

Decision Pathway - Report



PURPOSE: Key decision

MEETING: Cabinet

DATE: 01 December 2020

TITLE	Year 7 East Central Sufficiency – 6 th Form Proposal for Cabot Learning Federation (CLF)		
Ward(s)	East Central		
Author: Alison Hurley	Job title: Director, Education and Skills		
Cabinet lead: Cllr Keen	Executive Director lead: Jacqui Jenson		
Proposal origin: BCC Staff			
Decision maker: Cabinet Member			
Decision forum: Cabinet			
Purpose of Report:			
Approval request to:			
<ul style="list-style-type: none"> To inform Cabinet of the proposed solution for meeting Year 7 sufficiency in East Central for 2021/22 To secure approval to invest £4.5m of Education Capital funding towards the development of a permanent 6th form centre for Cabot Learning Federation (CLF) To agree to support the strategic intent for CLF to build a permanent 6th Form Centre in BS5 			
Evidence Base:			
Urgent school places for Year 7 students, in the East Central area of Bristol, for September 2021, are required due to the delay in the finalised planning consent of the new free secondary school as part of the Temple Quarter Development.			
On 17 th September 2020, the Department for Education (DfE) confirmed that the Oasis Academy Temple Quarter School will not be opening in temporary accommodation for September 2021. This decision has been taken due to the ongoing uncertainty regarding planning consent for the permanent scheme, the lack of a viable temporary site which could be delivered for next year, and the need for the LA to confirm school places for parents and children ahead of the upcoming admissions window. (see Appendix A)			
Due to increased demand in Year 7 places in previous years, there is no capacity to expand or provide 'bulge' provision without creating temporary accommodation on the sites of existing secondary schools in the area. The cost of placing temporary solutions for 2021-22 would be circa £4.5m.			
The proposal is to relocate the majority of CLF Post 16 students from Bristol Brunel Academy (BBA) and John Cabot Academy (JCA) into an existing CLF academy in South Gloucestershire. This move would enable approximately 138 additional Year 7 places to be made available in September 2021 and make a significant contribution to the current shortfall. By avoiding the need to build temporary solutions, the ability to deliver a solution for 2021 is secured.			
CLF's strategic ambition is to create a permanent Post 16 offering within BS5, and the temporary arrangements for 2021-22 would support this development, using the £4.5m as an investment in a permanent solution as opposed to temporary.			
The following additional commitments have been agreed in principle:			
<ul style="list-style-type: none"> The transfer of the fire station site adjacent to Bristol Brunel Academy from BCC to CLF via a 125 year lease. 			

Transfer date to be agreed. The council is progressing an 'Agreement to Lease' for the Speedwell Fire Station site. This will formalise the terms on which the transaction would take place. Strategic Property Officers have been instructed on this in preparation.

- To provide official support for setting up a Post 16 provision on that site serving BS5 and the wider area, with a view to providing support for a future Significant Change or Free School bid.
- The council commits to reviewing additional capital contributions, after future basic need funding has been announced, alongside other strategic basic need education priorities. CLF is required to actively work to identify and secure capital funding streams to meet any deficit in funding.

Sufficiency The Local Authority has a statutory duty to ensure there are sufficient school places within Bristol (Education Act 1996 Section 14(1)). The city previously experienced a dramatic rise in primary school pupil numbers which are now impacting on secondary schools. A number of schools have been expanded and the new Trinity Academy free school opened in 2019. Further free schools were approved by the Department for Education (DfE) to serve the East Central and South areas.

The East Central area has already seen a large increase in demand for secondary school places and delays in delivering Oasis Academy Temple Quarter mean that there have been more pupils seeking a place than places available for the past 3 to 4 years. In order to allow the LA to fulfil the statutory duty to provide places, existing schools have agreed to take more pupils than their Published Admissions Number (PAN). The main 3 schools serving East Central are Bristol Brunel Academy (BBA), Bristol Metropolitan Academy (BMA) and City Academy. Fairfield High and Cotham also admit significant numbers of pupils living in East Central, although they are located in North. Bristol Cathedral Choir School, Colston's Girls' School, and St Mary Redcliffe and Temple School have admissions policies which mean some pupils are admitted from East Central.

BBA, BMA and City Academy belong to Cabot Learning Federation (CLF) and officers have worked closely with trust each year to ensure the additional places required, as a result of the delay to Oasis Academy Temple Quarter, are available.

All 3 schools agreed to take pupils above PAN. BBA and BMA agreed to take more pupils in 2018, 2019 and 2020 and City Academy in 2019 and 2020. There has been some capital investment to ensure there is sufficient accommodation at BBA and BMA but this is only sufficient for the pupils already in attendance. Further pupils cannot be admitted in September 2021 without further capital works.

The statutory School Admissions Code sets out the timetable for parents to apply and offers of places to be made for pupils transferring to secondary school. For pupils starting secondary school in September 2021, parents had to apply by 31 October 2020 and the LA must make an offer of a place for every child on 1 March 2021.

Before making offers the LA must be confident that there will be enough space to accommodate the pupils. Discussions with CLF for September 2021 (and possibly 2022) have highlighted a number of issues including lack of further opportunities to adapt existing spaces and the potential costs of additional buildings for what, should be, a temporary bulge that will not be required when the new school opens.

The projected shortfall (the difference between the number of places within the PAN at schools in East Central and the projected demand for places) is approximately 170.

CLF have suggested that by relocating the majority of CLF Post 16 students from BBA and John Cabot Academy into an existing CLF academy in South Gloucestershire and utilising space within City Academy, approximately 138 additional Year 7 places to be made available and make a significant contribution to the current shortfall.

It should be noted that the increase in demand for Year 7 places is citywide. A smaller shortfall of places is projected in North, even with Trinity increasing from 120 to 180 places for 2021. In South Bristol there are projected to be just

enough places but this will not be known precisely until the number of pupils being offered places in neighbouring LA areas is known. This means that there is not the option of offering children from East Central places in other areas.

Capital Cost - In September 2020 Cabinet approved an investment of basic need capital grant to address a shortfall of places and poor quality buildings within the Special Education Needs and Disabilities (SEND) sector. That decision approved £15.6m of basic need capital grant currently held by the Council to be available for investment in the SEND estate. This has been supplemented by £967,000 education building condition grant in 2020 providing a total of £16,567,000. The Education Capital Team and Education & Skills were tasked with securing the remaining budget of £12,133,000 in order to complete the proposals.

The £4.5m cost to manage the consequence of the DfE not opening the new secondary Free School for the East in 2021 will come from the Council's existing basic need capital grant funding that is currently allocated to SEND projects. The proposed sources are:

£2,258,119	Claremont Temporary Accommodation
£795,767	Claremont redevelopment
£1,446,114	Hawking House
£4,500,000	Total

These capital budgets will be backfilled when new basic need capital funding is announced by the DfE currently expected in March 2021. Spend for these projects is forecast in future years. If anticipated future basic need grant does not become available for any reason these projects can be paused to align with new funding timeframes.

The Impact of 'ring fencing' £4.5m for securing additional temporary mainstream places and long term post 16 capacity is:

- No impact on project development as the spend for year 1 and 2 is £11.5m meaning there is sufficient capital grant
- The value of capital sum to be secured for SEND proposals in future years will be increased by £4.5m
- Potential delay in delivering SEND projects (subject to new funding opportunities)
- Potential early delivery of Post 16 education strategic objectives
- Securing additional capacity in 2021 to ensure Council statutory obligations to deliver sufficient school places are met

The capital will be ring fenced subject to completion of a funding agreement between the Cabot Learning Federation and the Council. The funding agreement will ensure no risk is transferred onto the Council and will ensure there is no legal obligation for the Council to fund or secure all the funding for the entire development. In the event that full funding for the scheme can't be secured a long stop date will be set that would see the expiration of the agreement and any obligations.

Cabinet Member / Officer Recommendations:

That Cabinet

1. Approve capital grant funding of £4.5m towards the development of a permanent 6th form centre for Cabot Learning Federation from the sources identified in the report, subject to a funding agreement between the Council and Cabot Learning Federation.
2. Authorise the Executive Director People in consultation with the Cabinet Member Educations Skills to enter into a grant agreement with Cabot Learning Federation to spend the funding.
3. Approve investigation of CLF and DfE funding options to secure the remainder of the project cost for a permanent 6th form (including the free school route), with no obligation to deliver.

Corporate Strategy alignment:

1. Fair & Inclusive - Improve educational outcomes and reduce educational inequality, whilst ensuring there are

enough school places to meet demand and a transparent admissions process.

City Benefits:

1. Ensure sufficiency demands for 2021/22 are met
2. Invest in strategic post-16 educational developments – increasing 6th form provision

Consultation Details:

1. Public Meeting 5th February 2020 on Oasis Temple Quarter Development
2. Sufficiency issues for 2021/22 – DfE, Regional Schools Commissioner’s office (RSC) & BCC - Ongoing internal meetings
3. Joint meeting with DfE, RSC’s office and representatives from BS5 Group – 1st October re 2021 sufficiency

Background Documents:

Children’s and Families Act 2014

<http://www.legislation.gov.uk/ukpga/2014/6/contents/enacted>

SEND Code of Practice 2015 (Stat Guidance)

<https://www.gov.uk/government/publications/send-code-of-practice-0-to-25>

Equalities Act

<https://www.legislation.gov.uk/ukpga/2010/15/contents>

Improving Bristol Post 16

<https://www.bristollearningcity.com/wp-content/uploads/2019/09/Post-16-Strategy-2019-24.pdf>

Revenue Cost	£	Source of Revenue Funding	
Capital Cost	£4.5m	Source of Capital Funding	
One off cost <input checked="" type="checkbox"/>	Ongoing cost <input type="checkbox"/>	Saving Proposal <input type="checkbox"/>	Income generation proposal <input type="checkbox"/>

Required information to be completed by Financial/Legal/ICT/ HR partners:

1. Finance Advice:

In order to meet the demand for Year 7 places in 2020/21 a Capital investment of £4.5m is required, this need for places was due to be met from the building of a new secondary school in the Temple Quarter Development which has been delayed, and the decision by DfE to not open this school in temporary accommodation. The cost of providing temporary places to cover this shortfall of places is £4.5m, this report is instead looking to invest this sum in a permanent solution by part funding the building of a post 16 provision by Cabot Learning Federation. The source of funding is our Basic Need Capital grant, this has already been committed against SEND projects so this will be diverted to this project. The £4.5m reduction in the SEND projects is being taken from future years spend so it is hoped that future Basic Need Grant will be awarded to replace this funding.

Finance Business Partner: Graham Booth – Finance Manager, Children & Education

Legal Advice:

Section 14 of the Education Act 1996 imposes a duty on the local authority to secure that sufficient schools for providing both primary and secondary are available for their area. The schools must be (sufficient in number, character and equipment to provide the opportunity of appropriate education for all pupils, the additional places will assist the authority in complying with that duty

Legal services will advise and assist officers with regard to the funding agreement.

Legal Team Leader: Sarah Sharland and Husinara Jones

3. Implications on IT: No anticipated impact to IT Services.

IT Team Leader: Simon Oliver 18/11/2020		
4. HR Advice: Currently the report has no HR implications for Bristol City Council employees.		
HR Partner: Lorna Laing 18/11/2020		
EDM Sign-off	Jacqui Jensen	11/11/2020
Cabinet Member sign-off	Councillor Anna Keen	16/11/2020
For Key Decisions - Mayor's Office sign-off	Mayor's Office	02/11/2020

Appendix A – Further essential background / detail on the proposal A1. Oasis Temple Quarter letter to BCC from DfE A2. Sufficiency presentation	YES
Appendix B – Details of consultation carried out & proposed - internal and external	NO
Appendix C – Summary of any engagement with scrutiny	NO
Appendix D – Risk assessment	NO
Appendix E – Equalities screening / impact assessment of proposal	YES
Appendix F – Eco-impact screening/ impact assessment of proposal	NO
Appendix G – Financial Advice	NO
Appendix H – Legal Advice	NO
Appendix I – Exempt Information	NO
Appendix J – HR advice	NO
Appendix K – ICT	NO
Appendix L – Procurement	NO