

EXECUTIVE

8th June 2023

Report Title	Primary Education Provision at the Glenvale Park Development, Wellingborough North
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Lead Member	Cllr Scott Edwards – Executive Member for Children, Families, Education and Skills

Key Decision	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Is the decision eligible for call-in by Scrutiny?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
Are there public sector equality duty implications?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information (whether in appendices or not)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
Applicable paragraph number/s for exemption from publication under Schedule 12A Local Government Act 1972	

List of Appendices

Appendix A – Documents for the ‘relocation’ process

Appendix B – Glenvale Proposed School Opening

1. Purpose of Report

- 1.1. To inform the Executive of the impact of changing demography on the need for a proposed new primary school on the Glenvale Park development in Wellingborough North.
- 1.2. To inform the Executive of the outcomes of the options appraisal that has been undertaken in response to these changes.
- 1.3. To ask the Executive to approve a proposal to seek expressions of interest from existing local schools to relocate to the Glenvale Park site.
- 1.4. To inform the Executive of the processes that will be used to assess expressions of interest and the further actions that will be required to approve and implement such a change.

2. Executive Summary

- 2.1. The Glenvale Park site is located in Wellingborough, to the north of the town. Once complete there will be circa 3,000 homes. As part of the infrastructure and Section 106 (S106) proposals for the Sustainable Urban Extension (SUE), a 2-form entry, 60 places per year group, primary school was proposed to meet increased demand and serve the local community. The school is now under construction with an expected completion date of August 2023.
- 2.2. As part of the annual strategic Pupil Place Planning exercise undertaken in January 2023, it became clear that, due to demographic changes, there would be insufficient demand to support the school opening until September 2025 or beyond.
- 2.3. Creating additional school places, through opening the new school, would be likely to have a detrimental impact on surrounding schools. In addition, all new schools must be Academies, funded directly by Department of Education (DfE). DfE will not provide funding unless demand for places can be clearly demonstrated. This would not be the case for a new school at Glenvale Park at this time.
- 2.4. Based on this position, work has been undertaken to assess the options for the new school to ensure the local community has access to sufficient school places, that no schools are disadvantaged and that available assets are used as effectively as possible.
- 2.5. This report provides an overview of the options considered for the future of the school provision on the Glenvale Park site. This concludes that offering local schools the opportunity to express an interest in moving to the new site would deliver the best outcomes for the community.
- 2.6. As part of any expression of interest, there will be a requirement to clearly set out how any move would support the existing school community as well as those living in the new Glenvale Park development. There will also be an expectation that appropriate community consultation is undertaken and that this shows support for the proposed move.
- 2.7. If the decision is taken to progress with this proposal, DfE guidance 'Making Significant Changes' section title: 'Transfer to a New Site' for academies and for maintained schools will be followed.

3. Recommendations

- 3.1. It is recommended that the Executive:
 - i) Approve the proposal to seek expressions of interest in relocating an existing local school to the Glenvale Park school.

- ii) Approve the commencement of the preparation for the statutory process relating to making a significant change to an academy or a maintained school.
- iii) Note that a further report will be brought forward setting out the outcome of the expression of interest process and seeking a formal decision about whether to proceed on this basis.

3.2 Reasons for Recommendation:

- Ensure the delivery of sufficient suitable school places that meet the needs of the community now and in the future.
- Ensure pupils have access to high quality facilities that support their education.
- Making effective and efficient use of the education estate to meet the needs of all pupils.
- Ensure full transparency of the process being followed.
- Allows for all interested parties to have their views heard and considered as part of the decision-making process.
- Will evidence that appropriate steps are taken in line with statutory guidelines and within appropriate timescales.
- Allows Executive to be further updated on the outcome of the expressions of interest ahead of any further decision making.
- Is in accordance with the DfE legislation and policy on making significant changes to an academy or maintained school.
- Demonstrates to the governing bodies/trustees of any schools wishing to make an application that the council are progressing a shared solution in line with their expression of interest.

3.3 Alternative Options Considered:

- Establishing a new Primary School at Glenvale Park – Pupil place planning data does not support the creation of a new Primary School in the Glenvale area at this time. Over provision of places would have a detrimental impact on surrounding schools leading to financial viability concerns. In addition, DfE would not fund a school where the need for additional places is not supported through the place planning process.
- Identify an alternative use for the school site. There is need for additional SEND places in the North Northamptonshire area. However, repurposing the school buildings would be costly and would not be in line with the development agreement.
- Leave the site vacant until demand for places increases. Based on available Pupil Place Planning data, the need for places is unlikely to grow for some years. Even at that time, this may not justify a new 2 Form of

Entry school on this site. Leaving the site unused for an extended period of time is a poor use of resources and creates additional costs in areas such as security and maintenance.

4. Report Background

- 4.1. There are two large new housing developments currently being progressed in Wellingborough, Stanton Cross (SC), 3,650 dwellings, and Glenvale Park (GP), 3,000 dwellings.
- 4.2. Each new development will provide one, or more, new primary schools to mitigate against the pupil yield each new development will generate. The relevant S106 agreements provide sites and the funding for these new schools.
- 4.3. The first primary school on the Stanton Cross development is now completed and opened in September 2022.
- 4.4. It was proposed that the new school on the Glenvale Park Development will be a co-educational mainstream sponsored academy primary school for children aged 4 to 11 years, with a total capacity of 420 pupils (two forms in each year group), once fully open.
- 4.5. The Council was successful in negotiating a S106 agreement for a new primary school at Glenvale Park Development. This allows the developer to deliver the school, independently of the Council. The developer has commenced construction on the school building and anticipates that it will be completed by September 2023. However, it is important to note that the S106 agreement does not make any provision as to when the new school should be opened.
- 4.6. However, following a place planning review of both existing demand within Wellingborough and the current, and forecast, progress of each development in terms of housing completions, it is the view of the Council that the new school will not be required in the town until September 2025 at the earliest. Opening prior to this would have a detrimental impact on surrounding schools and create significant surplus capacity.
- 4.7. Pupil projection forecasts for the Wellingborough area currently indicate that the total number of pupils attending Wellingborough area primary schools is due to decrease by 568, or 1.3 2 form entry evident in **Appendix B**.
- 4.8. Both the developer for Glenvale Park and the Council Access and Sufficiency Team have been apprised of the situation in respect of the demand for the new primary provision in Wellingborough and the Council position that there is not the need for a new primary school for September 2023.
- 4.9. Where a new school is proposed, the Council is responsible for conducting the Free School Presumption (FSP) process to appoint an Academy Sponsor to operate the new school once it opens via a Local Authority (LA) run competition in which Academy Trusts submit bids. The LA confers 'preferred bidder' status

on the Trust which will run the school. The decision is then ratified by the Regional Director (RD) at the DfE who ultimately appoints the sponsor and decided if and when the new school can open.

- 4.10. The DfE's position has been sought and they have provided clear advice that they would not expect and LA to progress the opening of a new school via the FSP route unless demand for the new school can be clearly evidenced.
- 4.11. Should the opening of the proposed new school at Glenvale Park be progressed earlier than required, it is highly likely that this over provision of primary capacity within the wider area would disproportionately impact upon other schools in the area. This would impact by reducing future pupil intakes and consequently, affect the budget of the schools.
- 4.12. This would in turn impact upon the ability of those schools to effectively deliver the curriculum to pupils attending. In a worst-case scenario, it could result in a school that is forced to close.

5. Issues and Choices

- 5.1. There are several options which have been considered prior to the final proposal being presented in this report.
- 5.2. The following options were considered in the decision-making process:
 - Option 1: Mothball the school build until demand for places increases
 - Option 2: Repurpose the school building to meet an existing educational need
 - Option 3: Relocate an existing school from the local area into the school being built at Glenvale Park
- 5.3. All options considered must be mindful of the S106 agreement for the Glenvale Park Development.

5.4. Option 1: Mothball the School Build

5.4.1. The building would still need to be maintained and secured whilst mothballed, so this option is not without cost implications. This would also not be a good use of assets that should be supporting services to the community.

5.4.2. Advantages

- A new school will be ready to open as and when places are needed.
- The asset is not lost to the educational estate.
- The FSP competition can be undertaken as and when required to identify an Academy Sponsor.

5.4.3 Disadvantages

- Leaving a high value asset unused is an ineffective use of assets resources.
- Securing and maintaining the building will incur ongoing costs.

5.5 Option 2: Repurpose the School Building to Meet an Existing Educational Need

5.5.1. The Council has identified that there is need to develop additional capacity in support of SEND provision through the delivery of new SEN units and Special Schools. The new school building could be repurposed to meet this need and operate as a SEND base.

5.5.2 As with option 1, consideration of the section 106 criteria and obtaining the Developer's agreement via a Deed of Variation (DoV) would be necessary to enable this option to be delivered.

5.5.3. This option would also require additional capital investment to undertake any necessary adaptations for change of use.

5.5.4. Advantages

- The building being repurposed may address a particular local or wider SEND need for children in the Wellingborough Locality Area.
- This would be an effective use of an education resource.
- A new provision would support the aspirations of the SEND strategy.

5.5.5. Disadvantages

- This may not meet the requirements of the original S106 agreement which may have to be re-negotiated.
- The cost of making the required alterations to the building to meet SEND needs would be significant.
- Mainstream place numbers could not be flexed in future years to address additional demands as further developments are completed.
- The development of Glenvale Park was always envisaged to include a primary school and to not deliver this would impact on transport and other strategic planning assumptions.

5.6. Option 3: Relocate an Existing School to the Glenvale Park Development

5.6.1. This option would give an existing school the opportunity to move into a new school building on the Glenvale Park Development.

5.6.2. Advantages

- This does not create additional capacity for the first few years and so does not impact on other schools.

- The school would bring with it all year groups, rather than filling from the reception year upwards, which would meet a broader need created by the new development.
- It would enable a school in poor or unsuitable accommodation to move to a purpose-built facility.
- The vacated smaller site could be re-purposed for other educational uses.
- A new and purpose-built facility supports improved outcomes for all members of the school community.
- The school can be relocated for a September 2024 opening.
- The DfE have informally supported this approach.

5.6.3. Disadvantages

- There may be local opposition to relocating an existing school.
- Consideration would have to be given to support existing pupils to access the new site.
- No suitable school comes forward with an expression of interest.

5.6.4. The preference is to progress Option 3:

- It allows the Glenvale Park school building to be utilised from September 2024 as previously planned.
- The S106 agreement is fulfilled.
- It is the option supported by developers.
- Children from an existing school site will be able to utilise a brand-new building with capacity to expand.
- No other school is impacted by this relocation proposal.
- It enables the Council to fulfil its statutory duties to provide sufficiency of places.

5.6.5 If this option were to be approved, it is imperative that the statutory process as defined by DfE guidance must be followed. Work will commence to plan and implement this in parallel with the expression of interest process.

6 Next Steps

- 6.1. If the preferred Option 3 is approved, then the process would be presented to the DfE for their formal agreement to proceed.
- 6.2. Officers from the Council would launch the 'relocation of an existing school' Competition with a view to completing this by October 2023 and returning to Executive in November 2023 for a formal decision.

7 Implications (including financial implications)

7.1 Resources, Financial and Transformation

- 7.1.1 Should the preferred option be approved from September 2024, the Council will incur revenue costs in the year of September 2024 opening and in each of the subsequent academic years thereafter for the additional growth, against the 'Pupil Growth Fund' element of the DSG.
- 7.1.2 Depending on the school selected the Council may also incur additional transport costs for a 2-year period to facilitate the relocation of existing pupils. This will be considered and evaluated as part of the analysis of the expressions of interest and included in the Executive Report.
- 7.1.3. There may be some capital investment needed to undertake some refurbishment of the school being vacated to facilitate the repurposing of the building. This will be met from available DfE Basic Needs or SEND Capital Grant as appropriate.
- 7.1.3 It is important to emphasise that if a new school was to open via the FSP process, this too would incur costs against the pupil growth fund element of DSG including start-up costs.
- 7.1.4 All financial implications identified through the expressions of interest received will be included for consideration in the subsequent report to Executive as part of the formal decision-making Process.

7.2 Legal and Governance

- 7.2.1 Legal implications relate solely to ensuring that any initial period of consultation on this matter is conducted in full compliance with the relevant legislation and guidance that govern the proposed amalgamations of schools. The relevant legislative process is detailed in the documents listed at paragraph 8.1 of this report.
- 7.2.2 The statutory process that will be followed by the Council in relation to this proposal complies with all relevant DfE guidance on the subject and legislation that prescribes how school organisational changes of this nature must be enacted. The statutory process is defined in section 7.5.2 of this report.
- 7.2.3 In respect of the Glenvale Park Development and the S106 agreement, the Council has no legal obligation to open the school at any point.
- 7.2.4 It is expected that any expressions of interest would include reference to how any required land transfers would be managed and this will form part of the assessment process with oversight from legal.

7.3 Relevant Policies and Plans

7.3.1 The specific DfE guidance which underpins the process is as follows:

- Making significant changes ('prescribed alterations') to maintained schools Statutory guidance for proposers and decision maker (January 2023) [Section: 'Transfer to a new site' page 17; and Section: Statutory process: prescribed alterations page 35 for the process needed]
- Making significant changes to an open academy - Departmental guidance for all types of academy trust (January 2022) [Section: 'Transfer to a new site' page 28]

7.4 Risk

7.4.1 The risks for this proposal have been explored in full in section 5 of the Executive report.

7.4.2 There may be local opposition to relocating an existing school.

7.4.3 Consideration would have to be given to supporting existing pupils to access the new site.

7.4.4 No suitable school comes forward with an expression of interest.

7.5 Consultation

7.5.1 Although the DfE guidance does not prescribe that a 'pre-consultation' stage is statutory, it does state that there is a 'strong expectation' that any LA would conduct this stage prior to any formal statutory process when making a significant change to a Maintained school or Academy.

7.5.2 If the Executive approve the LA seeking expressions of interest from existing local schools to relocate to the Glenvale Park site, they will be requested to undertake an 'initial consultation' with their school community and to share a summary of the findings.

7.5.3 Further into the process there will be a prescribed requirement to undertake a statutory consultation process for the successful Maintained school or Academy wishing to transfer to the new school site.

7.6 Consideration by Executive Advisory Panel

7.6.1 The Executive Advisory Panel (EAP) Future Communities does not meet until July 2023.

7.7 Consideration by Scrutiny

7.7.1 This report has not been considered by the Council's scrutiny function.

7.8 Equality Implications

7.8.1 An 'Equalities Screening Assessment' has been completed in respect of this proposal.

7.8.2 This report seeks approval to begin the relocation of an existing school process, where any applicants are expected to provide evidence of an initial phase of consultation required by the statutory process governing school organisational changes of this nature. The equality implications relating to this report are therefore limited. No detrimental impact on any protected characteristic has been identified as arising from this proposal.

7.8.3 The school is being built to DfE standards to ensure the widest access to the curriculum and full accessibility for all of the community.

7.9 Climate and Environment Impact

7.9.1 New building regulations ensure that everything is directed at reducing carbon as a standard requirement.

7.9.2 All new builds, including Glenvale, incorporate the following as standard:

- Efficient electrical heating
- Overheating calculations which are now a requirement
- Insulation levels which have been increased
- The Simplified Building Energy Model (SBEM) will require solar photovoltaic (PV) system, mounted on the roof. This is an electrical installation that converts solar energy into electricity.

7.10 Community Impact

7.10.1 This report seeks approval to begin the relocation of an existing school process, where any applicants are expected to provide evidence of an initial phase of consultation required by the statutory process governing school organisational changes of this nature. Any distinct community impact that arises from this initial consultation will be taken into consideration before proceeding with the next stage of the process to make a significant change.

7.11 Crime and Disorder Impact

7.11.1 This proposal will have negligible, if any, crime and disorder impact.

8 Background Papers

- 8.1 The statutory process that must be followed by the local authority if they wish to progress the amalgamation is laid out in the Department for Education guidance:

[Making significant changes \('prescribed alterations'\) to maintained schools \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/672227/making-significant-changes-prescribed-alterations-to-maintained-schools.pdf)

[Making significant changes to an open academy \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/672227/making-significant-changes-to-an-open-academy.pdf)

[Free school presumption guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/672227/free-school-presumption-guidance.pdf)