

Report title	Secondary School Expansion Programme 2023	
Decision designation	AMBER	
Cabinet member with lead responsibility	Councillor Christopher Burden Education, Skills and Work	
Key decision	Yes	
In forward plan	Yes	
Wards affected	All Wards	
Accountable Director	Emma Bennett, Executive Director of Families	
Originating service	Children's Services	
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Report to be/has been considered by	Children's and Education Leadership Team	20 October 2022
	Strategic Executive Board	1 November 2022

Recommendations for decision:

The Cabinet is recommended to:

1. Approve the formal proposal for schools to be included in the Secondary School Expansion Programme 2023
2. Approve the Secondary School Expansion Programme 2023 to provide temporary solutions to meet short term demand to ensure that an oversupply of school places is not created.

Recommendations for noting:

The Cabinet is asked to note:

1. The budget for the expansion scheme at Colton Hills Community School will be approved via existing approved delegation, once the required budget is finalised.

2. That in light of the scale of recent secondary expansion programmes practical opportunities to continue to expand the existing estate are constrained.
3. The Council is not in full control of all the factors relating to the effective and timely supply of school places.

1.0 Purpose

1.1 This report details the schemes proposed for inclusion in the Secondary School Expansion Programme (SSEP) 2023 and seeks approval to implement the proposed Programmes in order to ensure the provision of sufficient school places.

2.0 Background

2.1 The Local Authority (LA) has a statutory duty to:

- ensure that sufficient school places are available within their area for every child of school age whose parents wish them to have one
- to promote high educational standards, to ensure fair access to educational opportunity, and;
- to help fulfil every child's educational potential.

The LA must also ensure that there are sufficient schools in its area and promote diversity and parental choice. This is in line with our ambitions and priorities as set out in Our City, Our Plan.

The term 'sufficient' means sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.

2.2 In order to ensure ongoing sufficiency, the LA has introduced over 2,000 Secondary school places (a combination of temporary and permanent) since 2017 as a result of this, there are limited options available across the city to further expand schools.

2.3 The vast majority of secondary schools in Wolverhampton are academies and the LA work in partnership with Academy Trusts to provide additional school places. The LA is the decision maker on changes to maintained schools whilst the Academy Trusts are the respective decision makers for changes to pupil numbers. Although the LA has the statutory duty as detailed in paragraph 2.1 it is not in control of all the factors relating to the timely supply of school places.

2.4 To ensure continued sufficiency, investment in additional capacity is required in the Secondary School estate in September 2023.

2.5 Schools have been selected for inclusion in the expansion programme in line with the approved and published strategic policy as outlined in "City of Wolverhampton Education Place Planning 2020-2022" (The Strategy). Please note a revised Strategy is currently being developed and following consultation with stakeholders will be presented at Cabinet.

2.6 On 11 November 2020, Cabinet approved delegated authority to the Cabinet Member for Education and Skills, in consultation with the Director of Children's Services and the Director of Finance, to approve the allocation of the Expansion Programme budgets to individual capital projects including making grant payments where appropriate in order that projects can be progressed in a timely manner.

3.0 Secondary Demand

- 3.1 In academic year 2023-24, the current level of places City-wide exactly matches the projected level of demand (projected 3,742 pupils to 3,742 places available) which would provide 0% level of surplus (see Figure 1 below).
- 3.2 A level of surplus is required to offer increased opportunity for parental preference, to cater for in year applications and allow for fluctuations in demand. The Department for Education (DfE) fund a surplus figure of 2% which is outlined in the approved Strategy and as such the Local Authority aspires to achieve 2% operating surplus across the City.
- 3.3 As illustrated in Figure 1 below, 75 additional places are required for a 2% level of surplus.

Figure 1: Citywide Year 7 cohorts – Projections



Source: City of Wolverhampton Council Projections

4.0 Secondary School Expansion Programme 2023

- 4.1 The SSEP 2023 comprises three schools; a combination of two maintained schools and an academy. The schemes will provide additional school places.
- 4.2 Each school was approached to discuss the viability of accommodating additional school places and individual proposals are detailed below.
- 4.3 **Colton Hills Community School**
- 4.4 Colton Hills Community School is a maintained school located in the Blakenhall Ward. The school received a short inspection by Ofsted in September 2018 and the judgement received stated 'This school continues to be good'.

- 4.5 As part of the Secondary School Expansion Programme 2019-2020, and at no capital cost to the Local Authority, the school provided an additional 49 Year 7 places in September 2019, with an admission above PAN from 161 to 210: this cohort is now in Year 10.
- 4.6 As part of the Secondary School Expansion Programme 2022 the school provided a further 49 Year 7 places to support demand in the area (this is the current Year 7 cohort). These additional places were also provided within the schools existing facilities at no capital cost to the Local Authority.
- 4.7 In order to ensure sufficiency of provision, it is proposed that the number of Year 7 places available at Colton Hills Community School is temporarily increased from 161 to 210 (49 places) in September 2023. The admission limit in Year 7 would revert to 161 in September 2024.
- 4.8 It has been identified that teaching and learning spaces are sufficient to accommodate the additional places, however, due to the previous uplifts in school places, when judged against the Building Bulletin 103 guidelines (which sets out minimum space requirements in schools) it has been determined there is insufficient dining provision.
- 4.9 A feasibility assessment is currently being undertaken to establish options available and the capital funding required to support this scheme. However, estimated costings for additional dining provision is in the region of £485,000 and as Figure 2 illustrates this is slightly above the national average cost per place. It should be noted that the national average is based on data from 2020-21 and does not reflect the recent substantial increased costs of certain materials seen nationally and locally. For example, the cost of steel has doubled in price.

Overall Number of Places	Estimated Cost	Cost per Place £	National Average cost Per Place £ Secondary*
49	485,000	9,898	9,467

*National Average 2020/21 (Temporary)

There are contingency funds included in the estimated costs which will only be drawn upon if required.

- 4.10 The required work to be undertaken in the dining area may require consent under Section 77 School Standards and Framework Act 1998 (SSFA) due to the 'disposal' of the playing field land. Playing Field land includes hard informal and social areas. The area that is proposed for development of the dining provision is currently part of a recreation area where the students can sit outside at dinner and break times. Advice is being sought at present if consent from the Secretary of State is required for this proposal.

4.11 St Matthias School

- 4.12 St Matthias School is a maintained school located in the East Park Ward. The school was inspected by Ofsted in November 2019 and the judgement received stated 'This school continues to be good'.
- 4.13 As part of the Secondary School Expansion Programme 2019-2020, and at no capital cost to the Local Authority, St Matthias School provided 29 additional Year 7 places for September 2019 and September 2020, with an admission above PAN from 161 to 190 (these cohorts are now in Years 9 and 10).
- 4.14 As part of the Secondary School Expansion Programme 2022 the school provided a further 10 Year 7 places to support demand in the area (this is the current Year 7 cohort). These additional places were also provided within the schools existing facilities at no capital cost to the Local Authority.
- 4.15 In order to ensure sufficiency of provision, it is proposed that the number of Year 7 places available at St Matthias School is temporarily increased from 161 to 171 (10 places) in September 2023. The admission limit in Year 7 would revert to 161 in September 2024. The additional places can be catered for within the existing accommodation, at no capital cost and adhere to the Private Finance Initiative contract.

4.16 School Organisation and School Admissions Regulations

- 4.17 When making changes to maintained schools, regulations have to be adhered to; The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (Amended) (England) Regulations 2012, and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
- 4.18 Local Authorities must follow a statutory process when seeking to expand a maintained school if; the proposed enlargement to the premises of the school is permanent (longer than 3 years) and would increase the capacity of the school by: more than 30 pupils; and 25% or 200 pupils (whichever is the lesser).
- 4.19 As the criteria in 4.18 does not apply to either Colton Hills Community School and St Matthias School, it is an admission above Published Admission Number in accordance with the School Admission Code 2021.

4.20 Ormiston SWB Academy

- 4.21 Ormiston SWB Academy (Ormiston SWBA) is located in the Bilston East Ward and is part of the Ormiston Academy Trust. The school was inspected by Ofsted in November 2021 and judged to be 'Good'.
- 4.22 As part of the Secondary School Expansion Programme 2019-2020, Ormiston SWBA provided 30 additional Year 7 places for September 2019 admitting above PAN from 200 to 230.

- 4.23 As part of the Secondary School Expansion Programme 2022 a further 30 Year 7 places were provided, again an increase from 200 to 230 for September 2022.
- 4.24 As a part of the Secondary School Expansion Programme 2023, the Trust will be providing an additional 30 places in Year 7 for September 2023. These additional places will be provided within the schools existing facilities and at no capital cost to the Local Authority. The admission limit in Year 7 would revert to 200 in September 2024.
- 4.25 School Admissions Code: In accordance with The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012, own admission authorities (Academy Trusts) are not required to consult on their PAN where they propose either to increase or keep the same PAN.
- 4.26 The uplift in places at Colton Hills Community School, St Matthias School and Ormiston SWB Academy total 89 which will provide a 2.3% level of surplus in Year 7 for September 2023.

5.0 Evaluation of alternative options

- 5.1 Limited alternative solutions exist within the school estate. Proposed schemes have been prioritised in line with the Council's strategic policy as detailed in 'City of Wolverhampton Education Place Planning 2020-2022'.

6.0 Reasons for decision

- 6.1 This programme would help secure the required school places to ensure the Council's statutory duty (to ensure the sufficiency of provision) can continue to be fulfilled.

7.0 Financial implications

- 7.1 The scheme at Colton Hills Community School will require a capital budget and there is an indication that this will be in the region of £485,000. This can be funded in full from the approved capital budget for the Secondary Schools expansion programme which at Quarter 2 2022-2023 has £5.8 million unallocated to specific schemes. This budget is funded in full by the Basic Needs grant which is specifically for capital expenditure related to creating new school places. As part of the report 'Capital Programme 2020-2021 to 2024-2025 Quarter Two Review' Cabinet delegated authority to allocate budgets from the Secondary School Expansion Programme to the Cabinet Member for Education and Skills, in consultation with the Director of Children's Services and the Director of Finance. Once the required budget is finalised, an IEDN will be required to create a budget for this scheme.
- 7.2 The other schemes detailed within this report have no capital cost implications for the Council.

[JB/27102022/P]

8.0 Legal Implications

- 8.1 Under Section 14 of the Education Act 1996, a local authority shall secure that sufficient schools for providing primary and secondary education are available in their area. Sufficient means sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. In meeting this duty, a local authority must do so with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.
- 8.2 The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (Amended) (England) Regulations 2012 will need to be adhered to regarding the admissions arrangements.
- 8.3 Under the School Admissions Code, own admission authorities (Academy Trusts) are not required to consult on their PAN where they propose either to increase or keep the same PAN
- 8.4 If required Section 77 School Standards and Framework Act 1998 (SSFA) will need to be adhered to in regards to Colton Hills Community School.
[SZ/18102022/P]

9.0 Equalities implications

- 9.1 This report has equal opportunity implications as the contents have direct reference to educational provision for children and young people in the City. Section 149 of the Equality Act 2010 requires that public bodies, in exercising their functions, have due regard to the need to (1) eliminate discrimination, harassment, victimisation and other unlawful conduct under the Act, (2) advance equality of opportunity and (3) foster good relations between persons who share a protected characteristic and persons who do not share it.

10.0 All other implications

- 10.1 City Assets commissioned the feasibility study for Colton Hills Community School via the Projects and Works team. Once feasibility has been completed and costs have been determined Projects and Works will tender the schemes in consultation with Procurement to secure best value. City Assets would be responsible for the scheme.
- 10.2 Any building work arising from these proposals would be geared to promote improvement to the physical environment.
- 10.3 There is likely to be a need for the schools to employ additional staff to support the increased number of pupils, however, the future organisation of employees within maintained schools is the responsibility of the Governing Body and in academy schools is the responsibility of the Trust.

11.0 Schedule of background papers

- 11.1 [School land transactions: guidance \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)
- 11.2 The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (Amended) (England) Regulations 2012.
- 11.3 The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013.
- 11.4 Cabinet, 20 February 2019 - [Secondary School Expansion Programme 2019-2020 Update and Future Primary and Secondary Provision.](#)
- 11.5 Cabinet, 20 January 2021 – [City of Wolverhampton Education Place Planning 2020-2022.](#)