

Meeting: Policy Development Decision Group
(Joint Commissioning Team)

Date: 6th November 2017

Wards Affected: All

Report Title: School Place Planning & Basic Need Grant

Is the decision a key decision? No (delete as appropriate)

When does the decision need to be implemented?

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1. Proposal and Introduction

- 1.1 The purpose of this report is to update Members on current capacity and future capacity needed to ensure we are able to deliver our statutory duty to ensure there are sufficient school places in Torbay that are accessible and of good quality. The report provides an accurate position statement that has been reported to the Department for Education (DfE) and describes the implications for future capital funding.

2. Reason for Proposal

- 2.1 On an annual basis the Local Authority is required to produce a SCAP Return. This return is a key mechanism for identifying where and when new school places are needed. This return is then used by the DfE to allocate the Basic Need Grant allocated to local authorities intended to meet the capital costs of delivering the additional places required in their area.
- 2.2 The report has been produced in response to Members' requests to receive at the earliest opportunity an overview of the developing needs. For this reason the report is provided for information and to highlight the challenges.
- 2.3 Attached at Appendix 1 to the report is a summary of the Basic Need Grant Torbay Council received over the years 2008 – 2016 and the numbers of additional places across primary and secondary places. It should be noted that Torbay did not receive any Basic Need Grant in 2015.
- 2.4 The Department for Education (DfE) periodically revises the SCAP methodology including the formula for calculating the number of places needed. These changes have impacted on Torbay primarily through small numbers in some Sixth Form

settings and the spare places in Devon Studio School over the past couple of years. The DfE deduct surplus places in Sixth Form from their assessment of future need across secondary place even though these places are only available for 16 – 19 year olds.

- 2.5 A request has been made to adjust their methodology to take account of surplus post 16 capacity and recent closure of Devon Studio School. Attached at Appendix 2 is a SCAP Return using the current and adjusted methodology - resulting in an allocation of £0 for 2020/21 and up to £5.9m if adjusted.
- 2.6 Appendices 3 and 4 summarise the projected demand pressures across Primary and Secondary places, the steps taken to date and those necessary to deal with projected demand.
- 2.7 In Primary phase the demand for additional places is in Paignton, with Torquay and Brixham more stable. Interim measures have been taken within existing schools, however, the longer term solutions are the two primary schools awarded under the Wave 12 Free Schools' Programme. It should be noted that at the time of writing, the site for the single form entry has yet to be confirmed and the two form entry school is subject to progress with housing developments.
- 2.8 The pressures in secondary place impact on all areas from 2019 onwards but most acutely in Torquay and Paignton. An unsuccessful application for an 'all through school' – '4 – 19yrs in Edginswell was made under the Wave 12 Free Schools Programme. A bid in Wave 13 may be necessary as there is a risk that Torbay does not receive any Basic Need Grant for secondary unless the DfE revise their methodology. This would leave Torbay with a demand for places without the capital funding necessary to deliver the additional capacity.
- 2.9 Should Basic Need Grant funding not be received, a dialogue will be necessary with the Regional Schools Commissioner around the response to secondary phase demand pressures as the local authority is not able to reduce Sixth Form capacity, for example, without their agreement.

3. Recommendation(s) / Proposed Decision

- 3.1 That Members note the school place planning priorities identified in Section 1.
- 3.2 That Members note the level of capital funding expected through Basic Need over the next few years and the implications this may have for resourcing school place planning in the future. (Appendix 2).

Appendices

Appendix 1: Basic Need projects and number of places delivered in Torbay 2011-2017

Appendix 2: Model of Forecasts, Capacities and Basic Need allocations for 2020/21.

Appendix 3: PRIMARY SCHOOL PLACES Position Statement Autumn 2017

Appendix 4: SECONDARY SCHOOL PLACES Position Statement Autumn 2017

Background Documents

<https://www.gov.uk/guidance/school-capacity-survey>

Report Clearance

Report clearance:	This report has been reviewed and approved by:	Date:
Chief Executive	Steve Parrock	
Monitoring Officer	Anne-Marie Bond	
Chief Finance Officer	Martin Phillips	
Relevant Director/Assistant Director	Andy Dempsey	

Section 1: Background Information

1. What is the proposal / issue?

Each year the Council provides the DfE with information on school capacities, pupil forecasts and a commentary on current pressures and priorities through the SCAP Return

The SCAP return then generates a formula that the DfE uses to calculate the amount of Basic Need funding the Council will receive using a set amount per place. The Basic Need allocation for a financial year is based on the SCAP Return received three years previously. For example the 2017 SCAP Return will generate an allocation for the 2020/21 financial year. **Table 1** shows the numbers of new places identified through Torbay's SCAP return over the last 10 years and the associated Basic Need allocations:

TABLE 1

Basic Need Capital				
Year of SCAP Return	Financial Year	Allocation (£)	Number of primary places awarded	Number of secondary places awarded
2008	2011-12	1,852,884	150	0
2009	2012-13	2,155,245	356	0
2010	2013-15	2,021,411		
2012	2015-16	2,798,848	463	0
2013	2016-17	2,938,791		
2014	2017-18	4,229,382	114	160
2015	2018-19	0	0	0
2016	2019-20	559,482	42	0
TOTAL		16,556,043	1,125	160
TOTAL NUMBER OF PLACES FUNDED BY DfE			1,285	
AVERAGE FUNDING PER PLACE			£12,884.08	

The Basic Need grant is expected to be used to deliver the extra places needed as identified in the SCAP Return although it is not ring fenced. As part of the SCAP Return, the Council is required to set out how it has used previous Basic Need allocations and how many new places have been delivered as a result of these projects. Appendix 1 shows the projects and the number of places delivered or planned.

The DfE review the SCAP methodology each year and have on several occasions over the last few years revised the formula for calculating the number of places needed. For Torbay this adjustment has resulted in lower than expected allocations. This is because the DfE now deduct any surplus capacities in 6th forms from the number of additional age 11-16 places needed. In previous years they have simply used the 6th form number on roll to identify capacity. As a number of 6th forms and the Devon Studio School have had very low numbers on roll over the last couple of years, this has had an impact on how the DfE have assessed Torbay's secondary school capacity overall. The shortfall of places for ages 11-16 is being masked by spare places at Devon Studio School and some 6th forms even though these places are only available for age 16-19.

As can be seen from **Appendix 4**: The Secondary School Places Position Statement, the main pressure for Torbay over the next 5 years is the need for additional secondary school places across all 3 towns. However, unless an adjustment is made for the Devon Studio School and any surplus post 16 capacity, the current SCAP methodology will not enable the Council to draw down any Basic Need funding for new secondary school places until 2021-22 at the earliest. The Council will therefore be unable to meet its statutory duty to provide school places unless it considers other methods of funding which could include supporting a free school application if the opportunity arises.

It is important to note that the Free School funding is separate to the Basic Need Grant and is considered additional inward investment. However, there is a risk as the DfE have not clarified whether future Basic Need will be top-sliced to support successful free school applications.

As the Devon Studio School is now closed, the Council have asked the DfE to make an adjustment to the SCAP Return in order to recognise that this capacity is no longer in use. Local Authorities across the Country have also raised concerns about the way in which the 6th Form capacity is dealt with and have asked that the DfE revise this part of the methodology. However, Officers have been advised that the DfE are unlikely to agree to this adjustment. This means that Torbay is unlikely to receive any Basic Need funding for 2020/21 even though there is a need for additional places to be provided in that year.

This is a significant issue for secondary school places planning as the growth in primary numbers moves in to the secondary sector. Any expansion required will either need to be met through the use of existing Council resources or a free school bid through Wave 13 of the Free Schools Programme. Wave 13 has not yet been announced by the DfE and there are suggestions that this Wave may be targeted at certain types of free school. A previous bid for an all-through school in Torbay was unsuccessful through Wave 12 which suggests that a further bid to provide secondary school places would be a high risk option to rely upon.

For the primary sector, the 2017 SCAP return indicates that the current growth has already been funded through previous Basic Need allocations or through the approval of the two free school applications for Paignton.

Officers believe that if both free schools are delivered, there will be sufficient capacity in the primary sector for the next 5-10 years.

The more significant risk is securing funding to provide the additional secondary school places that will be needed over the next 3-5 years.

Appendix 2 shows a model of the 2017 SCAP Return using the existing methodology and also how the Return could be adjusted to remove any surplus post 16 capacity and reflect the closure of the Devon Studio School. The headline of this model is that without the adjustment Torbay will get £0 Basic Need for 2020-21 and with the requested adjustment Torbay could receive up to £5.9m for additional secondary school places.

2.

What is the current situation?

Appendix 3 describes the current **PRIMARY** School position showing the forecasts for each town and the actions already being taken to ensure that the Council meets demand. The headlines are:

TORQUAY:

- Primary numbers in **Torquay** have stabilised and overall there is sufficient capacity to meet demand for the next 5 years.
- The current number of Reception places in **Torquay** is 790. Surplus capacity is approximately 4.5% across the town. However there are particular pressure points within Torquay with some schools full and oversubscribed year on year.

PAIGNTON:

- Primary numbers in **Paignton** continue to rise and additional places are needed to meet demand.
- The current number of Reception places in **Paignton** is 507. There is no surplus capacity and the Council has had to negotiate a temporary increase at one school until a permanent solution can be implemented. Forecasts for Paignton do not include any adjustment for a number of large developments that are still in the pre-planning stage.

BRIXHAM:

- Primary numbers in **Brixham** are stable and there is sufficient capacity to meet demand.
- The current number of Reception places in **Brixham** is 195. Surplus capacity is approximately 13% across the town.

Appendix 4 describes the current **SECONDARY** School position showing the forecasts for each town and the actions being considered to ensure that the Council meets demand. The headlines are:

TORQUAY:

- Secondary numbers in **Torquay** are rising and additional places are needed from September 2019 to meet demand.
- The current number of Year 7 places in **Torquay** is 961.

PAIGNTON:

- Secondary numbers in **Paignton** are rising and additional places are needed from September 2019 to meet demand.
- The current number of Year 7 places in **Paignton** is 300

BRIXHAM:

- Secondary numbers in **Brixham** are fluctuating and places could be needed from September 2018.
- The current number of Year 7 places in **Brixham** is 355.

3.

What options have been considered?

PRIMARY

TORQUAY:

- Surplus capacity is approximately 4.5% across the town. There are particular pressure points within Torquay with some schools full and oversubscribed year on year, however the SCAP return considers Torquay as one planning area so no additional places are recognised.
- No place planning action is identified for **Torquay** primary at this time.

PAIGNTON

- There is no surplus capacity in Paignton and the Council has had to negotiate a temporary increase at one school until a permanent solution can be found, as a **short term** measure the Council has agreed a bulge year with one school in Paignton. To deliver a **long term** solution the Council has supported two applications for free schools in the **Paignton** area.
- Both Torbay applications were approved in March 2017 as part of Wave 12 of the government's **Free School Programme** with the condition that the Council provides the site. Discussions are continuing to identify and secure those sites.
- **Paignton CofE Primary School** – DfE have approved an application from Learning Academy Partnership South West for a one form of entry primary school with a nursery. The school is expected to open in 2019 and will help address the immediate need for additional capacity as indicated in the forecast table above.
- **Windmill Primary School** – DfE have provisionally approved an application from COAST Academies for a two form of entry primary school with nursery. The approval is dependent on a number of large housing developments achieving planning approval. If planning is not forthcoming within an agreed timeframe then the approval will be withdrawn.

BRIXHAM:

- Surplus capacity is approximately 13% across the town. No further place planning action is identified for **Brixham** primary at this time.

SECONDARY

TORQUAY:

- Forecasts indicate that demand will exceed capacity from 2019 onwards. To meet the immediate need Officers have brokered an agreement with one secondary school to take a bulge class in 2019 and again in 2021. The school will utilise accommodation currently not in use because of small cohorts in other year groups in the school. A total of 30 additional places will be provided for the each of the admitting years only. This is only a short term solution and current projections show that secondary numbers will remain high and exceed this extra capacity from 2022 onwards.
- Officers are exploring permanent solutions to deliver additional capacity. Recently the Council supported an application in Wave 12 of the Free Schools Programme for an all-through school in Edginswell. Unfortunately the application was not successful. Feedback from the ESFA is that they were unable to support the application as the proposed new housing for the area does not yet have outline planning approval. Officers are maintaining

	<p>a watching brief for Wave 13 of the Free School Programme and will support the submission of any applications that would deliver additional capacity for the area.</p> <ul style="list-style-type: none"> The Council is funding the provision of new classrooms at Torquay Academy. This is in recognition of growing numbers at this popular and successful school and although there is no increase in Planned Admission Number (PAN) associated with the project, the additional classrooms are necessary to ensure that the school do not have to consider decreasing their PAN in the future. This is considered a re-provision of existing places and is a legitimate call on Basic Need funding to ensure that capacity is not reduced and further pressure placed on the Council's ability to provide sufficient places. <p>PAIGNTON:</p> <ul style="list-style-type: none"> Forecasts indicate that demand will exceed capacity from 2019 onwards and numbers are expected to continue to rise for the foreseeable future reflecting the growth in the Paignton primary sector. There is currently only one secondary school in Paignton. Options for expanding this school will be expensive because the school has a lot of poor condition accommodation that will require replacement if the school is to increase in size. At this time no viable solution has been identified; discussions are ongoing with the Regional Schools Commissioner and ESFA. Officers are maintaining a watching brief for Wave 13 of the Free School Programme and will support the submission of any applications that would deliver additional capacity for the area. <p>BRIXHAM:</p> <ul style="list-style-type: none"> Forecasts indicate that over the next 5 years secondary numbers will not steadily increase as they are expected to in Torquay and Paignton but will have peaks and dips which mirror spikes in the live birth rate for the area. There has also been a recent increase in admission numbers for Churston Grammar School. The selective nature of the intake makes it difficult to predict future growth as a significant number of places are offered to pupils from out of area. Whilst current forecasts show that during the peaks, numbers will exceed capacity, during the dips there is sufficient capacity to meet demand. With birth rates and primary numbers stabilising in Brixham, Officers do not propose to make any permanent changes to capacity in the area at this time. Options may be considered as a temporary solution to meet the expected peaks in demand. For example a bulge class for one year to accommodate extra pupils.
4.	<p>How does this proposal support the ambitions, principles and delivery of the Corporate Plan?</p> <p>Effective school place planning supports the ambitions of the Corporate Plan 2015-19 by ensuring that all young people are given the best possible opportunity to achieve and succeed; with the aim for a more prosperous Torbay.</p> <p>Also by ensuring all families have access to good quality local school places effective place planning promotes Torbay as an attractive place to live and supports the development of sustainable local communities.</p>

5.	<p>How does this proposal contribute towards the Council's responsibilities as corporate parents?</p> <p>This report sets out the Council's statutory duties for ensuring there are sufficient school places.</p>
6.	<p>How does this proposal tackle deprivation?</p>
7.	<p>Who will be affected by this proposal and who do you need to consult with?</p> <p>Schools, parents and pupils as well as neighbouring LAs The DfE as the funding body for school places.</p>
8.	<p>How will you propose to consult?</p> <p>Officers consult with the DfE through regular liaison meetings and annual returns.</p> <p>Consultation with schools is through the publication and circulation of the Primary and Secondary School Position Statements and an annual conference.</p> <p>Officers meet termly with colleagues from other LA's to discuss and consider cross border issues.</p>

Section 2: Implications and Impact Assessment

9.	What are the financial and legal implications? If The Council is unable to access funding to provide the additional school places needed it will be in breach of its statutory duty.
10.	What are the risks? If The Council is unable to access funding to provide the additional school places needed it may be unable to fulfil its statutory duty.
11.	Public Services Value (Social Value) Act 2012 Will only apply once projects and recommendations are proposed.
12.	What evidence / data / research have you gathered in relation to this proposal? Officers produce annual forecasts and capacity assessments that feed in to the SCAP return and there are robust internal and external quality assurance processes in place to ensure that this data is accurately assessed and presented.
13.	What are key findings from the consultation you have carried out? Consultation will take place once projects and recommendations are proposed.
14.	Amendments to Proposal / Mitigating Actions See above.

Equality Impacts

15	Identify the potential positive and negative impacts on specific groups			
		Positive Impact	Negative Impact & Mitigating Actions	Neutral Impact
	Older or younger people	To ensure there are sufficient school places in the right location to meet demand Benefit to those already living in Torbay, those moving into the area and those who currently have to travel outside of the area to school	No negative impact	No neutral impact
	People with caring Responsibilities	To ensure there are sufficient school places in the right location to meet demand Benefit to those already living in Torbay, those moving into the area and those who currently have to travel outside of the area to school	No negative impact	No neutral impact
	People with a disability	Any proposed new provision will be DDA compliant and built in line with DfE recommendations to meet the needs of the pupils it serves	No negative impact	No neutral impact
	Women or men	No differential impact		
	People who are black or from a minority ethnic background (BME) <i>(Please note Gypsies / Roma are within this community)</i>	No differential impact		
	Religion or belief (including lack of belief)	No differential impact		
	People who are lesbian, gay or bisexual	No differential impact		
	People who are transgendered	No differential impact		

	People who are in a marriage or civil partnership	No differential impact
	Women who are pregnant / on maternity leave	No differential impact
	Socio-economic impacts (Including impact on child poverty issues and deprivation)	No differential impact
	Public Health impacts (How will your proposal impact on the general health of the population of Torbay)	No differential impact
16	Cumulative Impacts – Council wide (proposed changes elsewhere which might worsen the impacts identified above)	No cumulative impacts – Council wide
17	Cumulative Impacts – Other public services (proposed changes elsewhere which might worsen the impacts identified above)	No cumulative impacts – Council wide