in the County. Decisions on the need to increase or decrease the number of available places are based upon projections about the number of places required not in individual schools, but in planning areas agreed with the Department for Education (DfE). The planning areas are usually but not exclusively geographical.

6. Every year local authorities are required to submit data to the DfE via the School Capacity Survey (SCAP) to confirm existing school capacity across the county and to provide projections of future need and information about any planned projects to deliver new additional places and/or to reduce any overcapacity.
7. There is no nationally agreed formula for identifying projected demand, but Nottinghamshire's methodology is similar to that used by many other local authorities and is approved annually by the DfE. Significant improvements to Nottinghamshire's methodology were implemented in 2020 and have subsequently been further refined to reflect updated DfE guidance and best practice. Current projections reflect a range of factors, including:
 - School capacity
 - GP registration data, to identify the population of children aged 0-5 in each planning area
 - Previous school recruitment patterns, including from out of catchment / out of county
 - The existing school-age population (via the school census)
 - In-year pupil movements
 - Patterns of pupil transfers from infant to junior schools, and from primary to secondary
 - For Reception, Year 3 and Year 7, actual allocations made by the June of the current admissions round
 - DfE core population estimates
 - Pupils potentially arising from new housing commitments identified by district councils
8. The Strategic Place Planning Team produce projection data for planning areas across Nottinghamshire which are made available to schools and academies. Where there is a need to develop additional capacity, the information is shared with the Place Department, which is responsible for expanding existing schools or commissioning new schools to create new capacity.

Funding sources to develop increased capacity

9. There are various sources of funding to support the creation of additional capacity:
 - i) Basic Need Funding from the DfE which is designed to create capacity where there is evidence that pupil numbers are likely to exceed current capacity as a result of population growth as distinct from growth from new housing. This is allocated by the DfE as a result of the SCAP Data. Nottinghamshire has received the following allocations:

2022-23:	£1.199 million
2023-24:	£38.358 million
2024-25:	£5.714 million

N.B. These figures are based on the number of places that the DfE expects the local authority to create in that year.
 - ii) Section 106 Funding, which is collected by District Councils from developers building new housing developments to create new school places.

- iii) Community Infrastructure Levy (CIL), which is also collected from Developers by District Councils to support the community needs around a new housing development. District Councils can choose to allocate CIL funding to support secondary school growth.
- iv) Bids on a wave basis can be made through the DfE Academy Free School programme for new centrally funded schools where there is evidence that an entirely new school is required to meet demand.
- v) Schools can be rebuilt partially or entirely under the DfE School Rebuilding Programme (SRP) - this is currently impacting upon 13 Nottinghamshire schools.

The statutory responsibility to provide a sufficiency of places

- 10. Secondary School capacity in Nottinghamshire as at SCAP 2022 is 57,869, whilst the projected demand is 56,866, indicating a countywide surplus of 1,003 places. **Appendix 1** details projected demand for places in each planning area.
- 11. It should be noted that whilst Nottinghamshire is fulfilling the duty in relation to sufficiency, places may not be in the localities or year groups where the greatest pressures are being experienced.

How are current pressures being addressed

- 12. The key areas of Nottinghamshire which are experiencing and have experienced pupil place pressure in the secondary phase of education are located in the following planning areas: West Bridgford, Rushcliffe East, Carlton, Worksop, Broxtowe South and East Leake. Basic Need funding is used in a way that will deliver the maximum impact on school places where they are needed most to deliver statutory school places in areas of projected insufficiency. Such projections are based on the methodology approved by the DfE.

West Bridgford

- 13. In West Bridgford, a 3 Form Entry expansion is planned at Rushcliffe Spencer Academy and 450 additional places will be available for allocation on completion. It is hoped that this project will be finished by September 2026. During the period of place pressure leading up to completion, the school has committed to Year 7 place allocations higher than the published admission number (PAN). This is being funded by a combination of housing developer contributions (HDCs) and a very significant contribution from Nottinghamshire's Basic Need funding allocation.
- 14. Additionally, in this planning area, the West Bridgford School continues to support the Local Authority. This is achieved by the school routinely offering an additional 50-60 places over its PAN on an annual basis, allowing the admission of predominantly Nottinghamshire resident families located in the school's catchment. The places at this school are released by the Trust in response to the Council's annual requests but could, if the PAN were formally to be raised by the school, be offered permanently, and be reflected in Nottinghamshire's capacity.
- 15. A further mitigation in this planning area is the willingness of the South Wolds Academy (Keyworth), to offer an additional 60 places over its PAN to allow Nottinghamshire resident catchment families a place at the school. Capacity is set to increase here through the

agency of Housing Developer Contributions (HDCs), raising the number of places available by 100. This will be a permanent expansion.

16. In the longer term, the Council has investigated the possibility of building a fourth secondary school in this planning area in order that the two schools identified above do not have to be relied upon to provide over PAN allocations in order to meet the demand for places. To date, the Council has commissioned an exercise in site identification and suitability from the Council's Planning services and Arc Limited. The DfE has recognised that this planning area is experiencing deficit and has therefore indicated to Trusts operating in the County that they would welcome applications from them in consideration of a new Free School. Unfortunately, the Wave 15 Free School Academy offer sponsored by DfE did not attract any applications as far as the Council is aware.

Rushcliffe East

17. This planning area comprises 2 secondary schools: South Nottinghamshire Academy and Toot Hill Academy. The planning area is adjacent to West Bridgford and has in previous years experienced higher than anticipated place demand due to unmet demand being displaced from West Bridgford. Increased housing and demographic growth have resulted in secondary school place pressure. The mitigation of this pressure has led the Council to request that the DfE funded School Rebuilding Programme (SRP) of Toot Hill School be expanded by 1 Form of Entry (FE), which would provide an additional 150 places on completion. This would be funded by a combination of Housing Developer Contributions and Basic Need. The Council indicated that these additional places were required urgently, but early indications from the DfE in terms of project delivery are that this project may not be completed until 2027. This delayed delivery date places the Council in a challenging situation regarding secondary place sufficiency. In recognition of this the Council is in discussion with DfE regarding the acceleration of the project and is considering options for alternatives, one of which would be the further expansion of South Nottinghamshire Academy (Radcliffe on Trent), which has recently completed a 1 FE expansion.

Carlton

18. This planning area comprises 2 schools: The Carlton Academy and Carlton le Willows. In light of housing gain and demographic changes, the Council has worked with contractors acting for Greater Nottingham Education Trust (GNET) at Carlton le Willows school to expand provision here by approximately 600 places (4 FE). This project is funded entirely by Basic Need and is expected to cost in the region of £14 million. In anticipation of the project being completed by September 2023, the school has agreed to admit to the increased PAN of 360 from the current 226. In addition to this project, the Council is working with The Carlton Academy in consideration of providing a 1 FE expansion at the school to accommodate increased demand. Due to cost inflation and the Trust's specification in respect of refurbishment and remodelling, this 1 FE expansion may cost approximately £13 million, which will need full Basic Need support.

Worksop

19. This planning area comprises 2 schools: Outwood Valley and Outwood Portland. Demographic change and increased housing has led to pressure on secondary school places in this planning area. The Council has commissioned a 2 FE expansion of Portland

school, to be completed by September 2024. The Council and the Outwood Grange Academies Trust are in negotiation in respect of a short-term mitigation of pupil place pressure for September 2023, which may allow the provision of up to 60 additional places to be offered one year earlier than the expected completion of the expansion project.

Broxtowe South

20. This planning area comprises 4 schools: Alderman White, Bramcote College, Chilwell School and George Spencer Academy. Housing and demographic change have led to this planning area being under place sufficiency pressure. There are two major projects proposed for this area, these being: the complete rebuild of Bramcote College and its expansion by 1 FE (150 places); and the SRP proposal to rebuild Chilwell School, which the Council has indicated should be designed with the scope to become 2 FE bigger, therefore allowing for an additional 300 places in the future. All SRP projects are like for like: therefore, if the Council requests an expansion and the DfE agrees, the expansion element of the build would require supplementary funding via Basic Need.

East Leake

21. This is a single school planning area. Housing and demographic change (particularly housing) have resulted in projected place pressure (2025). The Council has been in discussion with the sponsoring Trust (DAT) in respect of the capacity and there is scope for the provision of places to grow. Community Infrastructure Levy funding of £7 million is available here, however, if it transpires that a significant expansion is needed, this level of funding will be inadequate. Again, the gap in funding will need to be met by Basic Need.

Key Challenges

22. Post Covid project delays and development price increases are having a significant impact. For example, the delay in the delivery of the Rushcliffe project, originally commissioned several years before the 2020 Covid 19 pandemic, has led to this project being considerably more costly than originally envisioned. It should be noted that project cost inflation (post 2022) has been particularly marked in respect of construction. This has meant that the funding originally identified for project delivery has proved insufficient to meet projected costs.
23. Except for Chilwell School, all of the secondary schools in Nottinghamshire are academies. Any need to create additional capacity through the use of Basic Need Funding therefore requires partnership working, and the agreement of the relevant academy trusts. The Council cannot direct trusts to expand. Whilst the Local Authority seeks to be prudent in the allocation of Basic Need Funding to ensure that expansions can be maximised where necessary, academy trusts increasingly seek to negotiate support with wider issues that fall outside of the scope of Basic Need such as remodelling, refurbishment, and general site development.
24. Place Planning for pupil place sufficiency is a statutory responsibility which sits with local authorities, however, the Council's ability to meet this responsibility is constrained by factors which are directly related to the independence of academies in terms of their control of their buildings, Published Admission Numbers, admission arrangements and funding agreements. The Council has no power to compel academies to provide accurate

information about changes to their net capacity, increase their planned admission numbers or amend their oversubscription criteria to address school place sufficiency needs. The Council cannot compel an academy to recognise a clear and long-standing pattern of admissions above PAN which could help to address sufficiency issues. The Council cannot compel an academy to recognise independently ratified net capacities or to ensure that they maximise the capacity of the building in their curriculum planning. The Council cannot compel an academy to use surplus capacity in certain year groups to provide for increased pressure in other years.

25. There are challenges due to the constraints of the DfE allocation of Basic Need funding which reflects capacity based on the number of statutory school aged pupils resident in Nottinghamshire rather than the number of pupils accessing Nottinghamshire schools. The funding does not take account of how many Nottinghamshire school places are allocated to pupils resident in other local authority areas. Whilst all places are correctly allocated in accordance with the oversubscription criteria for the school, places are regularly allocated to pupils living outside of the county. In 2022, 591 places were allocated as part of the secondary transfer (Year 7) to children living outside of Nottinghamshire.
26. A further challenge is the fact that the allocation of Basic Need funding does not take account of the pressure on places needed in specific year groups but instead focuses on the overall sufficiency. Nottinghamshire is currently experiencing a bulge of pupils in Year 7. This bulge created a year group pressure across the county in September 2022, which will continue in September 2023 and September 2024. Long term projections evidence that there will be a reduction in the number of secondary school places required so Basic Need funding cannot be used to create additional capacity in schools where there is an overall sufficiency of school places. For example, where pupil numbers in Years 11, 12 and 13 are well below PAN, but there is a deficit of places in Year 7.
27. Nottinghamshire County Council does not have the power to compel academy trusts to offer additional school places. Due to the increased number of pupils requiring Year 7 places for September 2023, the Council sought to secure additional school places by negotiating with schools in the areas where additional places were required. In some areas this proved challenging and the Local Authority had to raise concerns with the East Midlands DfE Place Planning Lead, and the Regional Schools Directors who supported the Local Authority's requests.
28. Where there is a pressure in relation to available school places in a specific planning area or year group, this creates ongoing difficulties for families making In Year applications for school places and increases the likelihood that places will need to be allocated through the appeals process or the fair access protocol.
29. Accurately projecting the need for school places is the beginning of a complex process. Securing funding and completing expansion projects in the secondary sector can require protracted negotiations with district councils, developers, academy trusts and the DfE.

Effectively Planning for future need

30. The distance Pupil Place Planning plans can look ahead is governed by the data available, chiefly demographic and housing information. The DfE states that projections cannot include information contained in Local Plans submitted by Local Planning Authorities

(LPAs) as these extend over a longer timeframe than the 10 years of projections. These plans are not guaranteed to be delivered to the timescales initially indicated by planning authorities and may not deliver the number of houses in the locations proposed. Were the Council to use this as a source of information for project development there is a risk that scarce funding could be deployed on projects which are not realised or come on stream at much later dates.

31. The funding for many Council projects is predicated on Housing Developer Contributions via Section 106 agreements or Community Infrastructure Levy payments. If the Council were to commission projects against the uncertain receipt of Housing Developer Contributions this would require prudential borrowing. Financial regulations prohibit borrowing against unconfirmed funding receipts, therefore the Council must confine its plans to known funding streams. The Council will continue therefore to work within a projections methodology which are based in part on housing with a strong likelihood of being realised, i.e., housing with planning permission, not that which is contained in Local Plans without permissions granted.
32. The Council does look ahead and historically allowed at least two years from the point that Place Planning identified a need to the project being delivered by Place and the relevant developer. However, the delivery of projects in the current climate is proving challenging, e.g., Rushcliffe which was identified in 2016 and Bassetlaw in 2018. Projects post Covid are taking much longer to deliver than any reasonable authority could have anticipated and project costs have multiplied.
33. Strategic Place Planning Board meets regularly to identify future priorities and provide evidence of need to inform Members' decisions. Major Projects Board then supervises all projects that are under way. All strategic planning is constrained by the availability of funding and limitations on how that funding can be used. For example, both Basic Need and Housing Developer Contributions are specifically intended to fund the creation of additional places in areas where there is evidence of place insufficiency (though there is a modicum of flexibility regarding s106). Housing Developer Contributions are very rarely sufficient to meet the full cost of a project. The funding available is used as effectively as it can be given the cost and time restrictions arising from the range of contractors working with the Council. All but one of Nottinghamshire's secondary schools are now academies so future developments require effective negotiation and partnership working.
34. Ensuring a sufficiency of secondary school places remains a complex process within a system where the Local Authority has little or no control over the other participants but is dedicated to achieving good or outstanding school places for the pupils of Nottinghamshire.

Reason/s for Recommendation/s

35. Effective strategic place planning for secondary school places is vital to the children and families of Nottinghamshire. Whilst Nottinghamshire County Council continues to fulfil the statutory duty of providing a sufficiency of school places the Council is aware that some planning areas and year groups are particularly pressured.

Statutory and Policy Implications

36. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability, and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

Financial Implications

37. There are no financial implications arising from this report.

RECOMMENDATION/S

- 1) That the Select Committee considers the content of the report and confirms whether they have any further questions or recommendations in relation to secondary school place planning.

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Constitutional Comments (KK 09/03/23)

38. The proposal in this report is within the remit of the Children and Families Select Committee.

Financial Comments (CT 06/03/23)

39. There are no financial implications as a result of this report.

Background Papers and Published Documents

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

[Education Act 1996 \(legislation.gov.uk\)](https://www.legislation.gov.uk)

[School Admissions Code](#)

Electoral Division(s) and Member(s) Affected

All.

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