

<b>DECISION-MAKER:</b>	CABINET
<b>SUBJECT:</b>	EDUCATION CAPITAL PROGRAMME (Secondary Schools Expansion)
<b>DATE OF DECISION:</b>	17 JULY 2018
<b>REPORT OF:</b>	CABINET MEMBER FOR EDUCATION AND SKILLS

#### **CONTACT DETAILS**

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<b>Director</b>	<b>Name:</b>	<b>Hilary Brooks</b>	<b>Tel:</b>	<b>023 8083 4899</b>
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#### **STATEMENT OF CONFIDENTIALITY**

None.

#### **BRIEF SUMMARY**

Southampton, like many other local authorities, is currently facing an increase in the number of secondary age pupils it will have to accommodate in its schools, peaking around 2023/24. In February 2018 Council approved an increase in the Education Capital Programme of £67.45M to be invested in Secondary Schools Expansion.

This report outlines the proposed programme for the delivery of 1,500 additional secondary places in the Central Planning Region within the city including a proposal for a new 6 Form entry (FE) 900 place secondary school and 600 additional places through expanding existing schools in the Central Planning region. The programme of works also allows for the provision of a new primary school on the current St. Marks Primary School site.

This reports provides details on the options that are being considered and seeks approval to go out to formal consultation in order to finalise the overall programme of works.

Required consultation will be undertaken in two tranches as follows:

##### Expansion Projects:

- August: Preparation of Statutory Notice;
- September : Publication of Statutory Notice;
- November : Representation Period (4 calendarweeks); and
- December 18th Cabinet Decision.

##### Statutory Consultation for Amalgamating / New School:

- September to November 2018: 12 week public consultation:
- Specification of School: November – December 2018:
- Publication of Statutory Notice: December 2018:
- Representation Period: January to February (4 calendar weeks): and
- Decision: Cabinet March 19th 2019.

#### **RECOMMENDATIONS:**

	(i)	Approve the commencement of consultation on the proposals and options detailed in the report and appendix 1.
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	(ii)	<p>To delegate authority to the Service Director for Children and Families to enter into (or continue) and conclude discussions with:</p> <ul style="list-style-type: none"> <li>• the Winchester and Portsmouth Diocese and St. Marks Primary School in relation to proposals for a new school on the St. Marks Primary School Site;</li> <li>• approach the Portsmouth Diocesan Trust, Governors and the Head Teacher of St. George Catholic College to consider expansion by 300 places; and</li> <li>• the Portsmouth Diocesan Trust, Academy Trust, Governors and Head Teacher of St. Anne’s Catholic College to consider expansion of the school by 300 places.</li> </ul>
	(iii)	<p>To delegate authority to the Service Director for Children and Families to engage with the Regional School Commissioner and the Department for Education to consider alternatives and options for the operation and funding of the construction of the new secondary school and to agree the outcome of any proposals following consultation with the Council’s Capital Board.</p>
	(iv)	<p>To note that the Service Director – Finance &amp; Commercialisation has delegated authority to vary the Secondary School Expansion scheme within the Education Capital Programme in response to any change in requirements around the specification of the projects following consultation within the approved overall funding of the scheme.</p>

**REASONS FOR REPORT RECOMMENDATIONS**

1.	<p>Council approved an addition to the Education Capital Programme on the 21<sup>st</sup> February 2018 of £67.45M for the Secondary Schools Expansion scheme. This was subject to a further report to Cabinet detailing the options for statutory consultation. These are detailed in full in Appendix 1 and summarised in paragraphs 8 to 12.</p>
2.	<p>There is an expected requirement to increase the overall number of secondary places in the city by 1,500 places, in the Central Planning region, in order to accommodate the demand for secondary places by 2023. There is a statutory duty placed on local authorities to provide sufficient school places as set out in s.14(1) of the Education Act 1996.</p>
3.	<p>Additionally, Southampton City Council (SCC) is bound by the Prescribed Alterations to Schools Regulations 2013 which sets out the statutory consultation framework required to make any amendments to schools. Building a new school and expanding existing schools falls within these regulations.</p>
4.	<p>The vision set out in Appendix 1 goes beyond the provision of buildings and accommodation. The proposals are to provide quality places that support, underpin and facilitate the Educational Strategy, Aspirations and Vision for the council.</p>
5.	<p>Section 5.0 of Appendix 1 details the programme brief for the Secondary Expansion Programme including the nature of the demand for school places; the extent of the demand; where and when the demand will manifest and the Capital Investment required to fulfil the demand along with the proposed capital projects to deliver the required outcomes set out in the recommendations.</p>
6.	<p>The proposed programme of works required for the Secondary Schools Expansion Scheme is based on robust forecast predictions for the next five</p>

	years up to 2023; after 2023 a further review will be required to determine future provision beyond this date.
7.	A programme for the scheme will be drawn up detailing the Programme Vision, Governance, Timelines, (including all statutory consultation), Risks, Issues and Communications Plans in order to deliver the outcomes successfully. This will be used for the management and delivery of the projects.
<b>ALTERNATIVE OPTIONS CONSIDERED AND REJECTED</b>	
8.	Appendix 1 to this report sets out the rationale in detail as to the options considered. There are four options considered which are summarised below.
9.	<b>Option 1: Do nothing.</b> This option will lead to a failure to deliver against the statutory duty to provide sufficient places; s.14(1) Education Act 1996. The expected demand for secondary school places exceeds the existing capacity within the City by 2020. The current total capacity of all secondary schools in the City is 12,080 places. In 2023 based on the lowest demand forecast there will be a requirement for 13,600 places across the City this an increase of around 1,500 places.
10.	<b>Option 2: Expansion only strategy.</b> This is not recommended due to site considerations not providing enough capacity in existing secondary schools. The requirement to deliver 1,500 additional secondary places cannot be fulfilled by solely expanding existing schools for three reasons (i) site constraints: (ii) time constraints: and (iii) geographical constraints as the bulk of the demand for additional places manifests in the Central region of the city and there are only three schools in the Central Region.
11.	<b>Option 3: New (1500 Place School).</b> The strategy of fulfilling all future demand through the construction of a single school is not recommended. This is because (i) there are no suitably large and available sites in the Central Region of the City to build a school of this size; (ii) the earliest a new school could be delivered would be September 2022 and the shortfall in places manifests in 2020 and 2021; and (iii) this option does not offer good value for money and would not provide the number of places when required.
12.	<b>Option 4: Recommended. Expansion &amp; New Build.</b> To build a new 900 place school in the Central Region and expand two existing schools to create a total of a further 600 places. This is the recommended option as it provides the required places when and where they are needed and offers best value for money.
<b>PRE-STATUTORY CONSULTATION</b>	
13.	Consultation undertaken to date has included Head Teachers from Secondary Schools, Schools Forum and the C of E Diocese of Winchester and Portsmouth. All consultation at this stage is prior to statutory public consultation which will commence following Cabinet approval.
14.	Consultation with all Head Teachers of Secondary Schools in the City took place with the Service and the Cabinet Member for Education & Childrens Services between January and May 2018. Some concerns were expressed: <ul style="list-style-type: none"> <li>• There was a concern that in relation to the need for a new school and the impact that this may have on numbers of pupils in individual schools;</li> </ul>

	<ul style="list-style-type: none"> <li>• A view was expressed that the additional demand for places could be met from expanding existing schools; and</li> <li>• Several schools expressed an interest in any opportunity to be involved in operating the new school.</li> </ul> <p>Assurance was given to Heads that the extent of the future demand of secondary places is not expected to impact on existing schools.</p>
15.	<p>Consultation has been undertaken with the Schools Forum. Consultation took place at the Schools Forum meetings in September and December 2017, January and March 2018. The Schools Forum acknowledged the need to expand capacity and that a balanced approach for a new school and expansion programme is the optimum way forward. Discussions were had in relation to the viability of expanding schools to provide all of the required places. Officers went through the rationale of the approach set out in Appendix 1 and highlighted the logistical constraints with both an Expansion Only and New School Only approach to fulfilling demand for places. Reassurance has been offered in relation to engaging with Schools Forum throughout the delivery of the programme including schools representation on the programme board to be established to oversee the projects.</p>
16.	<p>Initial Discussions with the C of E Diocese of Winchester and Portsmouth and St. Marks Primary School took place in May 2018. Discussions are at an early stage. The feasibility study for a new school on the St. Marks Primary and Civil Service Playing Fields sites was focused on (i) can a new secondary school be built on the sites? And (ii) if so where? The outcome from the feasibility study undertaken demonstrates clearly a new secondary school can be built on the St. Marks School site which is owned by the C of E Diocese of Winchester and Portsmouth.</p>
17.	<p>Cabinet are now asked to give delegated authority to the Service Director – Childrens and Families to enter into or continue and conclude discussions required to finalise the Schools Expansion Programme Scheme.</p>

## RESOURCE IMPLICATIONS

### Capital/Revenue

18.	<p>The Secondary Schools Expansion scheme was added to Education and Childrens Services capital programme in February 2018 and totalled £67.45M. Following further analysis of need and refinement of options, the current expected cost of the programme is £48.86M as shown in Table 1 below.</p>																														
19.	<p><b>Table 1 – Predicated Profile &amp; Cost of Secondary Schools Expansion Scheme</b></p> <table border="1"> <thead> <tr> <th></th> <th>2018/19 £M</th> <th>2019/20 £M</th> <th>2020/21 £M</th> <th>2021/22 £M</th> <th>Total £M</th> </tr> </thead> <tbody> <tr> <td>Expansion at two schools in Central Area (600 Places details to be confirmed)</td> <td>0.18</td> <td>1.80</td> <td>5.40</td> <td>0.72</td> <td>8.10</td> </tr> <tr> <td>Contingency</td> <td>0.02</td> <td>0.20</td> <td>0.60</td> <td>0.08</td> <td>0.90</td> </tr> <tr> <td><b>Total</b></td> <td><b>0.20</b></td> <td><b>2.00</b></td> <td><b>6.00</b></td> <td><b>0.80</b></td> <td><b>9.00</b></td> </tr> <tr> <td>New 6FE (900 place) Secondary School,</td> <td>0.08</td> <td>3.40</td> <td>15.30</td> <td>8.30</td> <td>27.08</td> </tr> </tbody> </table>		2018/19 £M	2019/20 £M	2020/21 £M	2021/22 £M	Total £M	Expansion at two schools in Central Area (600 Places details to be confirmed)	0.18	1.80	5.40	0.72	8.10	Contingency	0.02	0.20	0.60	0.08	0.90	<b>Total</b>	<b>0.20</b>	<b>2.00</b>	<b>6.00</b>	<b>0.80</b>	<b>9.00</b>	New 6FE (900 place) Secondary School,	0.08	3.40	15.30	8.30	27.08
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	Contingency	0.02	0.60	2.70	1.46	4.78
	<b>Total</b>	<b>0.10</b>	<b>4.00</b>	<b>18.00</b>	<b>9.76</b>	<b>31.86</b>
	Chamberlayne Refurbishment – main teaching block and sports facilities	0.54	1.80	3.60	1.26	7.20
	Contingency	0.06	0.20	0.40	0.14	0.80
	<b>Total</b>	<b>0.60</b>	<b>2.00</b>	<b>4.00</b>	<b>1.40</b>	<b>8.00</b>
	<b>Total (All)</b>	<b>0.90</b>	<b>8.00</b>	<b>28.00</b>	<b>11.96</b>	<b>48.86</b>
20.	Further revenue costs may need to be incurred for the hire of modular classrooms if required in the years 2019 to 2021 at an estimated cost of £80k per year. Funding for this will be provided from the existing general fund revenue budgets.					
21.	The estimated budget figures above are inclusive of all professional fees and construction costs. A Royal Institute British Architects, (RIBA) Stage 1 (Feasibility Study) has been completed for both the proposed New Secondary School and primary school on the St. Marks Primary School and Civil Service Playing Fields sites.					
22.	On completion of the new build the secondary school will immediately become an academy. It is expected that the school and land would transfer under the longer term lease model to the academy trust or organisation who will operate the school (125 year lease) as set out in the DfE guidance for academy conversions, subject to further legal clarification in relation to site specific restrictions and obligations.					
23.	The Service Director – Finance & Commercialisation has delegated authority to vary the Secondary School Expansion scheme within the Education Capital Programme in response to any change in requirements around the specification of the projects following consultation within the approved overall funding of the scheme. Any change in the overall value of the scheme will be reported to Cabinet and Council as relevant when final scheme has been designed and costed.					
<b><u>Property/Other</u></b>						
24.	Requirement for support from Capital Assets throughout the proposed programme in order to deliver projects to expand schools and build a new school. Professional Services, (Architects, Cost Consultants, M&E, Structural Engineers) will be appointed through existing frameworks.					
25.	Additional legal resource will be required to support the programme.					

## LEGAL IMPLICATIONS

### **Statutory power to undertake proposals in the report:**

26. *s14(1) Education Act 1996* places a statutory duty to provide sufficiency of school places and a duty to provide quality school places. Proposals to expand schools, build new schools or make significant changes to school places may require publication of school organisation notices under the Schools Standards & Frameworks Act 1998. Such proposals require prior consultation, statutory notices, 4 week representation period and subsequent Cabinet decision. Depending on the status of the school there may also be an appeal provision to the Office of the Schools Adjudicator Each proposal will be considered as feasibility studies and programme planning progresses and, in consultation with legal services, proposals which require statutory notices will be identified and the progression of those procedures built into project timescales and planning pending further Cabinet decisions as required.

### **Other Legal Implications:**

27. The Human Rights Act 1998 provides a right of access to education of a type and quality determined by the state. The Act requires that local authorities and other public bodies covered by the HRA must be able to demonstrate that policy formulation and all decisions in this regard are 'proportionate' in weighing individual harm against the wider public interest and necessary in order to secure sufficient quality school places within the local authority area that are accessible to all.
28. *s17 Crime and Disorder Act 1998*  
There is a duty on Local Authorities under the Crime and Disorder Act 1998 to have due regard to the likely effect of the exercise of its functions on crime and disorder in its area and the need to do all that it can reasonably do to prevent crime and disorder, including on any anti-social behaviour that affects the local environment, misuse of drugs, alcohol and other substances and on re-offending in the area. This duty will be taken into account in relation to the location and design of school places.
29. *s149 Equality Act 2010*  
The Equality Act 2010 obliges Public Authorities, when exercising their functions, to due regard to the need to:
- Eliminate discrimination, harassment and victimisation and other conduct which the Equality Act 2010 prohibits
  - Advance equality of opportunity; and
  - Foster good relations between people who share relevant protected characteristics and those who do not
- The relevant protected characteristics under the Equality Act are age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation A preliminary EISA form has been completed; the document will be continuously monitored and updated throughout the Education Capital Programme.
- The decision-maker, Cabinet in this instance, must assess the risk and extent of any adverse impact and the ways in which such risk may be eliminated before the adoption of a proposed policy or course of action. Members should in particular note that the duty is for them personally. It is not sufficient to rely on officers to discharge the duty by the preparation of the Equality Impact Assessment and this

	<p>report. Members must themselves read and actively take into consideration the Equality Impact Assessment at appendix 2. This Public Sector Equality Duty (PSED) applies not only to the formulation of this policy but also to decisions made in individual cases where the policy is applied.</p>
30.	<p><i>s6A Education Act 2011 ('the Free School Presumption')</i></p> <p>The Education Act 2011 changed the arrangements for establishing new schools and introduced section 6A (the 'free school presumption') of the Education and Inspections Act 2006 which requires that, where a local authority identifies the need for a new school in its area, it must seek proposals to establish an academy (free school).</p> <p>Cabinet are advised the Authority will need to engage with stakeholders and formulate a full specification for the proposed new school and publish the specification inviting interested parties (Academy Trusts and other organisations) to submit proposals</p>
31.	<p><i>Academy Act 2010</i></p> <p>Place a requirement on Academy Schools to prepare either an accelerated business case or full business case for consideration of the Regional Schools Commissioner or Secretary of State in order to expand.</p>
<p><b>RISK MANAGEMENT IMPLICATIONS</b></p>	
32.	<p>A full time Programme Manager will be required to oversee the outcomes from the programme; along with Programme Management Office, (PMO) support; Communications, Legal and Finance support.</p> <p>Programme Management methodology will directed by the PMO.</p> <p>A Programme Board will meet monthly and will receive full project budget reports and highlight reports for all projects in order to continuously manage and monitor the risks associated with costs and timescales throughout the programme. Representation on the Board shall be at Service Lead level.</p>
33.	<p>Risks will be captured in a risk and issue log and will be continuously monitored and evaluated by the Programme Board throughout the programme. All risks will have a unique ID, an owner and detailed mitigation strategies to either minimise the impact of the risk or eradicate it is practicable. The collective and continuous management of risk by the Programme Board ensures optimistic bias is addressed and provides a robust strategy.</p>
34.	<p>Table 2 below gives more specific details of Risks that have been identified and the possible mitigating actions.</p>

<b>Table 2 – Extract of Risk Log</b>															
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<b>POLICY FRAMEWORK IMPLICATIONS</b>															
35.	None														
<b>KEY DECISION?</b>	<b>Yes</b>														
<b>WARDS/COMMUNITIES AFFECTED:</b>	<b>ALL</b>														
<u>SUPPORTING DOCUMENTATION</u>															
<b>Appendices</b>															
1.	Education Capital Programme Report (Programme Brief)														
<b>Documents In Members' Rooms</b>															
1.	None														

<b>Equality Impact Assessment</b>		
<b>Do the implications/subject of the report require an Equality and Safety Impact Assessment (ESIA) to be carried out.</b>		<b>Yes</b>
<b>Privacy Impact Assessment</b>		
<b>Do the implications/subject of the report require a Privacy Impact Assessment (PIA) to be carried out.</b>		<b>No</b>
<b>Other Background Documents</b>		
<b>Other Background documents available for inspection at:</b>		
<b>Title of Background Paper(s)</b>	<b>Relevant Paragraph of the Access to Information Procedure Rules / Schedule 12A allowing document to be Exempt/Confidential (if applicable)</b>	
<b>1.</b>	<b>None</b>	