

**PUPIL PLACE PLANNING
AND
SCHOOL CAPITAL
POLICY**

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Statement by the Chairman of Nottinghamshire County Council's Children & Young People's Committee and the Corporate Director for Children's Services

Nottinghamshire County Council is an ambitious and progressive local authority committed to securing the best for Nottinghamshire and our residents.

Nottinghamshire is a great place to bring up a family and we want all children to have the best possible start to life. We believe that by working in partnership with early years' providers, schools, colleges and universities we will make sure that **people** have the opportunity to acquire the skills and qualifications to build a rewarding life and career as well as contribute to a vibrant local economy.

We want all children to have access to and attend good schools, where they enjoy their learning and achieve their potential, regardless of their background.

We have the legal responsibility to ensure there are the right number of school places. Our Education Learning and Skills Service manages this strategy and makes recommendations to the Members, who are accountable for our place planning and sufficiency arrangements.

The Government encourage all local authorities to "play a substantial and significant role in fostering and supporting free school proposals in their areas, particularly where there is a need for additional or high quality school places."

This Policy is a key document enabling the Local Authority to meet its statutory duty to provide sufficient places for the children and young people of Nottinghamshire. It provides a context for all to understand the pressures and considerations when addressing demand for the expansion of existing provision or the creation of new provision across the County.

This policy seeks to:

- provide the context for planning statutory school places, special school places, alternative provision and early years places, underpinned by relevant data;
- describe the process by which demand for places is forecast on a District and planning area basis;
- include key principles that will govern decisions on planning and delivering additional school places to provide parental preferences of schools which are good and outstanding wherever possible.

In addition, the Policy outlines the process of establishing a new school in Nottinghamshire bases on the current legislative framework within which the process is bound.

Key Stakeholders

In order to deliver sufficient school places various County Council departments work closely with a wide range of partners. These include:

- all schools, academies and other relevant learning providers;
- Multi academy trusts and academy sponsors
- Local planning authorities, housing developers and their agents;
- the relevant Church of England and Roman Catholic Diocesan Authorities and District and Borough Councils to ensure there can be a shared understanding of the

need to secure appropriate levels of developer contributions when new housing developments are being planned.

This policy seeks to provide key stakeholders with the rationale that underpins this strategy. It will outline how decisions are reached about pupil place planning and how funding decisions are made in relation to capital funds from Basic Need funding and Section 106/CIL.

In the context of a changing and dynamic national education policy, this policy seeks to provide key stakeholders with the rationale that underpins this strategy. It will outline how decisions are reached about pupil place planning and how funding decisions are made in relation to capital funds from basic need funding and Section 106/CIL. Key stakeholders include:

- All schools, academies and other relevant learning providers;
- The relevant Church of England and Roman Catholic Diocesan Authorities;
- Local Planning Authorities, housing developers and their agents;
- District Councils to ensure there can be a shared understanding of the need to secure appropriate levels of developer contributions when new housing developments are being planned.

NCC is committed to working collaboratively with all key stakeholders to secure a sufficiency of school places for the children and young people of Nottinghamshire, putting families at the heart of the decision-making process. This County Council is committed to ensuring every family can access a good or outstanding provision.



Cllr Philip Owen
Chairman
Children and Young People's Committee



Colin Pettigrew
Corporate Director
Children, Families and Cultural
Services

Context

There is a new relationship evolving between the Education and Skills Funding Agency (ESFA), the Offices of the Regional Schools Commissioner (RSC) and local authorities to engage in a more active way to deliver free school proposals in the future. It is noted that ESFA colleagues are keen to support local authorities in maximising developer contributions for new schools and new school places through Section 106 agreements/community infrastructure levies (CIL).

The Education Act 1996 confirms that Nottinghamshire County Council (NCC) has a duty to secure school places for all children of statutory school age (5-16 years old) whose parents want them to be educated in a state-funded school. Subsequent Education Acts have built upon this, but the obligation placed on Local Authorities has not changed.

As the Local Authority's role shifts to that of being a 'commissioner' of school places, it will be necessary to work in a different way with a diverse range of providers and different models of governance. The future landscape of education provision in Nottinghamshire is expected to be a 'mixed economy' approach, characterised by a wide variety of schools, academies and other providers. The distribution of pupils in the types of Nottinghamshire schools is outlined below:

| Type | Pupils |
|-----------------------------|----------------|
| Academy Converter | 45,429 |
| Academy Sponsor Led | 17,256 |
| Academy Special Converter | 107 |
| Academy Special Sponsor Led | 70 |
| Community | 45,009 |
| Community Special | 785 |
| Foundation | 752 |
| Studio schools | 127 |
| Voluntary Aided | 5,436 |
| Voluntary Controlled | 4,959 |
| Grand Total | 119,930 |

Recent changes in legislation have increased the numbers of school governance models in Nottinghamshire. More specifically, there has been a rise in the number of academies, including within the primary sector. As a result of government policy, all new schools will be free schools. As at May 2017, in Nottinghamshire 27.2% of primary schools are academies and 92.8% of secondary schools are academies. The tables below provide an analysis, as at May 2017, of the governance status of primary and secondary schools across each of the seven districts.

| Nottinghamshire School Governance Status: May 2017 | | | | | | | | |
|--|-----------|---------|-----------|------------|-----------------|----------------------|------------|-------|
| Area | School | Academy | Community | Converting | Voluntary Aided | Voluntary Controlled | Foundation | Total |
| Ashfield | Primary | 6 | 24 | 2 | 2 | 3 | - | 37 |
| | Secondary | 7 | - | - | - | - | - | 7 |
| | Special | - | 2 | - | - | - | - | 2 |
| Bassetlaw | Primary | 10 | 23 | 1 | 10 | 5 | - | 49 |
| | Secondary | 6 | - | - | - | - | - | 6 |
| | Special | - | 1 | - | - | - | - | 1 |
| Broxtowe | Primary | 6 | 27 | - | 1 | 2 | - | 36 |
| | Secondary | 5 | - | - | - | - | 1 | 6 |
| | Special | 1 | - | - | - | - | - | 1 |
| Gedling | Primary | 9 | 25 | 2 | 3 | 2 | - | 41 |
| | Secondary | 6 | - | 1 | - | - | - | 7 |
| | Special | - | 2 | - | - | - | - | 2 |
| Mansfield | Primary | 8 | 25 | 1 | - | 1 | - | 35 |
| | Secondary | 6 | 1 | - | - | - | - | 7 |
| | Special | 1 | - | 2 | - | - | - | 3 |
| Newark | Primary | 10 | 20 | 2 | 5 | 8 | - | 45 |
| | Secondary | 4 | - | - | 1 | - | - | 5 |
| | Special | - | 1 | - | - | - | - | 1 |
| Rushcliffe | Primary | 12 | 19 | 1 | 2 | 4 | - | 38 |
| | Secondary | 7 | - | - | - | - | - | 7 |
| | Special | - | 1 | - | - | - | - | 1 |

The national agenda is for popular schools to prosper and where appropriate consider growing thus delivering improved quality and standards across the education sector. The County Council supports this approach in principle, and in the role as commissioner, makes proposals to meet a 'basic need' which seek to achieve this. However, it is noted that some historical section 106 agreements are attached to schools which are no longer good or outstanding. Given the time lag between analysis of data and decisions regarding expansion and funding, it is also the case that a small number of schools has been expanded ahead of the projected need.

When new provision is needed due to a shortfall of places, good or outstanding schools will be encouraged to expand:

- where the proposal is to meet the statutory need;
- where it is physically possible and is deliverable in a timely manner;
- where it represents good value for money;
- where there is strong support from: local elected member(s) and school governors for increasing the size of the school;
- where the impact of increased vehicle movements (cars) can be mitigated effectively with improved access and sufficient parking facilities;
- where there is evidence that the expansion will lead to the continued provision of good education; and
- where there is evidence that the expansion will improve the future financial viability and sustainability of the school(s).

For long term planning, it is assumed that all schools have the potential to be good or outstanding. Ofsted judgements are factored in to decisions governing where schools are to be expanded and which sponsors should be supported when opening new schools.

The County Council will work in partnership with local state funded schools, multi academy trusts, local elected members and academy sponsors in the expectation that solutions will be found in the majority of circumstances.

Viability and Sustainability

The preference of the Local Authority is to expand primary schools in half or whole forms of entry (1 form of entry constitutes 210 pupils) unless there is no other option available. Expansions will endeavour to bring the facilities of rural schools as up to date as possible. Whilst rural small schools will continue to play an essential role in providing much needed capacity, it is nonetheless the case that financial security within the primary sector must be an important consideration.

Ideally, school expansions and new primary schools will endeavour to create two forms of entry with viable secondary schools providing at least seven forms of entry to ensure efficient delivery of the curriculum. This would secure primary schools of 420 pupil places, and secondary schools (11-16) with 1,050 pupil places wherever possible.

In some areas of the County, particularly rural communities, small schools will be inevitable. However, given the scale of financial challenge facing schools at this time, governing bodies of small rural schools are being advised and supported by the County Council to agree formal collaborations, federations or membership of multi academy trusts to secure longer term viability and address the needs of local children.

If a school becomes either educationally or financially unviable and local reorganisation remains the only option, the County Council will work closely with the governing body and other stakeholders, such as the Diocese, the Regional Schools Commissioner, the local elected member(s) and ESFA, to identify potential solutions, but with a presumption of the school remaining open and with closure as a last resort.

Demographic Context

The total number of pupils attending Nottinghamshire schools as of the May 2017 statutory school census was 111,480 of which 46% attend maintained, foundation, voluntary aided or voluntary controlled schools and 54% attend academies. A summary of pupils of statutory school age attending schools in Nottinghamshire is shown below.

| Children Attending Nottinghamshire Schools: Statutory School Age by Type of School | | | | | | | | | | | | | |
|--|---------|------|------|------|------|------|-----------|------|------|------|------|---------|----------|
| All Schools | Primary | | | | | | Secondary | | | | | Special | |
| | YR | Y1 | Y2 | Y3 | Y4 | Y5 | Y6 | Y7 | Y8 | Y9 | Y10 | Y11 | All Ages |
| | 9625 | 9735 | 9545 | 9290 | 9268 | 9056 | 8749 | 8288 | 8217 | 7881 | 7566 | 7468 | 729 |
| | 65,268 | | | | | | 39,420 | | | | | 729 | |
| | 105,417 | | | | | | | | | | | | |

Key Nottinghamshire Statistics (May 2017)

282 state-funded primary schools, 45 state-funded secondary schools, 11 state-funded special schools

111,480 pupils attending state-funded schools in Nottinghamshire

65,268 pupils attending state-funded primary schools in Nottinghamshire

39,331 pupils attending state-funded secondary schools

6,881 pupils attending state-funded post 16 schools

956 pupils attending state-funded special schools

27.2% of primary aged pupils attending primary academies

92.8% of secondary aged pupils attending secondary academies

19% attending special academies

Demographic Trends

Across the whole of the County, the number of four year olds began to increase around 2010/2011. Given the falling rolls of previous years, this sharp increase in numbers of four year olds did not initially impact on the County's overall ability to provide pupil places where they were needed. However, as smaller cohorts of older children were replaced by larger cohorts of younger children, overall pressure on primary places resulted in Nottinghamshire County Council investing in excess of £70M basic need funding to create 5409 permanent primary places to ensure demand for primary school places could be met (see Document 1 in the Background Papers for detailed information).

Further details on the demographic trends in the County and districts can be found in the background papers provided separately.

Special School Provision

Nottinghamshire County Council is responsible for ensuring that pupils with an Education, Health & Care Plan (EHCP) or statement of special educational needs attend a school that is appropriate to their needs, promotes high standards and the fulfilment of potential, and that is near to where they live. The Council recognises that pupil population growth and changes in pupils needs over time require an increase in the provision and range of high quality special schools, which minimises the need for unnecessary travel distances from home.

Where an assessment of need identifies a specific school which is rejected by parents/carers for a more distant one, the transport costs of attending the alternative will be borne by the parents/carers.

Approximately 1800 pupils across the county (1.3%) have an Education Health and Care Plan or Statement of Special Educational Need, 58% of whom attend one of 11 Nottinghamshire special schools/academies. This is very low in comparison to Nottinghamshire's statistical neighbours at an average of 2.5% and lower still when compared with the national average at 2.7%.

All Nottinghamshire special schools/academies are judged to be at least *good* by Ofsted, with the exception of one, which is currently *inadequate*, but is improving rapidly. This means that 96% of pupils are educated in a special school/academy which is good or better. In addition, one of the special academies remains uninspected since it converted to an academy but their current self-evaluation shows that if inspected now they would be judged as good.

Nationally there is an insufficiency of special school places but this is a complex issue and is due to a number of factors and, as a result, some Nottinghamshire children and young people have been placed at other schools outside of their locality or with independent providers.

This means that some children with SEND travel greater distances than we would wish, potentially isolating them further from their local community.

NCC recognises that there is always likely to be a small number of children who will always require a higher level of specialist provision than we are able to provide. However, the Council is committed to reducing the number of children travelling too long a distance to school and the number of children attending independent non-maintained schools by expanding the number of special school places and broadening the specialist offer within the County

If this demand for special school places is projected forward, there will be a demand for a further 140 additional special school places in Nottinghamshire in the next five years. This is addressed through a coherent plan for the expansion of special school places.

Most special schools are aligned to localities within a district and meet the needs of a broad range of pupils. Some special schools have particular specialisms in working with certain types of need.

Sixty per cent of children and young people attend a special school within five miles of their residence, thirty percent within 5 and 10 miles, and ten percent live 10 to 25 miles from

home. There are significant transport cost implications to this pattern of place delivery.

Additional factors to consider in the context of special school places include:

- raising the participation age and the extension of care for those with special educational needs to include those up to 25 years;
- the issue of offering childcare to those between two and four years old;
- parents can state a preferred school for their child to attend in the Education Health and Care Plan process;
- significant current and planned housing developments;
- increased number of exclusions for children and young people with SEND;
- increased numbers of children surviving from birth with multiple medical conditions.

Forecasting Pupil Numbers

Projecting the demand for school places is critical if the County Council is to fulfil its statutory duty to secure a sufficiency of places. Nottinghamshire uses a Capita ONE module, in line with many other authorities, and it provides an efficient and well supported process.

Nottinghamshire County Council groups schools across the county into 'planning areas', which have been created following an analysis of the movement of children across school catchment areas, moderated by local knowledge of natural and man-made geographical boundaries, such as rivers and trunk roads, that restrict access to some schools. Using this approach will provide a more accurate reflection of the specific areas and schools within the county that are likely to become pressure points. (See documents 4 and 5 in the Background Papers for details).

Forecasting Methodology

The methodology employed by the County Council for forecasting pupil numbers is the same as that used by many other Local Authorities and is approved by the Department of Education on an annual basis.

Population profile data is aggregated to postcode and age group, which enables the numbers of children in each cohort to be mapped against school catchment areas. In turn, this data is aggregated to the planning areas. This provides the number of young people living in each planning area organised by National Curriculum year cohort.

The statutory school census data for an individual school for each of the past 3 years is compared to the corresponding population profile data for the planning area in which the school is located. This results in a 3 year period percentage intake from the planning area. These 3 percentages are averaged; however, the average is weighted towards the more recent census year.

This percentage is then applied to the appropriate population profile data for the next 5 years to create a first admission and infant to junior projection for the following 5 years.

There is always a degree of movement into and out of schools throughout the year and this is calculated to produce a 'cohort flux', losses or gains between one school year and the next. The average cohort flux for each year group over the past 3 years is calculated for the school and is applied then to each cohort projection to project numbers for the following year. If

there are any known housing developments, the pupil yield from these is recorded against the appropriate school(s).

This approach takes account of shifts in population and the expression of parental preferences to a degree. However, parental preference can fluctuate over short periods of time, as can inward and outward migration, and factors such as these pose significant challenges to providing highly accurate projections of pupil numbers.

At secondary level, the planning of school places will recognise the wider geographical area served by secondary schools, and the greater flexibility they have in accommodating changing numbers. For these schools, assessments of future pupil numbers will be based initially on the historic transfer data from the current linked primary schools and analysis of previous parental preference.

Forecasts of pupil numbers for secondary schools are based on the historic transfer of pupils (usually the average of the last three years) from their linked primary schools. Individual school intakes are adjusted to recognise parental preference, admission numbers, the usual number of successful appeals and general in and out catchment movement trends.

The staying-on rates into post 16 education within school sixth forms (Years 12 and 13) are based on recent staying-on rates.

Where the assessment of future pupil numbers confirms that a change is needed in the capacity of an existing school or a change of age range, the County Council will work closely with the school(s), governors, and the Regional Schools Commissioner and Education and Skills Funding Agency to ensure that there is clarity regarding the future pupil numbers, and that there are effective arrangements in place during any years of transition.

Statutory Processes Relating to Expanding and Opening New Schools

The co-ordination and management of all Local Authority school place planning is located in the Children, Families and Cultural Services Department of the County Council. Recommendations regarding the allocation of relevant capital resource is overseen initially by the Corporate Director for Children's Services and by the Corporate Director for Place. Where additional funding is necessary, the Council's Corporate Asset Management group (CAMG) will consider such business cases. Operationally, expansions and new builds are monitored by the team managers within Children, Families and Cultural Services and Place Services through the mechanism of the coordinated meetings. All recommendations are decided upon by elected members.

Where any proposals for change require the Council to follow the prescribed statutory process, as set out in the guidance 'Making Prescribed Alterations to Local Authority Maintained Schools' published by the Department for Education (DfE) 28 January 2014 and updated April 2016 (based on The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013), the Corporate Director for Children, Families and Cultural Services will ensure that the appropriate timescales and processes are followed, notices published accordingly so as to make clear the proposed change, the rationale for this, including what other options (if any) might be considered, the anticipated timescales, key consultees and means of response.

Where proposals relate to academies and other providers, NCC will work closely with the Department for Education (DfE), Regional Schools Commissioner and Education and Skills Funding Agency to give contextual information and other advice to enable decisions to be taken by the Secretary of State for Education.

The Department for Education website contains full guidance on making changes to school organisation and provides links to relevant statutes. This can be found at www.education.gov.uk/schools/leadership/schoolorganisation

As a commissioner of school places, NCC will fulfil its statutory duty by:

- promoting good choice and diversity of education providers across the county;
- ensuring that, through effective school place planning, Nottinghamshire County Council supports the most vulnerable children including those in care, at risk of social exclusion, and those who have special educational needs or require alternative provision; and
- seeking to support local solutions for the provision of additional school places to meet need and to secure financial viability.

NCC will develop a capital programme (Basic Need and Section 106/CIL) which reflects the commitment to the delivery of sufficient school places utilising creative solutions, such as amalgamation, federation, the expansion of good schools.

Underlying principles for expanding school places

- We shall include a review of school's performance in the planning process for the whole estate in order that more children and young people can attend successful schools. In reviewing the Local Authority's basic need requirements, acknowledgment of popular schools will be factored into any plans for expanding school provision wherever possible.
- Permanent expansions will be preferred to the installation of temporary (mobile) classrooms.
- If there is a requirement to expand a school, it will be enlarged to the next level of capacity which lends itself to good classroom organisation (e.g. 105, 210, 315, 420, 525, 630 places) wherever possible.
- We shall seek to align capital development at schools to secure good value and ensure minimum disruption to the operation of the school (for example, refurbishment of a school will be delivered alongside expansion of places where it is sensible to do so).

Funding of Additional School Places Basic

Need

NCC receives a budget allocation from central government to fund the provision of additional places that are required to alleviate pressures, identified as Basic Need. This allocation is based upon the annual School Capacity Report (SCAP) return (see below) that each Local Authority is required to produce. When this occurs, place planning officers will evaluate all

available data to inform a report of the Service Director, to make recommendations for elected member approval.

The SCAP sets out the capacities of individual schools and planning areas, together with the equivalent forecast demand for places for a five year period for primary schools and a ten year period for secondary schools. Following a rigorous quality assurance process, this translates into a calculation of the number of additional places required across the county in order to satisfy demand. This, in turn, allows the DfE to allocate a percentage of the nationally available funding to each Local Authority. Both the DfE and the National Audit Office have, on a number of occasions, accepted that these Basic Need allocations may not cover the true capital building cost of school places.

Section 106/CIL funding for creating additional spaces resulting from housing developments

NCC is a statutory consultee of the Local Planning Authorities (LPA) whenever new housing developments are proposed. Officers in Policy, Planning, Corporate Services and Support to Schools Service analyse the impact this new housing would have on the supply of and demand for school places. Where necessary, and within specific parameters, NCC requests formally an educational contribution which is incorporated within the wider section 106/CIL agreements negotiated between the district councils and the developers. In a small number of these agreements, NCC is a co-signatory. It is of concern that some district councils do not always agree or secure the necessary contributions for the delivery of sufficient school places. Officers are exploring ways in which to address the shortfall.

NCC's *Planning Obligations Strategy* sets out the County Council's standard requirements, enabling developers to take into account the potential costs of a proposed development at the earliest stage. The strategy does not have any statutory status but if development proposals do not comply with the requirements set out then it could be used as a reason for refusal of planning permission by the Local Planning Authority. The County Council's *Planning Obligations Strategy* was adopted by the Policy Committee in **April 2014**, but this policy is under review currently.

In addition to the Planning Obligations Strategy, NCC Resources has developed a Section 106 protocol which defines the ways of working with each district/borough. The Council's ambition is that all district and borough councils will adopt this way of working.

Establishing a New School

If a new school is required to either satisfy demand for places from a new housing development or through population pressures, the 'free school presumption' can be triggered. Following the Academies Act 2010 and the Education Bill 2010/11, the Education Act 2011 requires Local Authorities to publish proposals for the establishment of a free school whenever they identify a need for a new school. Section 37 of the Act became law on 1 February 2012 and makes changes to part 2 of the Education and Inspections Act (EIA) 2006 to include the 'Academy/Free School presumption'.

The presumption route is led by the County Council which will be responsible for running a free school presumption competition process and is responsible for some of set up costs associated with the new schools. This is likely to represent a new cost pressure for the

County Council.

There is an alternative mechanism whereby potential school sponsors make an Expression of Interest (EOI) direct to the Regional Schools Commissioner (RSC), thus removing Nottinghamshire County Council from the decision making and establishment costs. This is known as the 'Free Schools Presumption - Direct route'.

Document 2 'Procedures for establishing new schools – the free school presumption' in the separate document of background papers outlines the formal process which will be adopted by NCC to run any presumption competition. The Place Planning and Admissions Board has approved the proposal to progress towards adopting the proposal outlined in this document.