

WOODFORD DEVELOPMENT - NEW SCHOOL GOVERNANCE DECISION

Report of Deputy Chief Executive and Director of Education

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 The Local Authority granted planning permission in 2014 for the redevelopment of the former BAE systems site at Woodford to deliver a predominantly residential led development comprising up to 920 dwellings. The planning permission also secured the provision of a single form entry Primary school which is to be delivered by the developer and to be available for occupation of the 450th dwelling. Once constructed the freehold of the school is passed to the Council.
- 1.2 The purpose of the report is to outline the 2 options available to Local Authority regarding the management and governance of the new school. The Local Authority can recommend that an existing community school transfers to the new site and is expanded or the site is offered, through a competitive process, as a free school/academy.
- 1.3 The main body of the report will outline and appraise the options. The appraisal is focused on the agreed common aim within the ONE Stockport Brough Plan that we have sufficient places in good local inclusive schools at the heart of the community that children and families want to go to.
- 1.4 The decision to be taken is a Key Decision by the Cabinet pursuant to the council's constitution.

2. BACKGROUND

- 2.1 The Section 106 agreement which accompanies the planning permission obligates the developer to deliver a 1FE primary school on or before the first occupation of the 450th residential unit and following the signing of the S106 agreement in 2014, the local authority is required to determine how the new school, funded by the developer, will be opened.
- 2.2 The scheme delivered its first residential completions in 2015/16, although this was at a relatively low number due to the extensive package of initial remediation and infrastructure works required for a scheme of this scale.
- 2.3 Typically, the local authority would undertake a statutory process to determine an operator 2 years in advance of the school site being handed over. The Covid-19 pandemic has impacted on timescales for completion of the houses as well as the timetable for the selection of the management of the school. Nevertheless, it is noted that the developer will commence construction of the school in June 2021.

- 2.1 The developer is currently seeking a variation of the Section 106 agreement which would amend the wording of the S106 agreement to ensure that the school is available in for the academic year when the 450th unit is occupied. This submission gives an indication that the school will be handed over to the Local Authority in June 2022.
- 2.2 Woodford Primary School has a designed 2FE footprint with the developer paying in full for the 1 FE build (see site map below). The school could be extended at any time. The extension to 2 FE would need to be provided by the Local authority's schools capital allocation, the cost for this are estimated in the region of £2.0 – £2.5M.



Site Map

- 2.3 To ensure we achieve our ambition regarding sufficient places in good local inclusive schools at the heart of the community that children and families want to go to, we are putting in place a School Place Planning Board. The Board, co-chaired by the Deputy Chief Executive and the Director of Children's Services has a membership of key leaders including the Director of Education and technical experts supporting the development of options and recommendations to make decisions on how we align resources to need.
- 2.4 It is for the Cabinet to determine how the management and governance of the new school will be established. Stakeholder and officer views have been sought in relation to the future governance of the school with consideration of 5 key principles:

- We ensure sufficient school places in local schools
- We deliver places in a proactive timely manner
- We deliver value for money and maximise grant income
- We consider the implications of decisions made ensuring sustainability of existing local schools
- Our decisions deliver flexibility for the future needs of the school population

3. PLANNING, PROJECTIONS AND ADMISSIONS

- 3.1 Due to timescales involved in the delivery of the redevelopment of a former brownfield site, added to the inevitable delays felt as a consequence of the pandemic and a need to phase anticipated pupil yield into projections there remains uncertainty as to when places will need to be created. Current school applications are showing pressure in the system for extra places and projections anticipate a further shortfall in capacity from September 2022.
- 3.2 Observed pupil yield from the Woodford development has been less than initially expected which may be due to the delays attributable to COVID and the protracted build period.
- 3.3 Given the level of sufficiency required, consideration should be given to an approach that allows flexibility in the availability/provision of school places so as not to destabilise local schools in the area. At least three schools in the immediate area could be at risk and suffer from viability issues should too many places be created and/or those places be made available at the wrong time.
- 3.4 However, despite the immediate pressure, there remains uncertainty about forward demand for places and in order to ensure that new school places do not destabilise existing schools it is recommended that further pupil place planning projections are sought in advance of formal consultation.

4. OPTIONS FOR THE GOVERNANCE OF THE NEW SCHOOL

- 4.1 Both Queensgate Primary (Community School) and at least one Multi-Academy Trust are interested in taking over the governance and management of the new school site.
- 4.2 The new 1FE school has been funded by the developer to provide school places that will be generated by the Woodford housing development. The local authority can choose to transfer Queensgate to an enlarged 2FE school building whilst managing the release of places as increased capacity is required in the local area or offer the school to a competitive process under the free school presumption.

Admission Arrangements

- 4.3 If Queensgate Primary School were to become the operator of the new site, there is no requirement to consult on admissions arrangements nor would there be a need to change existing arrangements. The local authority can continue to flex places available, without consultation, according to the number of children emerging from the Woodford Development with a view to formalising the school at 2FE as confidence grows in pupil yield.
- 4.4 Queensgate Primary School senior leadership are working closely with the local authority and are already allowing the supply of places to be flexed according to the number of pupils emerging out of the Woodford development. Temporary, modular accommodation is present on Queensgate's site and is sufficient to meet projected demand up to 2024. This flexible supply of places has been agreed to continue for the foreseeable.
- 4.5 The design of the 1FE school on the new site includes shared spaces (hall, kitchen etc.) with sufficient capacity for 2FE. Expansion of the school is foreseen as a second phase with a modular extension consisting of teaching spaces only. With sufficient planning it will be possible to implement with minimum disruption to the school after opening as 1 FE.
- 4.6 As there would be no requirement to formally consult on admission arrangements, the application process for Reception places in September 2022, which opens in August 2021 can continue without issue and can be delivered for September 2022.
- 4.7 There are some challenges associated with relocating and expanding an existing school which include:
- The ability for the Council to provide absolute clarity to prospective families about the arrangements at Queensgate Primary School and/or the new site at the beginning of the application process which opens in August 2021 and closes in January 2022.
 - The timeline for construction of the new site is reliant on there being no issues in the build process.
 - To be able to welcome pupils in September 2022 at the new site, it will require a period of split site operation while the school is able to fully set the new site up
 - It is the view of the Council that places are not needed for September 2022 and will not be needed until 2023.
- 4.8 If a multi academy trust were to become the operator of the new site, on becoming the appointed sponsor, the trust would publicly consult under statutory requirements outlining the proposed fine detail of the new school and its arrangements. This would include proposed admissions arrangements for the new school. The academy trust cannot begin to accept applications without determined admission arrangements and cannot admit pupils to the new school without a signed funding agreement. The application process for Reception places is governed by a statutory timeline which starts in the August, a year prior to the pupils being admitted.

- 4.9 It is feasible for a free school operator to be in place and accept pupils by September 2022. An indicative, lean timescale of 6 months is required from the point at which a Council makes its decision to proceed with a preferred option to the earliest point that an academy trust could be able to determine admissions arrangements. The earliest point at which the admissions authority could begin to accept applications for Reception places at the new school would therefore be July 2022 to start in September or shortly after September 2022. This is based on a decision being made by Cabinet in December 2021, admission arrangements being determined at the earliest by July 2022 by the academy trust.
- 4.10 There are a number of challenges that arise from a free school presumption process which include:
- The governance needed to appoint and set up a academy trust as the new operator is delayed, ultimately delaying the project development grant and funding agreement
 - The Department for Education determine that a 1 form entry primary school is unviable and refuse to support the project
 - The timeline for construction of the new site is reliant on there being no issues in the build process.
 - It is the view of the Council that places are not needed for September 2022 and will not be needed until 2023
- 4.11 There will be an expectation regardless of the operator that nursery provision is included on site. The arrangements for nursery admissions are non-statutory meaning that an application process can happen much earlier in the process.

Queensgate School Transfer to New Woodford Site

- 4.12 Queensgate is a 1FE primary school with SEND Resource Unit. It is currently rated Outstanding. The school has temporarily expanded to 1.5 FE to manage pupil growth in advance of the completion of the Woodford site.
- 4.13 The expansion of excellent schools is in line with expectations when there are sufficiency needs.
- 4.14 The transfer of Queensgate School and the SEND Resource Unit to the Woodford site will facilitate the removal or repurposing of a 1960s school building from the education estate with the associated conditions expenditure of approx. £1M in next 5 years.
- 4.15 The expansion and transfer to a new site are two distinct decision-making processes, the expansion being a prescribed alteration, must follow a statutory 4 stage process (table below), with objections going to the Office of the School's Adjudicator (OSA). The statutory process for making prescribed alterations to schools has four stages:

Stage	Description	Timescale	Comments
Pre-stage 1	Public Consultation	6 weeks	Best practice to help LA determine what alterations it wishes to propose
Stage 1	Publication (statutory proposal/notice)		Published on web and in print
Stage 2	Representation (formal consultation)	Must be 4 weeks	Stockport would consult for minimum of 6 weeks
Stage 3	Decision	LA should decide a proposal within 2 months otherwise it will fall to the Schools Adjudicator	Any appeal to the adjudicator must be made within 4 weeks of the decision - adjudicator could take up to 8 weeks to make a determination
Stage 4	Implementation	No prescribed timescale	It must be as specified in the published statutory notice, subject to any modifications agreed by the decision-maker

4.16 As the new site is less than 2 miles away from the current Queensgate School, this is not a 'prescribed alteration' in the context of the regulations which means that any objections would be considered by the local authority, not the OSA. However, the local authority would run the consultation process for both using the same methodology.

4.17 The capital cost of increasing the Woodford school site to 2FE capacity, with SEN Resource Unit provision is in the range £2.0-£2.5M. Offset against the new build capital cost is the future maintenance of approx. £1M in condition works over the next 5 years for the existing Queensgate school site.

4.18 The facilities management costs of a new build school would be expected to be lower than Queensgate existing school costs and it would also benefit from modern energy efficient systems in line with the Stockport Climate Action Now Agenda.

4.19 A summary of the arguments for and against the proposed relocation and expansion of Queensgate is as follows:

Reasons For	Reasons Against
<ul style="list-style-type: none"> • Expansion of “excellent” school • SEND Resource Unit is well run and would benefit from new facilities • New facilities for all Queensgate pupils • Greater control for the LA to respond to the emerging demand from the Woodford development flexing between a 1 / 1.5 / 2 FE primary school • Greater strategic oversight from the LA over planning for catchment and flows to secondary schools • No staffing implications as a consequence of expansion from 1.5FE to reduction to 1FE • Removal of a 1960s school building from the education estate (Queensgate site likely to need approx. £1M investment in condition works in next 5 years) • Releasing the existing primary school site for potential capital receipt or other educational purposes 	<ul style="list-style-type: none"> • Closure of Queensgate site might be unpopular with some stakeholders • Time risk for building a 2FE school by Sept 2022 (may require a delay in opening). This will be subject to detailed design and project plans. • A small number of current pupils will have to travel over 3 miles to get to the new site. • Capital costs of est. £2.0-£2.5M from school estate condition funds

4.20 The Governing Body of Queensgate Primary School have been consulted on the option to relocate and expand the school. The Governing Body support the proposal and recognise the impact that too many school places being provided over an extended period of time may create or worsen viability issues at their own school but also schools in the wider locality.

Free School presumption (competition)

4.21 We are aware of interest from at least one Multi-Academy Trust to take ownership and manage the Woodford school site in line with the Free School presumption clauses. However, this is an open and competitive process and there is no guarantee of who would win the bid.

4.22 This has the lowest immediate capital costs and may be popular for those that want to keep the Queensgate school on its existing site.

4.23 Due to a slow yield from the Woodford development, the existence of a new 1FE school is likely to create competition in the area which is likely to have a negative impact on pupil numbers at other local primary schools.

4.24 A 1FE free school may possibly have negative impact on local secondary provision, if its admission criteria are different from other local schools.

4.25 The Free School Presumption Process is a well-defined process with open competition for an operator. There are 2 defined periods of consultation:

- 4.25.1.1 Stage 1 LA consultation at the start of the process to consult on the parameters for the school specification. This is not a formal statutory consultation, but it is included in the described process and should take place before publication of the specification of the new free school.
- 4.25.1.2 Stage 2 “Section 10” statutory consultation after the decision on sponsor. This is carried out by the sponsor after appointment and in the pre-opening phase, minimum recommended time 6 weeks.

4.26 A summary of the arguments for and against a free school presumption process:

Reasons For	Reasons Against
<ul style="list-style-type: none"> • Prescribed process for decision making • Zero capital cost option • Due to the success of academy trusts in Stockport, this may be attractive to key stakeholders looking for the same operating model to be applied 	<ul style="list-style-type: none"> • Due to a slow yield from the Woodford development, the existence of a new 1FE school may create disruption in the area <ul style="list-style-type: none"> • Negative impact on pupil numbers at local primary schools • Potential impact on Queensgate school <ul style="list-style-type: none"> • Falling numbers • Potential staff redundancies (though this could be mitigated through TUPE arrangements with the new school) • May de-stabilise existing family of school’s model.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

5.1 Revenue and Capital consequences of report recommendations

- 5.1.1 The Woodford school site has the option of extension to a 2 FE school which would cost approx. £2.0-£2.5M. This is viable within the capital programme.
- 5.1.2 The £2.0-£2.5m would be funded from the school’s capital programme in competition with condition investment needs from the existing school estate. Latest indications show a condition need across the education portfolio of at least £94m.

5.2 The effect of the decision

- 5.2.1 The decision should be based on the best use of available resources this includes the consideration of existing conditions issues, creation of sufficient good local and inclusive school places and the avoidance of turbulence in other schools who may be put at risk.

5.3 Risks

5.3.1 The key risks are in relation to:

- Sufficiency of school places for children and families
- The sustainability of local schools
- The quality of education and inclusion
- Timeframe of completion of scheme, this can be mitigated if a LA scheme, but the LA would have little influence on any free school presumption route;
- Admission arrangements – The trust board of any new free school would be free to implement their own admission arrangements

5.4 Options

5.4.1 The option are as previously outlined, which include:

- Build 1FE new free school via S106 developer funds and retain Queensgate as is.
- Relocate and expand Queensgate into 2FE school site but manage the intake of pupils in line with increased sufficiency needs.

5.5 Future savings/ efficiencies

5.5.1 Future maintenance/repair costs to capital program are estimated at £0 – 1.0m over the next five years.

6. **LEGAL CONSIDERATIONS**

6.1 Local authorities must plan for and secure sufficient schools for their area in line with their duties under section 14 of the Education Act 1996, ensuring that the school estate is managed efficiently and to reduce or find alternative uses for surplus capacity to avoid detriment to schools' educational offer or financial position. This can be achieved through various means, including expansion of existing schools, transfer of site or the creation of a new school.

6.2 There are 2 options open to the local authority regarding the governance decision to manage a new school:

6.2.1 Propose the creation of a new school. Section 6A of the Education and Inspections Act 2006 requires local authorities to seek proposals to establish an academy/Free School in the first instance where they identify a need for a new school in their area.

6.2.2 Propose the expansion of an existing community school and transfer to an entirely new site. A full representation and consultation process which would include all existing parents would be undertaken as set out in para 4.5 above.

6.3 The local authority has consulted with the Regional Schools Commissioner's office to ensure that there is a common understanding of action being considered to provide new school places and to improve the overall quality and diversity of educational provision in the area.

- 6.4 Any decision to move or re-locate the Queensgate school is a Key Decision to be taken at a Cabinet Meeting. Prior to the Cabinet Meeting the report should go to the relevant scrutiny committee.

7. HUMAN RESOURCES IMPACT

- 7.1 The existing staff from Queensgate would transfer into the new site. There are no further human resources implications at this stage.
- 7.2 Further staffing would be required as the school expands to provide sufficiency in line with the Woodford Housing Development.

8. EQUALITIES IMPACT

- 8.1 The Queensgate school has a Resourced Unit on site. This specialised provision offers appropriate additional support to children with Special Educational Needs and Disability (SEND) in the local area. This is fully in line with the expectations of Stockport's inclusion agenda and the recommendations made through the review of the Dedicated Schools Grant (DSG) High Needs Block.

9. ENVIRONMENTAL IMPACT

- 9.1 Environmental considerations of the construction of a 1FE school on the Woodford site have been assessed at the planning stage with relevant impact assessments carried out. The assessments were based on the retention of Queensgate primary school and operation of Woodford Primary school as 1 FE free school.
- 9.2 Operation of a single school on the Woodford site (2FE) and closure of Queensgate would foresee the following impacts:
- 9.2.1 Environmental cost of construction of larger school at Woodford, energy and materials (negative impact).
- 9.2.2 Reduction in operating costs of one school v two schools. Reduction in energy consumption due to more compact buildings and efficient construction methods used in the new school (positive impact).
- 9.2.3 Closure of Queensgate school will mean pupils within the catchment currently local to Queensgate will have to travel further to school and a number will travel by car, increasing traffic and pollution. (negative impact).
- 9.2.4 The environmental impact of development of the Queensgate site is not considered.

10. CONCLUSIONS

- 10.1 In determining the decision for the future governance of the new Woodford site, there are 5 key considerations that should be taken into account:

- Ensuring sufficient places in local schools
- Delivering the new 1FE school in a timely manner (September 2022)
- Delivering value for money and maximising grant income
- Ensuring the sustainability of local schools (this should be understood to mean any expansion should not place any existing school at risk of closure)
- Delivering flexibility for the future

10.2 Transferring Queensgate and the SEND Resource Unit to the new site would offer greater flexibility locally to enable expansion of places as the school population grows in line with families occupying the new housing development. Furthermore, it should be noted that there would be immediate capital costs. A Free School presumption would facilitate a school operator in time for September 2022 and has lower capital costs, although it potentially carries a risk to the wider school estate.

10.3 As noted at section 3.4 of this paper further pupil place planning projections are needed in advance of formal consultation work. This is essential as there remains uncertainty about forward demand for places. In addition, a design for extending the school to 2FE is required in advance of formal consultation, this will enable the costs and timescales to be properly understood.

11. RECOMMENDATIONS

11.1 That the Scrutiny committee notes the report and provides comments on options and proposals for further engagement to the Cabinet as appropriate.

11.2 That Cabinet decides to commission full design work for a 2FE extension and determines that, subsequent to continued stakeholder engagement in June and July 2021 and further work on place planning projections (10.3 above), a formal consultation on a final proposal and preferred option will be undertaken from September 2021.

11.3 That Cabinet agrees that the decision to begin consultation will be delegated to the Deputy Chief Executive and the Director of Education in consultation with lead portfolio holders for Children, Family Services and Education and Resources, Commissioning & Governance, and that Cabinet will make the final decision in December 2021.

12. NEXT STEPS

Timeline	School Organisation process and Stakeholders (If relevant)
7 June 21	Options discussed with Ward members
2 June 21	Options discussed with Queensgate Governing Body
2 June 21	Options discussed at CLT
15 June 21	Options discussed at CRMG Scrutiny
16 June 21	Options discussed at Children and Families Scrutiny
29 June 21	Cabinet decision made
5 July 21 – 1 October 21 13 weeks	Design Process –1FE extension
28 June 21 – 25 July 21	Pre-proposal consultation started

Timeline	School Organisation process and Stakeholders (if relevant)
4 school weeks	<ul style="list-style-type: none"> Families with links to Queensgate Primary Local residents with links to the Bramhall, Cheadle Hulme or Poynton area Queensgate governing body Governing bodies of schools in local area Academy trusts currently operating in Stockport Diocesan leads CofE education leads Cheshire East LA Local MPs, relevant portfolio holders, Cllrs
15 August – 15 Jan 2022	Reception application process opens and closes
15 August onwards	Nursery application process opens
6 September 21	CYP SMT consider findings
7 September 21	Place Planning Board consider findings
13 September 2021	Formal proposal published
13 September 21 – 17 October 21	Formal proposal consultation
6 school weeks	<ul style="list-style-type: none"> Families with links to Queensgate Primary Local residents with links to the Bramhall, Cheadle Hulme or Poynton area Queensgate governing body Governing bodies of schools in local area Academy trusts currently operating in Stockport Diocesan leads CofE education leads Cheshire East LA Local MPs, relevant portfolio holders, Cllrs
1 November 21	CYP SMT consider consultation findings
2 November 21	Place Planning Board consider findings
9 November 21	Report findings and recommendations to CLT
25 November 21	Report findings and recommendations to CRMG Scrutiny
26 November 2021	Report findings and recommendations to Children and Families Scrutiny
7 December 21	Report findings, recommendations and seek final decision from Cabinet
8 December 21	Publish decision <ul style="list-style-type: none"> Families with links to Queensgate Primary Local residents with links to the Bramhall, Cheadle Hulme or Poynton area Queensgate governing body Governing bodies of schools in local area Academy trusts currently operating in Stockport Diocesan leads CofE education leads Cheshire East LA Local MPs, relevant portfolio holders, Cllrs

BACKGROUND PAPERS

There are none

Anyone requiring further information should contact Geraldine Gerrard on Tel: 0161 474 3837 or by email on geraldine.gerrard@stockport.gov.uk