

Report of Director of Children's Services and Director of City Development

Report to Executive Board

Date: 17th July 2013

Subject: Learning for Leeds – Setting our strategic direction for ensuring sufficient good quality school places



Are specific electoral Wards affected? If relevant, name(s) of Wards: all	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: Appendix number:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Summary of main issues

All children and young people should be able to achieve well at school, from the earliest years through primary and secondary education, no matter what their background. The goal of the education system in Leeds is to enable all young people to have the best opportunities and to gain the right qualifications for rewarding employment and independence as they become young adults. Securing good quality learning places in every community is essential for every young person to have the best start in life.

Leeds City Council has a statutory duty to ensure the provision of good quality learning places and to secure an appropriate balance locally between education supply, demand, choice and diversity. It is the role of the City Council to plan, organise and commission learning places in Leeds in a way that raises educational standards, manages fluctuations in pupil numbers and creates a diverse community of good schools. The Authority seeks to exercise this function in partnership with children and families, elected members, dioceses, governing bodies of schools, head teachers, local communities and other key stakeholders.

Planning for changes in demand for education places is an important function which can only be fulfilled locally, at a level above the individual schools. Estimating school places is a complex process and rapid shifts in demographic changes, economic conditions, patterns of migration and house building create uncertainties that require robust methodologies and responsive implementation. It is imperative that the best information on housing, access to services, economic development and regeneration are brought together, alongside data held by other agencies, to inform the future needs for school

places. Planning for learning needs to take into account the requirement to provide a learning offer across a wide age spectrum from eligible 2 year olds right up to 17 year olds. This outline strategy sets out the recommended strategic approach to planning for learning places, providing a national and local context and highlighting key issues and risks.

Recommendations

- Executive Board is asked to:
- Consider the proposals contained within this report.
- Support the emerging strategy and key principles required to ensure sufficient, good quality learning places for children and young people in Leeds.
- Note the risks and issues

1. Purpose of this report

1.1 This report provides an outline strategy for the recommended strategic approach to planning for learning places. It provides a summary of the national and local context and highlights key risks and issues. The report also makes recommendations on a number of key principles to consider when planning for learning places.

2. Background information

2.1 Good and outstanding schools are the basis of strong communities and a strong local economy and therefore a key element of the Best City plan. All parents tend to want their children to go to a good local school and they tend to want to have a choice of schools. The need for learning places fluctuates in response to a range of factors, including: birth rate, migration and new housing developments. In addition the housing choices made by residents can affect the forecast yield of children from new housing and transport and accessibility issues are important contributory factors. It is important to stress that patterns of migration, demographics, economic modelling and forecasting has changed significantly over the past decade, not least due to the recession, and are highly uncertain. Any approach to estimating future school places may therefore benefit from a scenario basis and would need to be closely monitored. Increases in demand can require the creation of a new school or the expansion of an existing school by adding permanent or temporary accommodation. Surplus places can also mean the reduction of school provision in an area through reduced admission arrangements or the rationalisation of school provision. Any reviews of school provision undertaken by the City Council (e.g. the opening, closing, federating, amalgamating, expanding or contracting of schools) will, in large part, be prompted by forecast pupil numbers and will, where possible, reflect local views.

2.1. The context within which the Local Authority fulfils its role is changing. Local Authorities are increasingly operating in a more diverse educational environment where decisions about school size and capacity are taken following dialogue and negotiation with a number of providers in the light of local demand. Many schools can now make their own decisions about expansion and there are new providers coming into the market, such as free schools. Nevertheless the Local Authority remains the strategic coordinator and commissioner of school provision, with a duty to plan

strategically and ensure we have the right number and quality of school places for local children and their families. We have a statutory responsibility to monitor the supply and demand for places and for ensuring that there is sufficient capacity to meet demand.

- 2.2.** Local authorities have a statutory duty to ensure that there are sufficient learning places to meet the needs of an area. This is a vital function and one that fulfils a fundamental hierarchy of need. Learning places may be provided by schools maintained by the local authority, academies, free schools, colleges, private and/or voluntary nursery providers or other non-maintained schools. In order to carry out this statutory duty, local authorities need to carry out school place planning and forecasting, taking consideration of a multitude of factors.
- 2.3.** The statutory framework for schools and academies has changed, with increased autonomy for schools from local authorities. Whilst schools and academies that are their own admissions authorities can expand through increasing their own admission numbers, and by seeking capital funding directly from the DFE, a coordinated planning mechanism, enabled by strong local knowledge, is needed to ensure that public funding to secure sufficient school places is allocated efficiently and the demand for learning places is appropriately met.
- 2.4.** School place planning is a complex process, fraught with uncertainty, more so now than ever before, as previous planning assumptions about population mobility, housing yield, and demographic change have very largely been invalidated by rapid shifts in economic conditions and patterns of migration. This is further complicated by the diversity of schools.
- 2.5.** While there are similar factors affecting a number of local authorities, each local authority has its own unique set of local factors to take into account. Best practice would seem to be a local 'bespoke' analysis based on locally-determined planning areas, with a common approach to key factors such as birth rate, migration, and housing developments. Local authorities should generally seek 'local solutions with local partners', working explicitly with elected members, other local agencies, including the health service, economic development services, housing services, benefits agencies, and schools, including academies and free schools, in order to ensure that school place planning is based on the best possible information.
- 2.6.** Future demand for places needs to be assessed as early as possible so that adequate provision can be commissioned and coordinated in a timely way in order to meet local need. Once an increase in future demand has been evidenced, local authorities have a new set of statutory procedures to follow to meet this demand, including inviting proposals for new academies or free schools, where necessary instigating competitions for the provision of new schools and academies. Since these procedures involve third parties, and may be lengthy, it is vital that future demand for learning places is determined as early and as accurately as possible. In addition, it is only when the demand has been evidenced that a local authority can make a case to the Education Funding Agency for capital funding, whether that be delivered through an academy route or a maintained school route.
- 2.7.** In order to make best use of limited public funds, it is important that local authorities maintain both the expertise and the capacity to carry out place planning effectively, coordinating actions with a large number of stakeholders. Central to this is professional leadership and engagement of head teachers and governing bodies, the

early years sector and higher education sector partners with close engagement of elected members. The school place planning function of local authorities needs to work alongside other local authority planning functions, including those for highways, housing, economic and capital developments.

- 2.8.** Predicting school place demand is a complex task. Where children go to school involves a range of different factors such as housing growth, inward and outward migration and parental preference. As a result, planning for school places is based on probabilities and not certainties and while pupil forecasts may be derived from sound methodology, they come without guarantees. Furthermore, the practice of school organisation must take into account a number of different, and at times conflicting, factors. This includes the need to respond to local need, to raise standards, to promote diversity, to respond to government policy, to respond to external and internal findings on the quality of provision and the need to ensure that scarce resources are used efficiently.
- 2.9.** Recent changes to national policy have had a significant impact on the school place planning functions undertaken by Local Authorities. The national educational reform programme, based on school autonomy, raises challenges for local authorities and their responsibilities for school place planning which remains part of their core statutory duties. The Education Act 1998 places a duty on local authorities to secure sufficient school places; this has not been changed by any subsequent legislation. However, the Education Act 2011 changes the process of establishing new schools, giving precedence to academies and removing the ability of local authorities to open up new community maintained schools.
- 2.10.** If school place planning is inadequate or inaccurate, it is the local authority which will be held accountable. This is a function that not only relates to education and children's services but the whole local authority and public services in the area more generally are affected by the effectiveness of school place planning.
- 2.11** Significant work has taken place within Leeds over past months to improve the accuracy of pupil projections. The birth rate continues to rise and for the third year running live births numbered 10,000 or more in Leeds, with births in the 11/12 academic year of 10,350. This is an increase of 354 from the previous year. The number of children, based on births only, entering school is summarised in the table below.

Babies born starting school – Academic Year of Entry	Current Admission Limits	Number of Babies Born
2013/14	9,594	9,652
2014/15	9,639	10,202
2015/16	9,639	9,996
2016/17	9,639	10,350

2.12 The pattern of increasing birth rates is now less stable, with fluctuating birth rates feeding into school over the next few years

2.13 The numbers entering secondary school are growing and this will increase significantly over the next 3 years as the larger cohorts that are already in primary schools begin to feed through. Whilst across the city there remains a current overall surplus of secondary places this masks significant pressures locally. South Leeds already has insufficient school places in the younger secondary year groups and East Leeds will face similar pressures as of 2014/15. The table below summarises secondary projection, based on births.

Year	Current Admission Limits	Year 7
2013/14	8,148	7,512
2014/15	8,148	7,717
2015/16	8,148	8,099
2016/17	8,148	8,368
2017/18	8,148	8,674
2018/19	8,148	8,915
2019/20	8,148	9,133

3. Main issues

3.1. The Role of the Local Authority in Commissioning Education Provision

3.1.1. In the changed national policy context the local authority is increasingly becoming a coordinator and commissioner of learning places. Providers are likely to come from the private, voluntary, charitable and maintained sectors. The role of the local authority is set within a legal framework of statutory duties which are set out below. Within this framework, the local authority continues to a provider of education by maintaining a proportion of Leeds schools and it also fulfils the function of “provider of last resort” to ensure new provision is made when no other acceptable provider comes forward.

3.2. Provision of Maintained School Places – Duties of the Local Authority

3.2.1. The Local Authority has duties to ensure:

- The provision of free learning places to eligible 2 year olds from September 2013;
- There are sufficient places for 3 and 4 year old children to be able to access their free early years entitlement (15 hours per week for 38 weeks a year);
- All Leeds residents of statutory school age (5 to 16 years old) have school places, if their families wish to take these up;
- The provision of full-time education to children who are not in school for reasons of illness, exclusion or otherwise;
- That from September 2013 all 16/17 year olds are in full time education or employment with training; and from September 2015 all young people are in such provision up to their 18th birthday;
- That children and young people's learning needs are assessed, and statements of Special Educational Need (SEN) issued, where appropriate; this may require placement in special school provision in order to meet the child's needs. These responsibilities may extend to young people up to the age of 25;
- That it considers parental representations about the exercise of its functions in relation to the provision of primary and secondary school education, promoting diversity and increased parental choice.
- The promotion of high educational standards;
- Fair access to educational opportunity;
- The fulfilment of every child's educational potential;

3.2.2. As commissioner of schools and learning provision, working in partnership with elected members, local schools and other stakeholders, the Local Authority must decide where schools are needed, decide the site/area to be served, draw up the detailed specification (size, Admission Number, age range) and identify capital funding.

3.2.3. The revised role for the LA will help support the city by:

- balancing supply of learning provision with demand;
- providing sufficient diverse, accessible and inclusive learning environments to meet the needs of local children (ensuring fair access and supporting increasing achievement of parental preference where possible).
- encouraging new education and learning providers and stimulate greater community engagement (this will require the LA to develop systems to hold competitions in respect of new and reorganised learning provision);
- continuing to work with schools and groups of schools to explore options for re-organisation and broker solutions for shared use of accommodation (thus supporting multi-agency delivery of services and extended use, increasing participation and encouraging community cohesion);
- adopting a pragmatic approach to issues of legal school status including Academies, Trust Schools and Free Schools;

- responding to new housing development by seeking contributions from developers, as appropriate, to provide the educational infrastructure necessary to serve new and growing communities;
- developing systems to hold competitions for potential providers of new schools and providers of early years settings
- exploring opportunities for innovation in learning, such as the provision of all through schools for the 2-18 age range.
- continuing to support the provision of denominational schools as part of the overall provision of school places;
- consulting all stakeholders on proposals for new or changed school provision.

3.3. Learning Places in Leeds

3.3.1. Education in Leeds can be divided into three age-determined phases (although there is some overlap between these, typically in the context of through schools). The three main phases are:

3.3.2. Early Years, including the learning offer for eligible 2 year olds, is delivered by Leeds City Council services and private, schools voluntary and independent pre-school providers and accredited child-minders,

3.3.3. 4-16, “compulsory school age” during which schools are the main providers;

3.3.4. Post 14 and 16, colleges and schools both offer provision, with colleges as the sole provider for young people aged 19-25.

3.3.5. The local authority also has specific duties in relation to provision for pupils who have special educational needs.

3.4. Learning Offer for Eligible 2 Year Olds

3.4.1. The key purpose of additional learning places for more disadvantaged two year olds is to drive up social mobility and improve life chances and to provide quality early educational experiences which ensure children have the skills for learning and are ready for school. The primary focus will be on disadvantaged children, who are currently less likely to access the benefits of early education. For Leeds this means that by 2014, 40% of eligible two year olds will be able to access a free early education place at their choice of provider. This focus on raising attainment and narrowing the gap for more disadvantaged children will impact on all the CYPP obsessions in that:

- All children who are looked after, on a child protection plan or ‘in need’ will be able to access a free place, with all families able to access additional and targeted support services through their local Children’s Centre.
- A focus on earlier attendance in education will support attendance in the earlier years of school.
- An additional 4,000 early education places will draw an additional £11m into the city leading to around 1,000 child care worker jobs, of which a significant number will be entry level apprenticeships or school leavers.

3.5. Schools Capacity

- 3.5.1.** The rolls of all schools are kept under review as part of the City Council's role in ensuring that there are sufficient school places in appropriate locations. An additional 1020 reception places have been approved so far since 2009, with further additional capacity required in response to rising demand for places as highlighted earlier in the report. Decisions on expansion take account of factors including the availability of capital funding for new buildings and expansions, the infrastructure of the school, the size of the site, school leadership and standards, views of parents, local residents, schools and governing bodies and local ward members and highways and planning considerations. Other important strategic factors are the availability of places locally, set in the context of the likely pattern of future demand, modified where appropriate through plans for known housing developments and migration.
- 3.5.2.** Not all unfilled places in a school are surplus places; some margin of capacity is necessary to allow parents to exercise a preference, given that there will be volatility in preferences from one year to the next, to allow for differences in the size of individual cohorts and also to enable in year transfers of children. National guidance advises surplus capacity of between 5-10% more school places available than actual pupil numbers. Leeds had been operating with a surplus of less than 3%.

3.6. Developing an Outline Strategy for School Place Planning

3.6.1. Vision for Learning

Our vision for a high performing education system is that every child and young person is able to attend a good or outstanding local school. This is a key issue for Leeds and a significant contributor in assisting with the 'Best City' vision. School organisation and decisions about school organisation have a significant impact on securing this vision. There is increased engagement of leaders of school and learning and elected members in developing a vision and strategy for school place planning in the city. There is a need to ensure that decision making with regards to learning environments and built solutions is supported by a strong evidence base (School size research summary sheet attached at appendix 1)

Proposal 1: *It is proposed that the Cross Party Steering Group for Basic Need and Cross Council Basic Need Programme Board, underpinned by school leaders, are maintained and supported by Executive Board. It is proposed that these groups continue to lead the detailed work to articulate the vision for learning places in Leeds and to coordinate implementation, reporting back to Executive Board. It is recommended that wherever possible creative solutions are found, by improved cross council working, to deliver workable and affordable solutions, at pace.*

3.6.2 Learning Offer for Eligible 2 year Olds

To meet our new statutory duty around 2 year old places we will work with a range of partners and providers, including private, voluntary and school providers and extending provision in Children's Centres.

Proposal 2: £1.58 million is available to initiate a “Start- up” programme to allocate to providers able to open up new places in the required areas of the city. Proposals will be brought forward in due course.

3.6.2 School Place Sufficiency

It is important to balance the need for school places and meeting parental preference with the efficient delivery of high quality education services. This requires a modest surplus of school places in any given locality. Too much surplus capacity is financially wasteful, and can impact negatively on school standards and stability.

Proposal 3 *It is proposed that work continues to take place in order to maintain between 5% and 10% surplus capacity in school places and ensure we keep pace with demand for school places in each planning area by providing places of good quality that parents want for their children. This needs to be subject to on-going review.*

3.6.3 Working in Partnership

It is important to recognise that the local authority cannot achieve these ambitions without working in partnership internally and with elected members, schools and other partners. It is important to recognise that there is a need to align a wide range of intelligence across the Council on: housing, regeneration, economic development, planning, accessibility and health. The increasingly diverse environment in which decisions about school sizes and locations are now taken means that the local authority has to commission new school places in an open and transparent manner, and work closely with all education providers, to secure the best for Leeds’s children and young people.

Proposal 4: *It is proposed that planning for learning place provision is undertaken in full partnership with elected members, schools and education providers and leaders of education.*

3.6.4 Draft Principles and Guidelines

It is important that the local authority is open and transparent in its role as the strategic commissioner and co-ordinator of education provision in Leeds, enabled by working with a set of clear principles, and that it considers school organisation proposals against overall cross council planning guidelines.

Proposal 5: *It is proposed that a set of over-arching principles are developed and agreed; these may include the following;*

- Putting the needs of the learners first;
- Ensuring that every child has access to a local good learning place, which is appropriate to their needs;
- Supporting a vision for learning improvement in Leeds which is developed by education leaders.

3.6.5 Approaches to Capital Funding

It is assumed that the cost of providing additional school places, required due to population growth, is met from government basic need grant funding to support demographic pressures and/or supported borrowing by LCC and housing developer contribution for growth due to housing expansion. However, there is likely to be a significant gap in capital funding currently available to support basic need.

In recent years basic need funding has been confirmed for a year at a time which is less than ideal in terms of developing long term plans. However, the Department for Education (DfE) has recognised this difficulty and successful negotiations saw the local authority receive a 2 year basic need allocation of £36m for 2013-2015. This figure is the 4th highest allocation outside of London, the 7th highest nationally, and reflects the scale of the pressures facing Leeds. In addition to the basic need allocation the government announced that £982m of funding would be made available in the form of the Targeted Basic Need Programme to increase school places nationwide. The programme offers additional support to those local authorities experiencing the greatest pressure on places and encourages them to submit bids to help them to prepare for further rises in pupil numbers. The local authority submitted a total of 11 bids for a range of new and expanded primary, secondary and SEN provision. Outcomes of the bidding process are expected in June/July 2013.

However, our projections, just based on actual births, suggest that the 2 year basic need allocation of £36m alone will be insufficient to meet the demand coming from births. This population increase would require an additional 22 forms of entry of new permanent primary school provision up to 2016. If this was provided in new schools, at an estimated cost of £3.5m per form of entry, the total cost of building could be in the region of £77m (based on current build and procurement rates). These are indicative figures and do not include the cost of temporary solutions or any efficiencies that could be made. In terms of secondary, the demographic rise is starting to impact on secondary place availability, requiring an additional 2 secondary schools in this time period.

For new pupil places required because of new housing development it is necessary to look to other funding, specifically developer contribution. Education infrastructure is an integral component of balanced sustainable communities and where new housing schemes create a need for more school places; these will generally be accommodated across the existing school network through payments from the Community Infrastructure Levy for e.g. school extensions. The CIL is in draft and it is envisaged that it will be adopted in 2014 following an independent examination.

Where a development creates a significant level of need that cannot be accommodated elsewhere, or proposals for a larger site are put forward, the Council may seek the construction of a new school on or near the site. This can be secured directly through Section 106 rather than CIL and will be guided by the Site Allocations Plan and development briefs, which will provide more detail on which large sites may deliver schools on site. It should be recognised that there are many additional infrastructure demands on CIL monies and issues of development viability for individual schemes, which mean that funding gaps for existing and new schools are likely to remain.

Proposal 6: *It is proposed that there is a coordinated priority approach across the council to ensure the availability of capital funding at an appropriate level to meet place demands from both increased births as well as housing development.*

3.6.6 Approaches to Highways and Planning Issues

Planning permission is required where there are proposals to permanently and/or temporarily increase the footprint of a building and in certain other circumstances. Where planning permission is required, school organisation proposals may be approved subject to planning consent being obtained. In addition, the highways impact of school organisation changes need to be fully considered and any impact fully understood and mitigated.

The Core Strategy (due to be Examined in October) sets out a need for 70,000 new homes up to 2028. The Site Allocations Plan (currently at initial consultation stage) identifies land to accommodate this growth. This growth is not distributed on an even basis across Leeds and the spatial strategy of the Core Strategy directs housing to particular areas (e.g. 3% growth in Aireborough and 15% growth in the Inner Area) and will be important in assessing the implications of new developments on the need for school places.

Proposal 7: *It is proposed that there is a coordinated approach to highways and planning issues across the council to ensure timely development of schools where possible and to reduce financial risks.*

3.6.7 Approaches to Land and Assets

In drawing up options and proposals around reshaping provision and/or providing additional places, the local authority needs to conduct an option appraisal on existing premises and sites to inform feasibility. The issues to be considered will include the condition and suitability of existing premises, the ability to expand or alter the premises and the constraints of the site. There also needs to be consideration of issues affecting possible land and asset transfer to Free Schools and Academies. This work needs to be undertaken in the context of the Council wide asset review.

There are significant pressures on land for both school development and housing growth targets. The challenge is to balance these competing priorities and use land so that housing growth and the delivery of school places complement each other in order to improve the liveability of our neighbourhoods.

Officers from Children's Services and City Development are working together to maximise the use of Council assets in order to ensure that sites are selected for the most appropriate use between competing priorities.

Proposal 8: *To continue a coordinated approach to issues relating to land and assets and ensure that the Council maximises the use of assets to benefit the Council and the community as a whole.*

4 Corporate Considerations

4.1 Consultation and Engagement

4.1.1 The consultation process in respect of proposals brought forward as part of the Learning for Leeds strategy will be carried out in line with good practice and in accordance with relevant legislation

4.2 Equality and Diversity / Cohesion and Integration

4.2.1 Equality and diversity will be considered with regards to all aspects of the emerging strategy (attached at appendix 2).

4.3 Council policies and City Priorities

4.3.1 The emerging strategy is being brought forward to meet the Council's statutory duty to ensure there are sufficient school places.

4.4 Resources and value for money

4.4.1 Capital funding to ensure sufficiency of learning places needs to be secured. The basic need grant funding made available by government to support demographic pressures on its own is insufficient to meet need. Without additional capital becoming available from payments from the Community Infrastructure Levy there is likely to be a significant gap in capital funding currently available to support basic need. There needs to be a coordinated priority approach across the council to ensure the availability of capital funding at an appropriate level to meet place demands from both increased births as well as housing development.

4.4.2 Local Authorities are now required to publish the costs of the school building programme, including the historic costs of the previous Building Schools for the Future programme in order to drive down costs and promote better value for money. Work is taking place across the Local Authority and with partners to reduce costs of the education capital programme.

4.5 Legal Implications, Access to Information and Call In

4.5.1 This document is subject to call in.

4.6 Risk Management

4.6.1 A detailed risk register will be established and will be maintained for the emerging strategy and for each project undertaken as part of the basic need programme.

5 Conclusions

5.1 The emerging strategy and key principles are required as part of the authority's on-going planning to ensure sufficient, good quality learning places for children and young people in Leeds

6 Recommendations

6.1 Executive Board is asked to:

- Consider the proposals contained within this report.
- Support the emerging strategy and key principles required to ensure sufficient, good quality learning places for children and young people in Leeds.

- Note the risks and issues.

7 Background documents¹

7.1 None

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.

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