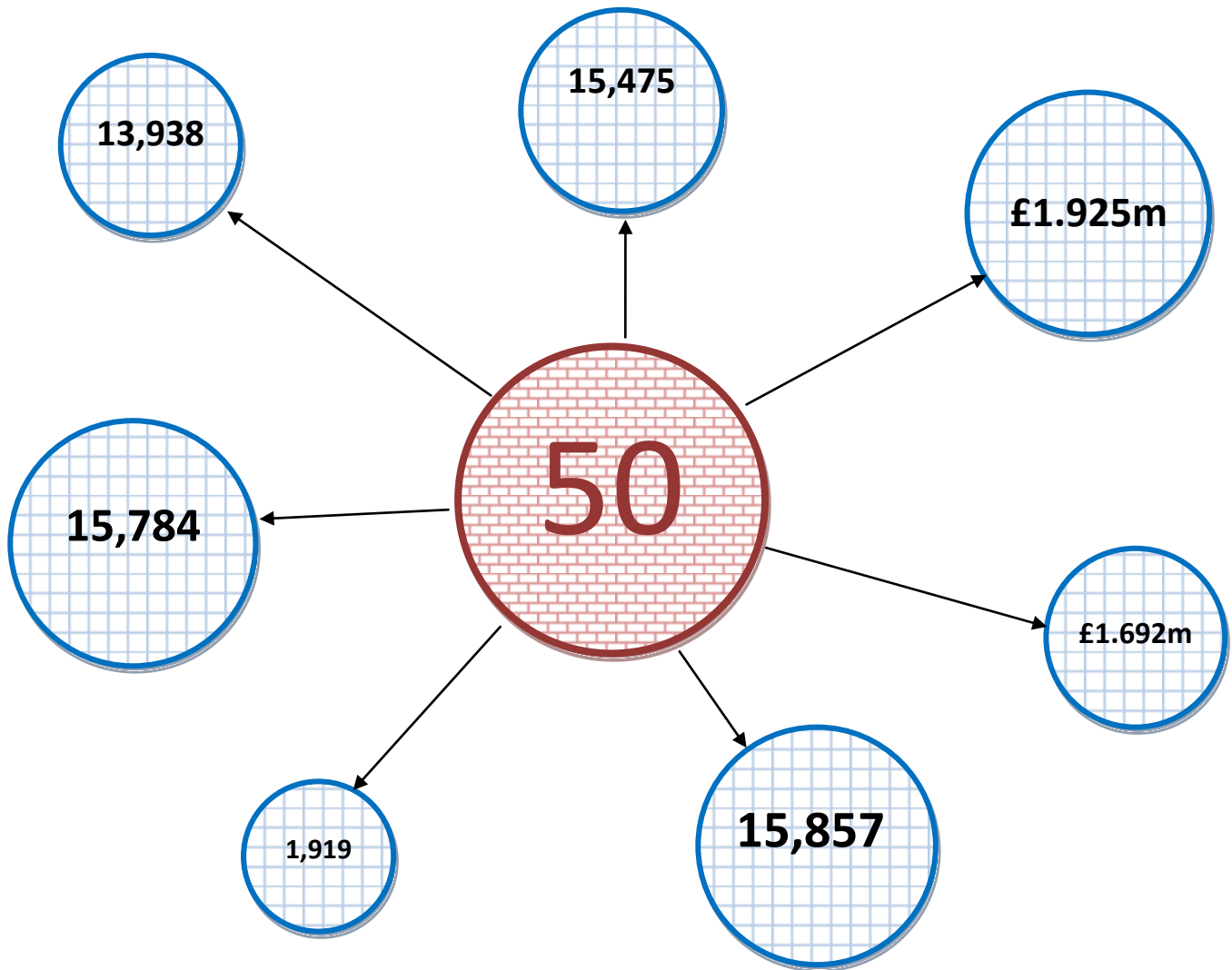


Children & Young People Scrutiny Committee

Review of local arrangements for the planning and provision of primary school places in the borough of Telford and Wrekin

“It’s not just about the numbers”



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Chair's Foreword

This report details information on the demand and projections for primary school places in the borough. Telford & Wrekin LA has a statutory duty to ensure that all school age children have a school place. In order for this provision to be available projections for future demand are calculated using various sources of information such as live birth data, GP registrations and historic applications to schools. This information then informs us as to how many school expansions or additional schools are needed.

As you will read, the committee has come to the conclusion that demand for primary school places in the borough for the next 5-10 years will not necessitate a need for additional schools to be built but as planned housing developments in the borough grow and expand pressure will be placed on existing provision. Council officers have a clear grasp of the challenges facing the borough in this important area and the committee is confident that the regular tracking and monitoring of the related data that is undertaken by senior officers is of high quality.

The concern the committee has is that due to central government's reduction in capital funding for schools the borough will become increasingly reliant on S106 monies for funding school capital programmes associated with planned housing growth and as such the method and outcome of these negotiations needs to be coherent and accessible. The committee accepted that the means by which S106 contributions are negotiated and approved is transparent but felt that it would be beneficial if there was one place where this information is brought together in a coherent and accessible way to promote and encourage greater scrutiny and accountability.

Members are particularly concerned about the lack of clarity regarding S106 payments, in particular:

- How much funding for education provision has been agreed from S106 agreements in the recent past;
- The total amount of S106 funds for education agreed as part of approved planning applications in the past few years but subsequently relinquished and the potential impact on loss of infrastructure in relation to primary school places;
- How much money from S106 agreements allocated to education has been spent and on what?

To this end the committee was unanimous in its view that Telford & Wrekin should publish an annual S106 report.

As always I would like to place on record the committee's thanks to the many colleagues that gave up their time to meet with us and have helped to steer us in the right direction.

Cllr Mike Ion
Chair CYP Scrutiny Committee

Executive summary and recommendations

The Committee carried out an in-depth review of the local arrangements for the planning and provision of primary school places between April 2013 and February 2014.

With the rising birth rate and the scale of housing development in the borough, the committee's main concern was whether there would be sufficient capacity in Telford & Wrekin primary schools to meet the growing demand. The review considered the methodology for projecting pupil places, how additional capacity is planned and the role of head teachers and governors in the process, and the link between the expansion of places and the quality of provision.

The committee took evidence from the Cabinet Member Children, Young People & Families and officers from School Organisation and Research & Intelligence, but we would particularly like to thank members of the Telford and Wrekin Primary Heads' Forum, school governors and an expert adviser from the National Governors' Association whose insights greatly helped in shaping the conclusions and recommendations in this report.

The complexities of projecting pupil numbers and planning and funding school places in the right place at the right time quickly became clear.

The committee's main conclusion is that, in spite of some challenging local pressures, enough capacity is being planned to meet the demand from growing pupil numbers across the borough as a whole.

The committee did however identify a number of areas of concern:

- Whilst information on S106 negotiations and agreements was available in relation to individual developments, the cumulative impact of these agreements in terms of funding for additional school places and education facilities did not appear to be brought together in one document or report in a coherent manner.
- Attendance at admissions appeals hearings, raised as an issue by local head teachers.

It was felt that the approach in these areas needs to be strengthened and we have made the following recommendations in the table below:

Issue	Recommendations
The committee is satisfied that there will be sufficient capacity in primary schools at borough level although acknowledge that there are pressures in some areas.	1. The findings of the review of primary catchment areas in the north of the borough should be published as soon as possible and the LA should give serious consideration to the views of local parents, headteachers and governing bodies.
Information about the cumulative impact of S106 contribution negotiations, agreements and spending including for school	2. The Council should publish a S106 Annual Report which should set out: <ul style="list-style-type: none"> • how much funding has been agreed from S106 agreements in the period covered by the report

<p>places /education facilities needs to be clearer and more readily available in a coherent form.</p>	<p>and for what;</p> <ul style="list-style-type: none"> • the total amount of S106 funds previously agreed but subsequently reduced or rescinded for reasons of non-viability and the potential impact on loss of infrastructure in relation to schools; • how much has been received from developers in the period covered by the report; • how much has been spent and on what; • any unspent money paid back to developers or money at risk of repayment. <p>3. The S106 Annual Report should be presented to Budget & Finance Scrutiny Committee.</p> <p>4. The Council should develop a S106 policy and protocols to ensure decision making is transparent, accountable and aligned with priorities. This should be included in the work programme of the Housing, Economy & Infrastructure Scrutiny Committee.</p>
<p>Headteachers and GB Chairs reported inconsistent practice with other authorities in being able to attend appeals hearings.</p>	<p>5. That the Council adopts a more flexible approach to allowing head teachers to attend appeals hearings.</p>
<p>Headteachers and officers highlighted the fact that academies can set their own admissions without consulting the local authority and this can impact on place planning and other local schools.</p>	<p>6. The Council should develop an ‘Academies Protocol’ to set out the Council’s position on how it will fulfil its statutory duty on education performance to challenge and monitor the quality of education in academies and what it will do if it is found wanting. The Staffordshire Protocol should be considered as a model.</p>
<p>The Children & Families Population Profile</p>	<p>7. The data in the Children & Families Population Profile should be developed to inform school place planning and children and family service delivery.</p> <p>8. The Population Profile should be shared on an annual basis with head teachers.</p>

Objectives of the review

Like other parts of the country Telford and Wrekin has seen an increase in birth rates over recent years. Added to this, demand from new housing development in the borough has created additional pressure on primary school places which will continue for some years.

Concerns have been raised nationally about a shortage of primary school capacity in some parts of the country. The Children & Young People Scrutiny Committee wanted to review local arrangements for the planning and provision of primary places to find out the scale of the challenge in the borough and how demand will be met. The key question was whether there would be enough places to meet demand over the coming years.

The review had the following lines of enquiry:

1. How does the borough plan for additional places in the primary phase?
2. How does the local admissions policy work and how are primary school governing bodies involved?
3. How is the provision of places (capacity) linked to improving educational outcomes (quality of provision)?

Background information

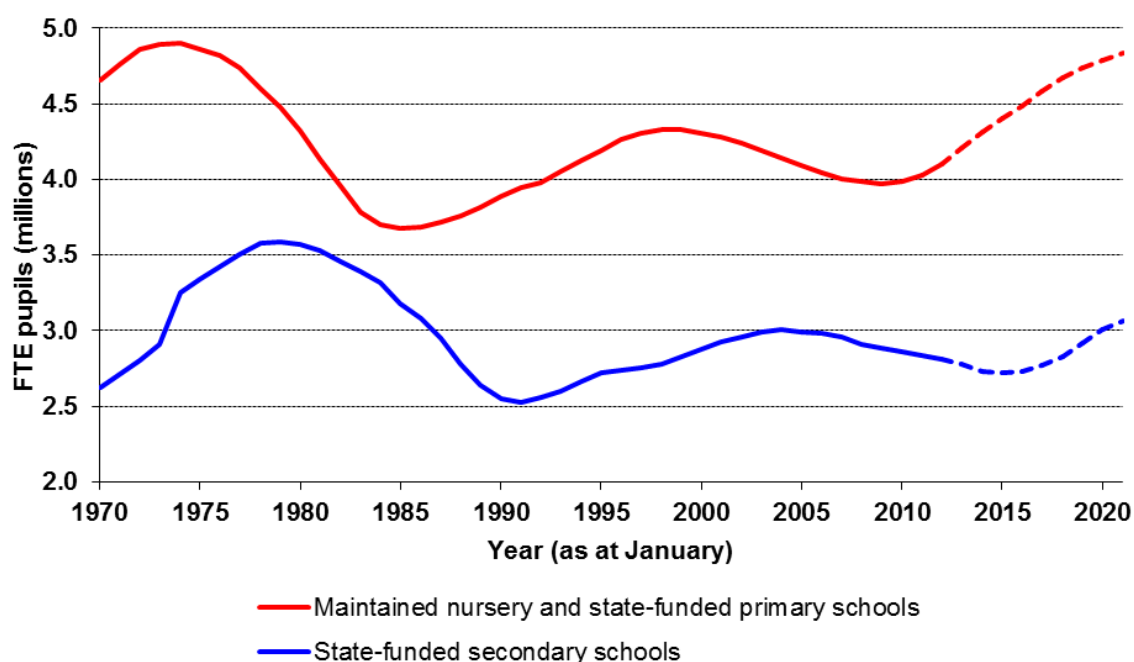
National pupil projections

The Department of Education's *National Pupil Projections: Future Trends in Pupil Numbers* published in March 2013 projected a 9% increase in pupil numbers in maintained nursery and state funded primary schools between 2012 and 2016. By 2021, numbers are projected to be 18% higher than in 2012, reaching levels last seen in the 1970s.

The full-time equivalent number of pupils of all ages in state-funded primary schools peaked in 1999 at 4.301 million and began to fall in 2000, reaching a low of 3.947 million in 2009, due to the downward trend in birth rates during the late 1990s.

Births in England have been broadly rising since 2002 and are projected to continue to rise until 2014. In 2010, the number of pupils in primary schools began to increase. By 2016, there are projected to be 4.462 million pupils in state-funded primary schools, an increase of 9% from 2012. By 2021, the number is projected to increase to 4.808 million, 18% higher than in 2012.

The table below shows actual (1970-2012) and projected (2013-2021) numbers of pupils in maintained nursery and state funded primary schools.

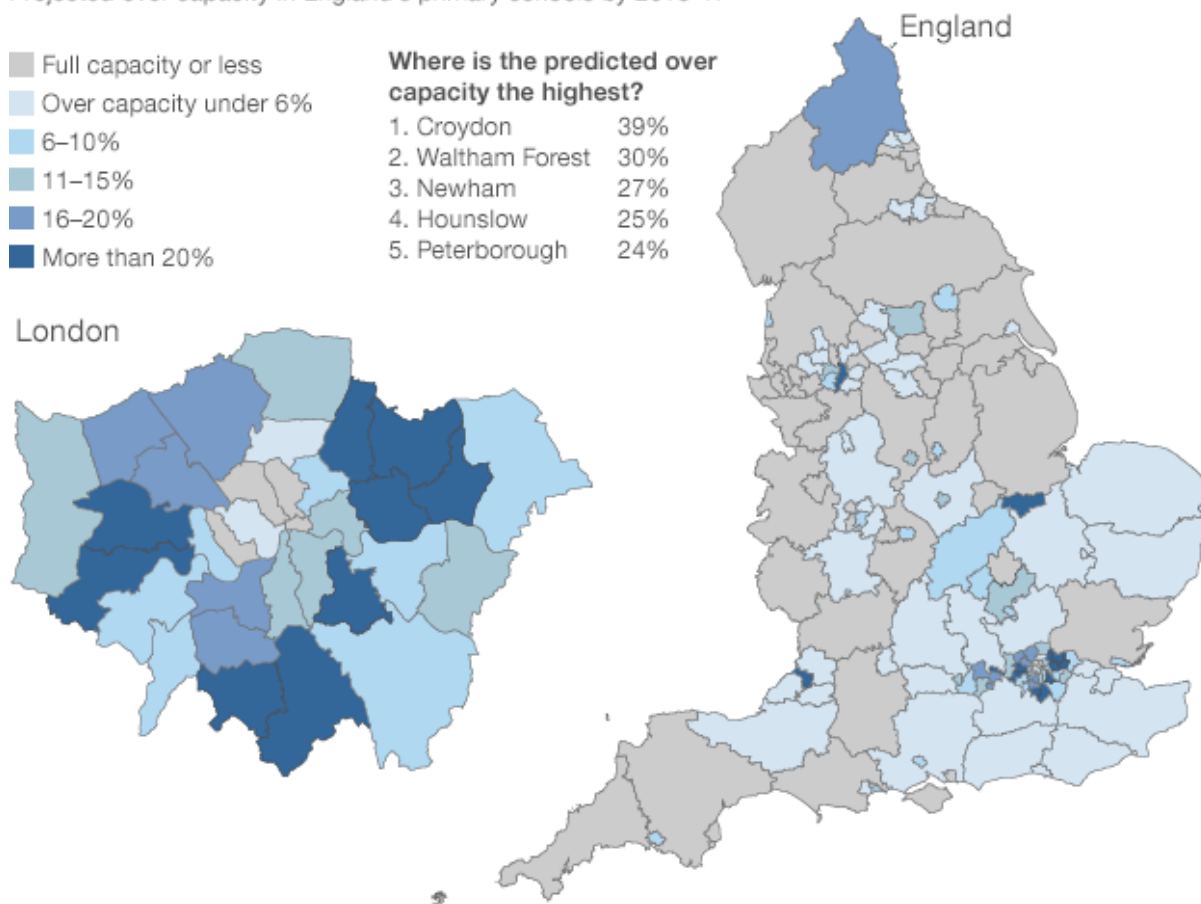


Source: *School Census, School Level Annual School Census and Pupil Referral Unit Census (actuals); DfE PupilProjection Model - PT284 (projections)*

A Local Government Association (LGA) analysis of local authority data on school-place needs suggested about 1,000 of the 2,277 local school planning districts will be over capacity by 2015-16. This shows Telford & Wrekin projecting at full capacity or less.

Primary school places squeeze

Projected over capacity in England's primary schools by 2016-17



Source: LGA using official DFE data (2012-13)

Local pupil projections

A key document for the Committee was the School Organisation Services report *Planning of Primary School Places 2013-2018*.

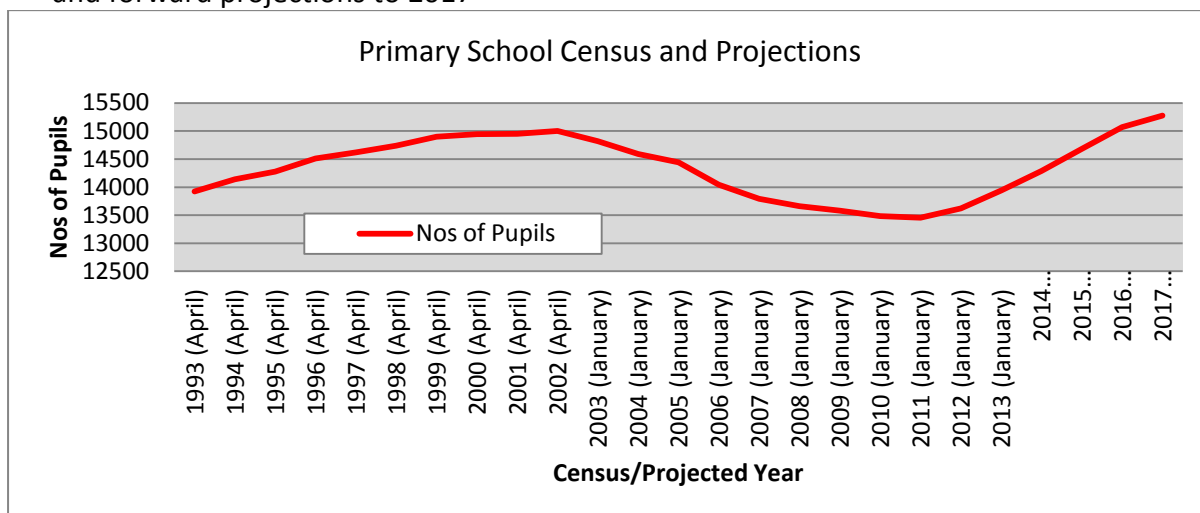
This comprehensive document sets out the overall pupil projections for the borough against capacity. The overall projections are broken down into detailed projections for the 50 primary schools (49 maintained by the authority and one primary academy) across seven sub-planning areas. The impact of additional demand created by housing development is factored into projections. The report also sets out the key data sources, the main sources of funding for primary expansion, the schools capital programme and funded/un-funded schemes.

Headline data shows:

- The number of primary pupils has declined in recent years since 2002 due to lower birth rates lower than expected housing completions.
- The trend will reverse in the next 5 years as the increased in birth rate from 2007 and more housing completions feed through.
- The primary population in 2002 was 15,000; as of 2011 the figure was 13,500.

- The overall number of primary pupils is projected to increase by 1900 between 2013 and 2018.

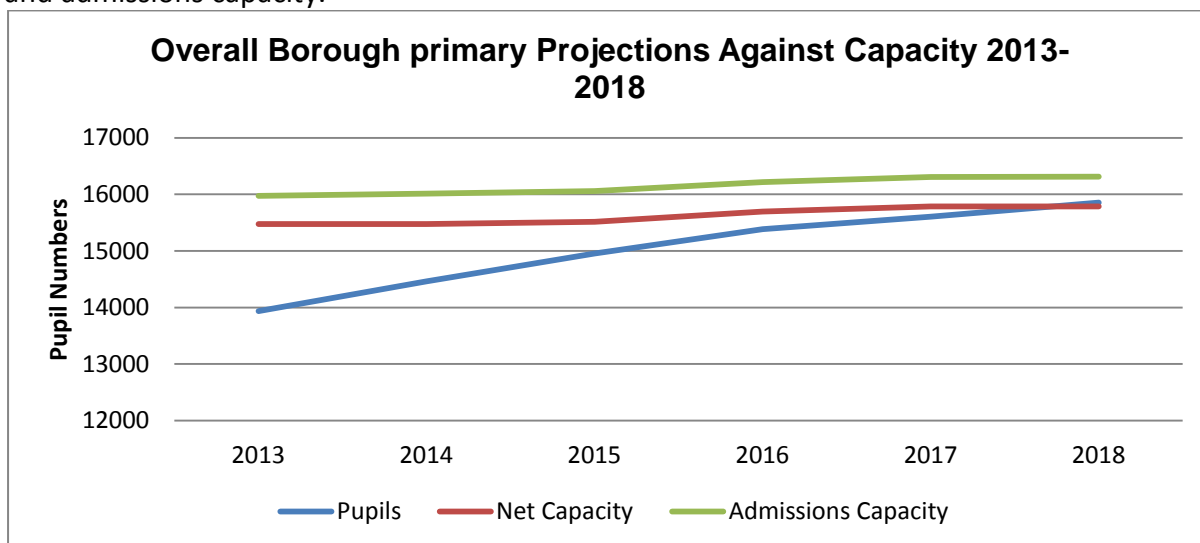
The graph below shows the trend in pupil numbers from school census records to 2011 and forward projections to 2017



The table below shows the projected total number of primary pupils against net capacity and the % surplus capacity to 2018.

Census Yr	Rec	Yr 1	Yr 2	Yr 3	Yr 4	Yr 5	Yr 6	Total	Net Capacity	% Surplus
2013	2109	2139	2001	1986	1955	1858	1890	13938	15475	10
2014	2172	2153	2182	2035	2019	1998	1902	14460	15475	7
2015	2174	2213	2200	2201	2068	2059	2039	14953	15514	4
2016	2267	2216	2253	2212	2231	2108	2100	15387	15694	2
2017	2120	2308	2254	2258	2243	2271	2149	15603	15784	1
2018	2182	2164	2347	2276	2288	2288	2312	15857	15784	0

The graph below shows the overall projections for the borough compared to net capacity and admissions capacity.



Local authority responsibilities

Councils have a statutory duty to ensure there are sufficient school places in their area, promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in the area, promote diversity, and increase parental choice.

In addition Telford & Wrekin Council also seeks to:

- Improve educational outcomes by ensuring access to high quality provision;
- Ensure cost effective provision through removal of surplus places, by developing links to other initiatives such as early years provision, developing formal collaborations with partner organisations and actively seek developer contributions where available;
- Provide or assist in procuring local schools for local children by promoting community cohesion, and ensure the provision of new schools are in the right place to serve their communities;
- Facilitate the diversity of school provision by offering a range of provision to promote choice to parents;
- Maintain the sustainability of schools in terms of financial, social and environmental impacts;
- Consult with stakeholders over school organisation proposals and as part of the commissioning process.

Projection and place planning processes

The committee spent a significant amount of time drilling down into the methodology for projecting pupil numbers (including how demand from new housing developments is built in) and the process for planning how and where additional places will be created.

Members were provided with detailed information and specific examples to explain some of the complex planning considerations. We have tried to summarise key processes in the section below.

Projecting pupil numbers

Place planning is based on complicated projections down to school level. Telford & Wrekin uses an agreed formula for projecting numbers similar to those used by other authorities and approved by DfE. There is a 13 stage process which includes:

- Step 1 is to calculate the number of pre-school children in each year group (0-3). Data is collected from birth records and health authorities and updated annually. Information from nurseries and pre-school providers is added in. This builds a picture of how many children there are in each area. Data can be broken down by school or planning area (there are 7 planning areas).
- Step 2 is to record the number on roll at each school over the last 5 years. There is a school census three times a year and the information is normally taken from the January or May census.

- Step 3 calculates the “survival ratio” i.e. the number of children who moved from one year group to the next (e.g. reception to year 1) and the number who dropped out to project the number who are likely to stay until the following year. Some schools start below the full in-take but fill up during the year. Others start with a full intake but children drop out. Some wards (e.g. Newport, Apley) have relatively stable populations while others (e.g. Malinslee/Hadley) have more mobile populations. The stability or instability of cohorts can produce significant variations in the survival ratio. The average over 5 years is taken for each age group, and the trend is weighted to the most recent years. Work is being done to track where children dropping out go to, especially between primary and secondary level.
- Steps 4/5/6 calculate the forecast pupil numbers from birth and health records with survival ratios factored in, including through to secondary level.
- Steps 7-12 build in forecasts from housing yield. A formula is used to forecast additional numbers from housing development (0.24 per home for primary, 0.16 per home for secondary). The numbers are factored into projections when planning consent is granted. One of the issues is knowing when a developer will build houses following planning approval so projections are split over a 5 year period. The final stage is to calculate the cumulative effect of housing development year on year.
- Step 13 arrives at the total number of pupils projected to be in each school split down into Key Stages. These totals are used as part of the evidence in basic needs bids.

Planning and creating additional places

- There are seven planning areas in the borough. Schools are grouped together based on proximity and influence on each others pupil numbers and admissions and, where they exist, on geographical boundaries such as main roads and railway lines. The areas are Newport, Wellington, North Central, North East, South West, South East and South Queensway.
- Planning is based on the Net Capacity of schools and tailored to the Planned Admission Number (PAN). All local authority maintained schools have a Net Capacity Assessment to determine the maximum and minimum number of notional work spaces based on the size and usage of space in the school. The PAN is set within the Net Capacity range depending on a number of factors such as class size limits, the capacity of the school, to accommodate growth from housing developments or to ensure standards can be maintained.
- Schools cannot admit pupil numbers above the PAN at Key Stage 1 except in exceptional circumstances and where individual schools show projected numbers over and above the PAN at KS1 the projection is limited to the PAN. In 2001, legislation was passed which stipulated a maximum class size of 30 for infant (KS1) classes and 32 for primary (KS2) classes. The current government changed the parameters by introducing 5 exceptional circumstances under which infant class size limits can be exceeded, for example the admission of a child in care. If children are admitted under exceptional circumstances, the class can remain at over 30 for the rest of the key stage and there has been an increase in the number of infant classes with over 30 children. There is no equivalent maximum size set for junior classes so there is more flexibility and if a child moves into the catchment area it is possible for the school to go above the PAN in order

to admit them. Guidance allows a 5% surplus of school places to be built in to allow for parental preference.

- Pupil projections are computed at borough, planning area and individual school level. If a school is projecting above Net Capacity it is looked at in relation to its geography and relative isolation. For schools in town areas projections are computed at planning area level to look at capacity in other schools and the potential for expansion within the area. If there are no other schools around, the school is looked at individually to see if an expansion will be necessary. Regulations on travel to school state that primary aged pupils can walk up to 2 miles to school and secondary aged pupils up to 3 miles, if the nearest school is beyond that distance then the local authority should provide transport.
- There are three ways of expanding primary places:
 - Reclaiming existing accommodation designated for other activity when numbers dipped (this depends on the current designation - space used as a nursery would be difficult to reclaim, space used as community room would be easier)
 - Extending existing schools
 - Building new schools
- There are three main sources of funding for school places:
 - Capital receipt - from disposals identified as part of a school reorganisation (used in the BSF programme)
 - DfE Formulaic Basic Need – a bi-annual allocation made to local authorities to target pupil place priorities in their area. Capital allocations have reduced in recent years. The 2013/14-14/15 allocation was £1.26m (2 years); for 2014/15-16/17 £1.925m (3 years).
 - Section 106 contributions – a formula is applied to project the number of additional pupils a housing development will generate. The Council can command contributions from the developer towards extra places under Section 106 agreements if it is shown the local schools cannot accommodate the expected number of new pupils.

Key findings and recommendations

This section sets out the Committee's main findings and recommendations

Capacity issues

The Committee is satisfied that there will be sufficient capacity in primary schools at borough level although acknowledge that there are pressures in some areas.

The main question the committee wanted to address was whether sufficient places are being planned at the primary phase across the borough.

Members explored how data is gathered and fed into projections. The School Organisation Services report *Planning of Primary School Places 2013-2018* was considered which shows detailed projections by school for each year group from Reception to Year 6, the total number of projected pupils, the net capacity of the school and the % surplus (under or over), weighted for housing developments and the totals projected across each planning area to identify net capacity pressures.

The upward trend in the birth rate within the borough since 2007 and the development of new housing has generated a need for more school places. The increased demand has been met by bringing existing accommodation back into use, extending some existing primary schools (for example at Lawley Primary) and where there is substantial new development in an area without an existing school providing a new one (for example at Lightmoor).

At the time of the Committee's meeting in April 2013, extensions were being built at Muxton Primary School, Newport Infant School and Newdale Primary School. At each of these schools there would be a net gain of two class bases. Further extensions were being planned at Meadows and Teagues Bridge Primary Schools. A new primary school was also planned to serve the Ironstone development in Lawley as the number of houses to be built there will produce more children than can be accommodated solely by the extension of the existing schools in that area.

A key concern for members was the impact of new housing developments and the process for factoring in increased demand was explored in some detail. For new developments, additional pupil numbers are built into projections at a rate of 0.28 primary pupils and 0.16 secondary pupils per house - a formula examined and approved by the DfE. The projections are built in when planning consent is granted. One of the difficulties is matching the planning of school places with the lead in times for new developments - it may take several years from planning consent to occupation of the new houses. If new places are built in too soon, pupils may leave other local schools to fill the new provision leaving no space for children from the new development when it comes on stream. If the places are built in too late, schools in the area surrounding the development may become oversubscribed with a knock-on effect on local families. Members were shown how schools with a development with planning permission in their catchment area are given a weighting for housing so that the expected increases are factored into projections. Projections are split over a five year period to take account of the time between planning consent being granted and occupation

of the properties. In new schools, the PAN can be adjusted to match the rate of occupation of new developments, for example Lightmoor Primary, built to create capacity for new houses in Lightmoor Village, opened with a PAN of 20 when its capacity was for 30 and was gradually increased to match the rate of occupation in the development. This mechanism allows the number of places to increase over time as new houses are occupied. The Committee was satisfied with the information provided and concluded that place planning takes adequate account of the impact of housing development.

In addition to the written information, the Committee sought verbal assurances from School Organisation officers that there would be enough capacity to accommodate the growth in numbers across the borough as a whole and members received assurance that the team looks at the numbers at school, planning area and borough level and that enough places could be provided across the borough for the known children born in the last 4 years.

On the basis of the information provided the Committee concluded that enough places are being planned across the borough. However, the Committee was made aware of pressures in the north of the borough particularly around HLC Primary which had resulted in a review of the catchment areas and the Committee has made the following recommendation:

RECOMMENDATION

The findings of the review of primary catchment areas in the north of the borough should be published as soon as possible and the LA should give serious consideration to the views of local parents, head teachers and governing bodies.

Section 106 contributions to fund school places

There is a need for greater clarity, coherence and access to the plethora of information about S106 contribution negotiations, agreements and spending including for school places /education facilities.

The cost of providing additional places is met from a combination of government funding and negotiating contributions from developers through section 106 agreements. Capital allocations for Basic Need have reduced in recent years. The 2013/14-14/15 allocation was £1.26m (2 years). Allocations were released in December for 2014/15-16/17. Telford and Wrekin was allocated £1.925m (3 years) – a small sum against the metropolitan authorities and less than Shropshire – which puts more focus on securing planning gain from Section 106 money.

Section 106 (S106) contributions for school places can be requested from developers where the expected increase in demand created from the development cannot be accommodated within existing capacity. In relation to how education contributions are requested, the starting point is for the planning officer to consult the schools organisation specialist on the specific proposed application at a pre-application stage. For major sites a pre-application workshop is held with the developers and the schools organisation specialist attends to give pre-application advice on the likely education contributions which will be requested.

The figure for S106 contributions is produced by reference to a specific formulae (based on bed spaces) to work out the anticipated demand for education places generated by the proposed development. They then assess whether there are sufficient places to accommodate this demand before requesting a financial contribution to be paid by the owner towards educational facilities within the vicinity of the development site. If there are adequate school places available to accommodate the demand then no contribution can be requested.

Any request is received by the planning case officer and forwarded to the applicant. It will normally be accompanied by similar requests for affordable housing, recreation equipment, open space maintenance, highways works and drainage maintenance depending on the impact of the proposed development. For smaller developments of over 10 units written pre-application advice will be given which will include advice on potential S106 contributions.

The applicants then determine whether the proposed development can provide sufficient value to be viable when meeting the Councils S106 requirements. In the current climate the viability of developments normally shows that there is a shortfall compared to the required contributions and the Council then asks for a full viability assessment to be submitted for evaluation as part of the planning application. These submissions are based on certain models and are evaluated by the Councils own viability officer. It is ultimately the role of the Service Delivery Manager Development Management to determine the most acceptable suite of S106 contributions, in the context of the specific circumstances of the development in question. In the majority of cases the applicants are usually prepared to pay education contribution requests and it is normally the levels of affordable housing provision and play provision requirements that are reduced. The proposed package of financial contributions is then reported to the Planning Committee as part of the plans board report with a recommendation to delegate authority to Service Delivery Manager Development Management to issue consent once the S106 has been signed and sealed. Members of the Planning Committee are expected to review the proposed package of S106 contributions and do question them. They can decline to support the recommended package and refuse applications or request that they are renegotiated. Any refusal of permission is likely to result in an appeal to the Planning Inspectorate who will make the final decision on whether to approve or refuse the proposal. If they allow the appeal they also have the ability to vary the S106 contributions requested or to say that they are not warranted at all as has happened at Newport, with the Council challenging the Inspector's decision in both the High Court and Court of Appeal. It is therefore vital that officers are cognisant of this risk when negotiating a package with developers.

The dip in property values and housing completions through the recession has meant that some developers have asked for S106 contributions to be reduced or rescinded as they were no longer affordable based on a viability assessment. Developers principally seek to renegotiate the level of affordable housing provision as this has the greatest impact on viability. S106 contributions are not generally levied on affordable homes which nevertheless generate children who will need school places. S106 money is usually triggered by occupation of the new houses so it can take a long time for the income to come in after the S106 has been agreed and it may never actually come in if the development

does not come to fruition. All of which makes it difficult for the Council to rely on the developer contribution.

The Committee wanted to quantify the net loss of funding for education and school facilities arising from S106 contributions reduced for reasons of non-viability and requested data for the last 5 years on the total amount of S106 contributions, how much had been designated as a specific contribution to schools or education, the number of requests from developers to lift S106 agreements relating to schools, the number of requests granted and the value of reductions in terms of loss of capital funding for schools or other education contributions.

Members were provided with the total income received from S106 from 2009/10-2013/14 and the proportion of which was education contribution.

	Total Income received	Education contribution
2009-10	£458,600.33	£80,318.00
2010-11	£1,609,818.90	£310,926.89
2011-12	£2,973,702.72	£758,168.63
2012-13	£2,397,451.97	£444,024.87
2013-14 to date	£1,469,319.26	£98,389.38

The Committee was assured that no S106 contributions had been renegotiated for education contributions. However, there were a number of sites where initial requests for education contributions had not been met in full due to viability assessments. If applications are received to amend the figures agreed by Planning Committee, the applications are always taken back to the Committee for reconsideration by Members.

Examples of school places funded by S106 money were the new school at Lightmoor built using 71% of S106 monies and the 3 class base extension at Teagues Bridge which would be funded using the contribution from the Capewell Works.

Further information was requested to quantify how many initial requests were not met because of viability assessments and how many applications asking for an amendment had gone back to the Planning Committee in the past 5 years. In the last 5 years a total of 11 applications had gone to Planning Committee for amendments based on viability assessments and detailed information was provided in relation to these cases which demonstrated the complex factors around negotiating, agreeing and enforcing S106 obligations.

The Committee recognises that all planning applications that are subject to S106 agreements are determined by members of the Planning Committee, that variations to agreements must go back to the Planning Committee and that meetings are public and the minutes of meetings are on public record – and to this extent the process is transparent. However, members were concerned that there should be one place where information is brought together in a coherent and accessible way to promote and encourage greater scrutiny and accountability and the Committee is making three recommendations about this.

RECOMMENDATIONS

- **The Council should publish a S106 Annual Report which should set out:**
 - **how much funding has been agreed from S106 agreements in the period covered by the report and for what;**
 - **the total amount of S106 funds previously agreed but subsequently reduced or rescinded for reasons of non-viability and the potential impact on loss of infrastructure in relation to schools;**
 - **how much has been received from developers in the period covered by the report;**
 - **how much has been spent and on what;**
 - **any unspent money paid back to developers or money at risk of repayment.**
- **The S106 Annual Report should be presented to Budget & Finance Scrutiny Committee**
- **The Council should develop a S106 policy and protocols to ensure decision making is transparent, accountable and aligned with priorities.** This should be included in the work programme of the Housing, Economy & Infrastructure Scrutiny Committee.

This recommendation is strongly supported by the Primary Heads Forum Executive who were concerned that money which could be used to fund education facilities or school places may be relinquished and agreed that clarity about these decisions was important.

Head teacher attendance at appeals hearings

Head teachers reported inconsistent practice with other authorities in being able to attend appeals hearings.

The Committee took evidence from Primary Head teachers during the review. The Primary Heads Forum Executive Committee arranged workshops to be held at a full Primary Heads Forum meeting to identify issues for primary schools with the planning and admissions process. Stephanie Gaskell, Head Teacher St Lawrence CE Primary School and Mandie Haywood, Head of Old Park Primary School were nominated by the Forum to attend a scrutiny committee meeting to represent the views of the primary heads and present the feedback from the workshop. Lisa Howells, Chair of Board of Governors, St Lawrence CE Primary School also attended the meeting.

The feedback raised a number of issues:

- Sudden admissions resulting from the introduction of the spare room subsidy (“bedroom tax”) as families in social housing move to smaller properties in other areas
- A lack of clarity about how the PAN is calculated and a lack of consultation with heads (the authority calculates the PAN based on the size of the school buildings and makes recommendations to the governing bodies to agree)
- Concern about how catchment areas boundary lines are drawn up, consulted on and agreed especially in terms of splitting up communities
- Lack of involvement of practitioners in the design of new building and a loss of transferred experience
- The impact of academies and free schools on place planning (see following section)

- Inconsistent practice between authorities in heads attending appeals hearings – heads in Telford and Wrekin are not allowed to attend.

Representation at appeals hearings was cited as one of the top 2 issues for primary head teachers. The Committee explored this further with Council officers and took evidence from Philip Wood, Parliamentary and Advice Officer at the National Governors’ Association.

There are two separate types of admission appeals that are dealt with by the Admission Appeal Code (AAC).

- Appeals by parents against a decision of an admission authority to reject the application for a place at a school; and
- Appeals by governing bodies of community or voluntary controlled schools against a decision by the local authority, as their admission authority, to admit to their school a child who has been permanently excluded from two or more schools.

The admissions authority must organise an independent panel hearing in accordance with the Regulations if a parent chooses to appeal the decision of an admissions authority. The Admissions Code breaks down admissions authorities by type of school as set out in the table below.

Type of School?	Who is the admission authority?	Who deals with complaints about arrangements?	Who is responsible for arranging/providing for an appeal against refusal of a place at a school?
Academies	Academy Trust	Schools Adjudicator	Academy Trust
Community Schools	Local Authority	Schools Adjudicator	Local Authority
Foundation Schools	Governing body	Schools Adjudicator	Governing body
Voluntary aided schools	Governing body	Schools Adjudicator	Governing body
Voluntary controlled schools	Local Authority	Schools Adjudicator	Local Authority

As of February 2014 in Telford and Wrekin the local authority is the admissions authority for all primary schools except Priorslee Primary Academy.

Common reasons for refusing admission are the physical capacity of the school and the class size restrictions at primary level. If there are more applications than places, the admissions authority reverts to the over-subscription criteria. Statutorily, looked after children have to go to the top of the list, and it is then up to the admissions authority to set their criteria. Common criteria are distance from school, siblings in school, baptism for faith schools, results for grammar schools. Parents are not necessarily given the reason for refusal, but may expect to be given that information on appeal.

The Council's position is that an appeal is a formal process which follows a set procedure and there are pragmatic reasons why heads are not allowed to attending meetings, and some of principle. The Admissions Code applies to all schools (except the city technology school). The code sets out what can and cannot be done. The local authority is the Admission Authority for maintained schools and appeals are lodged against the Admissions Authority. (Academies and Free schools are their own admissions authority). For reasons of equity, if a Head attended one Appeals meeting, they would need to attend all Appeals meetings for their school to ensure there is no prejudice. As the Admissions Authority, it is the local authority which holds all the relevant information about how places are allocated, distances from the school etc. The Appeals Panels are held every day over the summer for approximately one month, then once a fortnight. Appeals must be heard within 30 days and a representative of the Admissions Committee is invited to attend for all schools which are their own admission authority. Usually, the representative is a member of the Board of Governors as it is the Governors of these schools which make decisions on admissions. If the Head attended a meeting where the Appeals Panel ruled against the Head, there could be a difficult relationship between the Head and the parent if the child is subsequently admitted to the school.

The view of the National Governors Association is that while there is no requirement for the local authority to allow the head teacher to attend an admissions appeal, the NGA does consider it reasonable to allow them to attend should they want to. In the end it is the head and governors who will have to implement any decision of an admissions appeal and, especially if there are large numbers of appeals, this can have repercussions on classes that would need to be worked out.

The Primary Heads Forum argued that heads should be able to attend any appeals meeting they feel necessary. There can be complex circumstances surrounding an appeal which cannot be conveyed properly in a report and the head should be able to put their case to the appeals panel. Furthermore, allowing heads to attend appeals hearings may over time give them comfort about how they are represented and make this less of an issue.

On balance, the Committee were sympathetic to the Head Teachers and could see no reason why they should not be able to attend appeals meetings and have made a recommendation about this.

RECOMMENDATION

That the Council adopts a more flexible approach to allowing head teachers to attend appeals hearings

Impact of academies on place planning

Head teachers and officers highlighted the fact that academies can set their own admissions without consulting the local authority and this can impact on place planning and other local schools.

The local authority is responsible for ensuring that there are sufficient school places in the area. However, as noted in the section above, academies are their own admissions

authorities and are able to choose to increase their planned admission number and can apply to the Education Funding Agency at DfE for funding to expand – without recourse to the local authority.

A report by the Public Accounts Committee had flagged up the impact of academies and free schools on local authorities' ability to respond to the demand for school places and the reduction in the capital funding – concerns echoed to the Committee by both officers and head teachers.

As of February 2014 in Telford and Wrekin only one of the primary schools - Priorslee Primary Academy – has academy status. Given the discussions are going on about the inclusion of primaries under the Co-operative Learning Community Academy Trusts and the requirement for all new schools to be academies, this will inevitably change over time. In 2013 both Newport High School and Priorslee Primary Academy had availed themselves of this funding and chosen to increase their capacity. Priorslee increased its PAN from 50 to 60 per year group and Newport High from 56 to 84 per year group. This ability of academies to expand without recourse to the local authority raises challenges for school place planning. It is not yet certain whether the DfE will offset places allowed in academies against any request that a local authority makes for basic need places in another part of their area.

In addition to responsibility for planning sufficient places, local authorities also have a statutory duty to promote high educational standards and Telford & Wrekin also seeks to improve educational outcomes by ensuring access to high quality provision. Issues around the lack of local accountability of academies and free schools have been the subject of much debate nationally and the fact that local authorities have no statutory powers of intervention in academies but are still expected to report them to central government if they are failing.

Taking all this into account the Committee is recommending that the Council work with the academies to develop a jointly agreed protocol which the academies can sign up to which will enable the Council to fulfil its statutory duties.

RECOMMENDATION

The Council should develop an 'Academies Protocol' to set out the Council's position on how it will fulfil its statutory duty on education performance to challenge and monitor the quality of education in academies and what it will do if it is found wanting. The Staffordshire Protocol should be considered as a model.

Research and Intelligence

The Children & Families Population Profile

The Information Team in the Council's Delivery & Planning service collects data and intelligence to monitor performance and inform policy development and service planning across Council services. In 2013, the Population Profile for Children & Family Services was produced for the first time. Its purpose is to provide a social, economic and cultural picture of the borough at a point in time to help service areas set priorities and plan services.

The report builds a picture of the children and young people population in the borough as a whole (43,600 aged 0-19, 13,640 aged 0-5) broken down by gender, ethnicity, disability etc. and broken down into 13 SureStart areas with a SureStart children's centre in each area and grouped under 3 Children & Family Areas. The data is used to show the difference between types and level of need across areas, for example Woodside has 14.7% of lone parent households with dependent children compared to Newport with 4.8%.

The Committee agreed that the report provided a useful snapshot of the borough but suggested some areas for development to improve its value:

- Extend the parameters to better inform school place planning as well as the design and provision of children and wider council services
- Include trend data - it is not easy to extrapolate what is good or bad from one set of data and anomalies can distort the picture
- Include a section "implications for the future" to better inform service planning
- Break the data down to sub-ward geographies – there can be huge variations in economic and social indicators street by street

The Committee felt that the information would be useful for school heads to help them understand how the authority targets its resources and to enrich their understanding of the characteristics of their catchment area. The report had been provided to the Early Intervention Locality Boards which included head teachers and may have been shared more widely by them, but had not been systematically shared with individual schools. None of the heads on the Primary Heads Forum Executive were aware of the report but were interested in receiving a copy.

The Committee is making the following recommendations:

RECOMMENDATIONS

- **The data in the Children & Families Population Profile should be developed to inform school place planning and children and family service delivery.**
- **The Profile should be shared on an annual basis with head teachers.**

Linking the provision of places to the improvement of educational outcomes

It's not just about the numbers.

Making sure there are enough school places to accommodate all the children in the borough is one question, but the Committee was also interested in the link between planning school expansion and improving educational outcomes.

The Public Accounts Committee report also raised concerns about the risk of rapid expansion of primary places hitting the quality of education – that the rush to find more places may mean poorly performing schools expanding. A school can only be expanded if it has the physical space and staffing levels to accommodate the expansion – St. Peters in Bratton for example no matter how good cannot be expanded because it simply doesn't

have the space. DfE guidelines are that only schools with an Ofsted rating of “Outstanding” or “Good” should be expanded.

Members probed with the head teachers a scenario whereby a thriving school with high standards and parents on the doorstep but with no free spaces and the PAN could not be increased, and the children had to go to a less good school because it has capacity. It was pleasing that the Heads replied by saying that schools work closely with School Improvement and that the team Telford & Wrekin has a good team and a good advisory service and that standards were on the rise. Members also noted that the popularity of a school was not necessarily a good criterion for expanding a school because it could change quite quickly.

The Committee has not made any recommendations on this issue but has scrutinised the educational results for the borough and is now looking in more detail at the School Improvement service and may make separate recommendation.

Acknowledgements

Members of the Children & Young People Scrutiny Committee

Cllr. Mike Ion (Chair)

Cllr. Stephen Burrell

Cllr. Gill Green

Cllr. Tracy Hope

Cllr. Jackie Loveridge

Cllr. Alan Mackenzie

Cllr. Jane Pinter

Cllr. Chris Turley

C-opted members:

Dr. Shaukat Ali, Wolverhampton University Business School, HE representative

Mr. Austin Atkinson, Roman Catholic Diocesan representative

Cllr. Roger Aveley, Town & Parish Council representative

Ms. Sue Harris, Head Teacher Shortwood Primary (until 13th February 2014)

Ms. Emma Ofori, Secondary Parent Governor representative

Mr. Stephen Rayner, Anglican Diocesan representative

Ms. Mel Ward, Primary Parent Governor representative

Witnesses

The Committee is grateful to the following people who gave evidence and supported members during the review

Cllr. Paul Watling, Cabinet Member Children, Young People & Families

Jim Collins, Assistant Director Education & Corporate Parenting

Kathy Swallow, School Organisation Manager

Helen Potter, Information Team Leader, Delivery & Planning

Stephanie Gaskell, Head Teacher St Lawrence CE Primary School

Mandie Haywood, Head of Old Park Primary School

Lisa Howells, Chair of Board of Governors, St Lawrence CE Primary School

Philip Wood, Parliamentary and Advice Officer, National Governors' Association

Other members of the Primary Heads Forum Executive and all Primary Heads who attended the Primary Heads Forum workshop

It's not just about the numbers but...



The number of primary schools in Telford and Wrekin



The number of primary school children in 2013



Net capacity in schools 2013



The number of primary children projected 2018



Net capacity in schools 2018



Number of additional pupils in primary phase from 2013 to 2018



Telford & Wrekin's Basic Needs capital allocation 2014-2017



S106 contributions to education provision 2009/10-2013-14