

**Draft Education Provision in North Somerset ~ A Commissioning Strategy 2021 – 2024**

**Developer Contributions and School Place Planning, including New School Competitions**

1.1 The Council’s Regulation 123 List sets out that development contributions for education will be sourced through the following mechanisms:

Community Infrastructure Levy (CIL)	Section 106 planning obligations (S106)
<ul style="list-style-type: none"> <li><input type="checkbox"/> Early years’ provision and children’s centre services except at Strategic Development Areas.</li> <li><input type="checkbox"/> Primary school provision, except at Strategic Development Areas.</li> <li><input type="checkbox"/> Secondary school provision, except at the Weston Villages.</li> </ul>	<ul style="list-style-type: none"> <li><input type="checkbox"/> Early years’ provision at Strategic Development Areas.</li> <li><input type="checkbox"/> Primary school provision at Strategic Development Areas.</li> <li><input type="checkbox"/> Secondary school provision at the Weston Villages.</li> <li><input type="checkbox"/> Special Educational Needs and Disabilities (SEND) provision.</li> </ul>

“Strategic Development Areas” are defined as follows:

- The Weston Villages, as defined in the Weston Villages Supplementary Planning Document (SPD), available at <http://www.n-somerset.gov.uk/wp-content/uploads/2015/11/Weston-villages-supplementary-planning-document.pdf> or as amended through subsequent planning policies; and/or
- Individual development sites of 500 or more dwellings; and/or
- Any other strategic sites or Strategic Development Areas identified in an appropriate planning policy by North Somerset Council.

At the present, no further strategic sites have been identified as meeting the criteria of this final bullet point.

The Regulation 123 List is no longer a legal requirement; however, a decision has been taken by North Somerset Council’s Investment and Infrastructure Board that it will continue to be used as the framework for development contributions and should only be breached when there is an exceptional reason for doing so.

The effect of the table above is that primary source of developer funding for education is the Community Infrastructure Levy (CIL), which is paid on a per sqm fixed tariff basis by almost all residential developments, where they are not self-build or affordable housing.

All contributions are paid to the Council and not to schools or academies. The use of the funding is also determined by the Council.

- 1.2 The Council implemented the CIL on 18 January 2018. Whereas with s106, specific education contributions are allocated to specific school projects, such as a new primary school in a significant housing development, CIL is not specifically tied to one site or location. Instead, the control of the use of the funding is within the Council and an internal business case must be agreed in order for funding to be allocated to a project.

The CIL tends to be a more regular form of income than S106 contributions, because almost all residential developments will contribute, however the income can take several years to accumulate. This means that the Council will operate a programme approach, looking ahead and programming funds to meet the emerging needs where specific locations may come under pressure either from a small number of large planning applications, or from a large number of smaller developments.

The Council will continue to seek S106 planning obligations from sites that meet the definition of Strategic Development Areas, or where there is otherwise an exceptional case. S106 obligations can be sought when:

- Necessary to make the development acceptable in planning terms
- Directly related to the development
- Fairly and reasonably related in scale and kind to the development

- 1.3 The government are, at the time of updating this strategy (February 2021), proposing an overhaul of the current planning system in England. Whilst there have been many changes and additions to planning regulations over the years, the legislative basis of the current system dates from post war Britain and the enactment of the Town and Country Planning Act in 1947.

The intended outcome of the current review is to create a reformed system to 'streamline and modernise the planning process, improve outcomes on design and sustainability, reform developer contributions and ensure more land is available for development where it is needed'.

The Changes to the current planning system consultation, that ended in October 2020, cover four specific areas:

- The standard method for assessing housing numbers in strategic plans
- Delivering First Homes
- Supporting small and medium-sized developers
- Extension of the Permission in Principle consent regime

The White Paper: Planning for the future had a deadline of 29 October 2020 and received over 44,000 responses. Whilst the changes are mainly technical, from a planning policy perspective, there are implications which relate to or have implications for housing, transport, design, climate change, infrastructure delivery etc. The ability for Council's to secure sufficient resources to deliver the infrastructure required to meet the needs resulting from the development alongside the regular requests from developers to review their contributions due to viability concerns is a conundrum the

consultation is hoping to resolve with the introduction of a new Infrastructure Levy.

- 1.4 The Council can request land and infrastructure to support school and early years places where the parcel of land is proportionate to the level of need from that development and meets the other S106 tests set out above. Where there is a particular need for land, this may also be a justifiably exceptional need for a deviation from the Regulation 123 List guidance as to the division of CIL and s106. Whilst land for primary schools can often be assigned, land for secondary schools has to be negotiated across developments with different developers. As the numbers of pupils with SEND are significantly lower than those requiring mainstream places, a development would have to cover a significant area of the district to enable the Council to claim a sufficient area of land to be suitable for a new school whilst being proportionate to that development. For this reason, with the exception of the Parklands site, there are no secondary or SEND land allocations in the current Sites and Policies Plan although this, we hope, will be addressed in the new Local Plan. North Somerset Council does not currently accept land in lieu of CIL payments, however it is within the powers of the Council to introduce such an option, subject to the introduction of a formal policy to that effect.

The Children's Services Directorate are due to meet with our Place Directorate colleagues to ensure that site allocations can form part of the next Local Plan. Working with our Integrated Transport Colleagues (ITU), we will press for a plan that encourages sustainable communities where the local mainstream school is accessible to the majority of pupils without the need for home to school transport. Our aspiration is to plan the numbers and locations of new developments around new and existing infrastructure to reduce the carbon transport footprint and have local sustainable schools for pupils as far as possible.

- 1.5 All new schools must be academies. When considering new school place provision, North Somerset Council will either establish a new academy or free schools via the national Presumption Route or Free School guidelines or, where appropriate, work with its partners to expand consistently good or outstanding popular schools. This may include, if permitted and where appropriate supported by developers, moving and/or expanding (size and age-range) these schools onto new nearby sites where this is possible within national guidelines. Alternatively, the Council may work with good/outstanding Multi-Academy Trusts (MATs) to support their Free School bids where they meet with the Council's strategic plans. Occasionally the DfE exceptionally opens Free School bids to Councils for targeted applications, such as the 2018 SEND bidding round.

It is possible that where a new school is needed, its provision within a new development may detrimentally impact on the numbers of places at other nearby schools who may be seeing falling rolls due to demographic changes in their area.

- 1.5 A Decision to request an Expressions of Interest process for a new school is made by the Executive Member for Children’s Services and Lifelong Learning, having regard to the recommendations of the Children & Young People’s Services (CYPS) Policy and Scrutiny Panel. The Council takes all necessary steps to ensure that the widest possible range of groups or organisations that might be interested in establishing the new school are aware of the opportunity to do so, and that they have enough time to develop proposals.

Whilst the Council will oversee the new school Expression of Interest process and is responsible for the delivery of a new school site and payment for its buildings and set-up costs, decisions as to whether the academy can open are made by the DfE/Secretary of State.

**Review:**

**Do the arrangements for developer contributions work well for the Council and local schools?**

**Do you support the creation of new schools for new communities and the Council working towards carbon neutral home to school accessibility for students and families?**

**Are the Council’s arrangements for securing new academies via national guidelines still fit for purpose?**

## **2 School Place Planning**

- 2.1 North Somerset Council has clear strategies for school place provision. Organisational and building changes will be progressed where they meet pupil demand, contribute to school standards and provide, where appropriate, community facilities to support national and local agendas.

**Effective planning will:**

- Provide schools and other education providers with the information necessary to enable them to make informed decisions about how they will provide sustainable, inclusive and improving education, achieve the highest possible standards and ensure the full participation of all learners, especially the most vulnerable and disadvantaged.
- Add diversity and choice. The Council will support plans to provide new and expand quality learning provisions, working to provide schools and other facilities that meet the needs of learners irrespective of the type of provision.
- Plan to provide new school places in areas of residential growth and, on occasions, suggest or support a decrease in the capacity of a current educational provider in an existing area to ensure the overall viability of both establishments. This may include a potential reduction in size of an existing provider in the short or longer term, or the relocation of schools into

areas of growth where the needs of the community can be better managed through this change. This is to ensure that new schools become central to a significant new development, whilst noting that some demand for the existing provider may remain as is or decline.

- Encourage all existing settings to provide the maximum number of places possible within the existing capacities of their sites. The Council will challenge schools and academies (academies via the SofS/RSC) to admit more pupils where it considers the establishment has the capacity to do so and the projections support a sustainable increase in class structures.
- Challenge schools in areas of residential growth who wish to reduce their PAN when either the projections or the Local Plan indicated future growth and these places will be needed in the future
- Where financially possible, provide learning facilities fit for 21st century living teaching and learning. This includes developing sites and buildings that promote active activities such as walking, cycling or scooting to school, having production kitchens on site, promoting school allotments and other measures to help tackle childhood obesity. The Council will use its capital resources wisely to meet the needs of learners. (This may necessitate making difficult decisions about the viability of some sites where other local facilities can meet the demand for places. It will look to secure resources generated from closing a facility or site to be used to update other provisions for a greater number of learners where it is able to do so).

2.2 The following principles are applied when reviewing the type of mainstream and specialist provision in North Somerset:

- a) Expansion of schools –When reviewing demand for school places, it will consider the numbers of pupils in and around the locality of the school, standards and Ofsted ratings, as well as demand for school places. Where there is a need for extra places due to new housing and the creation of a new community, an existing school will only be supported for expansion if there is insufficient demand to create a new school within the area of demographic growth, supporting the principle of ‘local schools for local children’.

Where there is an interim need for extra places at a school for ‘bulk’ admissions, provided notification of an increase in potential offers is received in good time to administer the locally agreed co-ordinated admissions scheme, ‘breach’ increases in admission levels can be implemented.

The Council supports partnership working and would hope that the needs of the area are considered by schools and partners when planning school expansions. All plans (LA or academies/academy trusts) should be shared with other responsible bodies before implementation.

- b) New housing developments – new housing developments are likely to require a need for the expansion of existing schools or the provision of new facilities. It is expected that this infrastructure will normally be funded/part-funded through either S106 contributions or the Community Infrastructure Levy (CIL).

The Council will:

- consider the expansion of existing schools/academies where standards were consistently rated as good or outstanding at their last inspection by Ofsted, where the most recent Progress 8 score was at least the national average, where the school or Trust are in good financial health and have the capacity to make the change and, where a school is designated as having a religious character, the trustees of the school and appropriate religious authority (in the case of church schools the diocese or relevant diocesan board), does not object to the proposed change. This may include increases in cohort sizes on the existing school site and/or the expansion of cohorts and/or an age range on a new or existing site;
- establish new academy free schools via national guidelines. There is an expectation that any new sponsor is part of an academy chain rated good/outstanding, where the majority of schools' most recent Progress 8 scores were at least the national average and where the Trust is in good financial health and has the capacity and experience to make the change;

- c) Surplus places – the Council plans to meet its sufficiency duties within school place planning clusters (as defined by the Council) whilst allowing for the movement of pupils from school to school. It will base capacity needs on pupil projections and previous admission trends.

The Council will work to an aspiration that there should be no more than between 5 – 7 % surplus places across individual schools or the wider planning areas to meet the needs of static and growing communities. This is to ensure there are places available to those seeking school allocations outside the normal school admissions rounds whilst enabling schools/communities in areas of residential growth to benefit from extra resources should they need to grow.

Surplus places in one planning area can mean that resources for areas of growth cannot be claimed. This acts against the need of the Council and schools to provide places for local pupils. Where the numbers of surplus places in a school are, or are predicted to be, in excess of 15% the Local Authority will discuss with the Governors of the school/its MAT Trust Board actions to remove these places. The Council expects academies and other own-admission authority schools to act to reduce long-term surplus places by reducing their admission levels/re-designating surplus accommodation as appropriate, and to act in the interests of the wider community.

The Local Authority will suggest that MAT Trust Boards review the viability of their schools that have more than 25% surplus places, especially where standards are low or where floor standards necessitate a review of provision. It will recommend

and work with academies to review their provision to ensure that place availability is appropriate to local need.

- d) School Closure – the Local Authority will not normally consider its schools for closure unless standards are low (below floor targets) or it is in an Ofsted category, surplus places are in excess of 25% and all measures taken to improve the teaching and other facilities available to children and their families have failed. The decision to close a school where all the above apply may be taken in extreme circumstances following sensitive consultation.

The Local Authority will consider a move to academy status of an LA school where there is evidence of capacity for sustainability and improvement. Where a school is judged to be 'Inadequate' the Secretary of State may direct the Local Authority to close the school. The Secretary of State can direct a Local Authority to cease to maintain a school where that school is eligible for intervention by virtue of it being inadequate only. This will usually be done where there is no prospect of the school making enough improvements. Before this power can be exercised, the Secretary of State must consult:

- the Local Authority and the governing body of the school;
- in the case of a Church of England school or a Roman Catholic Church school, the appropriate Diocesan Authority;
- in the case of any other Foundation or Voluntary school, the person or persons by whom the foundation governors are appointed;
- such other persons as the Secretary of State considers appropriate.

If the direction to close a school has been given, the Local Authority will be expected to meet any costs of terminating staff contracts and make appropriate arrangements for the pupils continuing education, whether in a replacement school, or through transition to an alternative school.

#### Power to Make an Academy Order

Section 4 of the [Academies Act 2010](#) permits the Secretary of State to make an Academy Order in two circumstances: firstly, on the application of a school's governing body under section 3; or secondly, if the school is eligible for intervention within the meaning of Part 4 of the 2006 Education and Inspection Act.

The Education & Inspection Act 2006 requires that a Local Authority, or governing body, that is considering proposing the closure of a rural primary school **must** consider the following matters, when formulating their proposals:

- The likely effect of the discontinuance of the school on the local community.
- The availability, and likely cost to the Local Authority, of transport to other schools.
- Any increase in the use of motor vehicles which is likely to result from the discontinuance of the school, and the likely effects of any such increase.
- Any alternatives to the discontinuance of the school.

- e) As required by Her Majesty's Inspectorate (HMI), the Local Authority must monitor the progress of all LA maintained schools who receive a 'Requires Improvement' judgement for a 2<sup>nd</sup> time to secure rapid improvement within an

agreed timescale. This work will be overseen by the Education Excellence Partnership Board. The Council will consider issuing a Warning Notice if significant improvements are not made within agreed timescales.

- f) Size of provision – all new provision for the primary age in North Somerset (school or building) will preferably be through all-through primary schools or part of an all through school. Unless set in a rural location (where a 105-place school is part of an academy chain), all schools will normally enable at least one form of school entry (30 places per year group and 210 places overall) or two forms of entry (60 places per year group and 420 places overall). Where there is evidence of demand a 525 or 630 place school will be provided.

The Council would normally only support the expansion of secondary provision up to a maximum of 1,700 places across the 11 -16 age range (2000 – 2200 places overall) if there is local demand.

- g) Special Educational Needs and Disabilities - the LA recognises the good work of teachers in enabling pupils with a range of learning difficulties to achieve the highest possible standards within mainstream schools. It also recognises however that the effective inclusion of pupils with complex difficulties is a significant challenge to school staff and is committed to maintaining and enhancing the support available to mainstream schools.

Where a child's needs cannot be met at a mainstream school, and their Education, Health and Care Plan (EHCP) states they would be better served by attending a school for pupils with Special Educational Needs and Disabilities (SEND), a local SEND place will be sought. The Council is committed to increasing the availability of local places and has supported expansions in all three special schools, subject to having sufficient space on site to meet pupil needs. A new SEMH school will open in September 2023.

The Council is promoting the inclusion of specialist hubs attached to mainstream settings. This is to support the delivery of expert support as an integral part of meeting a pupil's needs, with the aim of enabling their integration or re-integration into mainstream settings as soon as it is appropriate.

The LA makes every effort to place children in local schools but does recognise that there are a small number of pupils whose needs are so severe and complex that they require provision that is only available in maintained or Independent schools outside North Somerset.

The Tuition Service caters for all age groups from Key Stages 1 - 4 who are out of school. Programmes are delivered:

- In the community - Where tuition is not possible in the home, or if it is not advisable if a student is becoming isolated, then tuition may be arranged in the community. An emergency contact form is completed if a tutor is to act 'in loco parentis' in such cases. Tuition could be arranged in Public libraries, Community centres, Museums etc.

- In school - It may be determined that tuition should be provided at a VLC school building either in small groups or on a 1 to 1 basis. The service aims to provide a core curriculum to GCSE or other accredited qualifications and to plan for Post 16 progression. They support and advise students in making decisions about their future.
- At Home - on occasions lessons take place online in the home for an agreed number of hours depending on health and circumstances, subject to regular review.

- Through reintegration packages within the student's mainstream school.

The service concentrates on delivering core subjects such as English, Maths and Science with a range of accredited qualifications. It also offers GCSE ICT, Art, Functional skills and BTEC Diplomas, which are studied in mainstream schools. They plan and support post 16 progression. Curriculums are mainly designed to meet the needs of an individual basis, considering the needs of the young person and the school. Input and advice are also taken from parents/carers and other external organisations and professionals.

Students referred with acute illnesses and high levels of anxiety can continue to cover most of the curriculum they would normally manage in a mainstream school through detailed curriculum planning.

Progress and achievement are governed by the diverse complex medical needs of the students referred. Needs against ability is carefully assessed to enable students to access a balanced curriculum. In many cases, each learner has a bespoke education package.

The focus of Tuition Service is to work with students, families and other professionals to overcome barriers to prepare the student for a return to mainstream provision.

h) Secondary provision – the core principles for new secondary provisions are that:

- the local school should be the natural and easy choice for parents providing good /outstanding education, high standards of care and an environment that enables all children to flourish and contribute to the economy;
- for new housing developments or where significant numbers of pupils are transported to school(s) and a new school would be viable, the local authority will investigate and promote the provision of a new academy(ies) to meet community's needs;
- where possible, pupils should be able to walk or cycle to a school within the statutory distance from their home address;
- schools must welcome and provide effectively for all children across all cohort settings

- schools must prepare children and young people to be responsible residents who are able to contribute positively to the broader community and economy
- all schools should foster strong, cohesive communities so that the local area benefits from a secondary school at their heart, contributing to their community
- in order to provide the best education for the 11-16 population, secondary schools should not normally serve fewer than 6 forms of entry (up to 180 pupils per year group) or more than 12 forms of entry (up to 360 pupils per year group). Where there is evidence of local demand, larger provision could be considered

All established schools should look to offer places to their intake PAN as the cohort moves into other year groups

- i) School Planning Areas - North Somerset Council will use its school planning areas as agreed with the DfE to monitor and manage school place provision.
- j) Pupils entitled to free home to school transport assistance will be supported with their travel arrangements provided they are attending the nearest appropriate school to their home address and they fulfil the statutory requirements for assistance. This may or may not relate to the First Geographic Area determined by a school within their own admission arrangements. Details of the Council's home to school transport policy are available at <http://www.n-somerset.gov.uk/my-services/schools-learning/support-pupils-students/home-school-transport/about-home-school-transport>
- k) The Council will encourage the establishment of pre-school provision for 2- and 3-year olds onto school sites where there is need and where it is financially and physically possible. This will be through:
  - Private, Voluntary and Independent (PVI) provisions
  - A change of lower age range of the school to accommodate younger pupils
  - A locally based school provider i.e. Governing Body led provision

2.3 The Council is a commissioner of places and operates within a complex and changing children's services environment. Its aspiration is to secure 'local schools for local children' whereby pupils should be able to attend a local school that enables them to achieve their potential. This aspiration also covers the needs of pupils with SEN and Disabilities. The Council will look to allocate a place within the Council's area or at the closest establishment offering appropriate education to their home where possible. Provision covers the impact of new development on facilities for early years/children's centre facilities, primary, secondary, post-16, Special Education Needs and Disabilities, transport to school and youth facilities. Full details of how the Council claims development contributions can be found within the Council's Development Contributions Supplementary Planning Document at <https://www.n-somerset.gov.uk/my-services/planning-building-control/planning-policy/supplementary-plans-guidance/adopted-supplementary-plans>

- 2.4 The council's current development plan sets out a requirement for 20,985 new homes to be built by 2026. The Site Allocations Plan was adopted in April 2018 and this document allocated sufficient sites to meet the requirement, as set out in the table below.

Location	Total sites identified in Site Allocations Plan	Built by 2017	Residual at 2017
<b>Developments identified in the North Somerset Site Allocations Plan (SAP)</b>			
Weston Villages	6,500	835	5,665
Weston urban area	6,479	<b>3,096</b>	<b>3,383</b>
Portishead	3,421	<b>2,878</b>	543
Clevedon	768	401	367
Nailsea	1,267	<b>203</b>	1,064
Service villages	2,412	784	<b>1,628</b>
Other areas	1,438	650	788
<b>Total</b>	<b>22,285</b>	<b>8,847</b>	<b>13,438</b>

- 2.5 Work has now commenced within the council to produce a new Local Plan, which will cover the fifteen-year period from 2023 to 2038. Plan preparation is at an early stage, and as such no specific locations for the growth that will be required during this period have been confirmed. A consultation on how the growth should be broadly distributed was held from November-December 2020. Officers are reviewing the responses to this Choices consultation, and a draft plan will be prepared in 2021 to identify specific locations and sites for development.

Except for agreed nil Community Infrastructure Levy (CIL) areas (see below), there is an expectation that all developers will be expected to provide a contribution towards the cost of infrastructure within their development proposals. For mainstream and SEND school and pre-school places, home to school transport and other children's services such as youth and Children's Centre provisions, infrastructure related costs permitted by law will be collected through Section 106 agreements (s106) and/or through a Community Infrastructure Levy (CIL). CIL is a tariff of charges that will be applied to new developments to help fund infrastructure to support growth. For most developments, this will be the means through which they contribute to the delivery of the school places needed because of new housing.

- 2.6 The Council, working with academies/schools/PVIs, will encourage these providers to be flexible in their place capacities, utilising opportunities to increase provision to meet developer need as and when appropriate. As businesses, adjusting to meet current need may not form part of the long-term business plans of these organisations.

On occasions the Council may need to work with schools and academies to decrease place availability. Many schools are reluctant to show a decrease in

places available, even when their capacity is often less than the maximum numbers of pupils who could attend the school should they be full in all cohorts. The changing role of the Council makes implementing choices strategically in one area to benefit another even more challenging, especially as institutions will normally concentrate on introspective planning school by school or within their own Multi-Academy Trust.

2.7 Decisions as to whether the Council will ask for a contribution (full or part) towards the provision of necessary infrastructure will be considered on a case by case basis. This is because the need for new or expanded provision will be dependent on factors such as:

- i. The availability of existing infrastructures and whether if it can meet the projected requirements of the new development in full or in part
- ii. Whether 'works in kind' will deliver for the community more effectively

The Council will aim to collect all Children's Services S106 contributions, where possible, at the start of a development or as soon as possible thereafter. This is to enable the Council to have facilities in place as soon as reasonably practicable once the new dwellings are starting to be delivered. Where a developer can prove that this will affect the viability of the development, exceptions may allow funding to be released across the development (in percentages to be agreed on a case by case basis). This flexibility does not apply to CIL payments, which must be made within 60 days of commencement of a Full or Reserved Matter consent.

Developer contributions are payable to the Council and not to schools or academies. They are paid to meet need as a result of a development and not to resolve historic condition or suitability issues in schools.

2.8 Where school sites have already been identified in the Sites Allocation Plan to meet the education needs of a new development and these are in the ownership of the Council, or where expansions to existing provision have been recently assessed and can be seen to accommodate an expansion without compromising the education already being provided, there is an expectation that developers will make financial contributions to the Council to fund all or part of the cost of new schools/pre-schools/community resources as appropriate to meet the infrastructure needs generated by their development.

Where sites have already been identified in the Sites Allocation Plan to meet the education needs of a new development but are not owned by the Council or the developer, the Council will expect the developer to pay/to contribute towards the cost of the purchase of necessary site(s) and to make financial contributions to fund all or part the cost of new schools/pre-schools/community resources where appropriate to meet the infrastructure

needs generated by their development in proportion to the above conformity tests. Where the site is in an area subject to CIL, this may need to form part of the development negotiations.

Where sites have already been identified in the Sites Allocation Plan to meet the education needs of a new development and are in the ownership of the developer, there is an expectation that developers will provide the allocated land (at their cost and meeting the requirements identified in this plan) and make financial contributions to fund all or part of the cost of new schools/pre-schools/community resources where appropriate to meet the infrastructure needs generated by their development. Again, where the site is in an area subject to CIL, this may need to form part of the development negotiations.

Where no sites have been identified in the Sites Allocation Plan to meet the education needs of a new development and where expansions to existing provision cannot be seen to be accommodated without compromising the education already being provided, the Council will expect the developer to make financial contributions to fund all or part of the cost of new schools/pre-schools/community resources where appropriate to meet the infrastructure needs generated by their development including a sum towards a possible future land purchase. If this cannot be agreed, the education service may need to object to the development.

In all cases, the conformity tests must be met.

**Review:**

**Are the principles held by the Council to secure sufficient places right?**

**How do organisations feel they are able to support the principles outlined above, especially where the Council is no longer the decision maker for c 78% of schools?**

**3. People and Communities Directorate Requests**

- 3.1 The Children's Services Directorate will seek (externally and/or internally as appropriate) education contributions in all cases where the schools serving the development are estimated to have a deficit of places of fewer than a 5% surplus. This is because the Council needs to ensure there are 5% of places available to support migration to the area and parental preference. Most schools in the North Somerset area are either operating at or close to capacity, or at a level that is sustainable in terms of their revenue funding resources. In some cases, where schools have reduced their intake due to a fall in demand, but new developments may necessitate a reversal in the reduction, a contribution towards the reinstatement of classrooms and supporting infrastructures may be required and requested.

Without the provision of additional places at schools close to a new development, it will be necessary for the Council to transport pupils to schools further from their home address, and beyond the statutory walking limit. In working towards being carbon neutral by 2030, the Council will look to create new provision where practicable so that local schools are available nearby for pupils.

3.2 For primary school places, in general, where the needs of the development cannot be met in full or in part at the local school, (external and internal) contributions will be requested from developers as below:

- ✚ For developments where the need for a new 210-place or larger school is shown, land and the delivery of the school and pre-school to the Council's specifications and based on the DfE's Building Bulletin BB103. This will include a site to meet at least the mid-range size in accordance with BB103 plus the necessary increases in site size for the pre-school and any shared community facilities (if appropriate). The site may also need to allow for the provision of sports pitches and outdoor space to meet the needs of the school and the community it serves (if appropriate).

- ✚ Where a development is planned to grow in phases, the Council will look to the developer to provide land and the infrastructures needed for the larger school (including playing fields) and pre-school and any shared community facilities (if appropriate). Whilst the full hall, staff room and other infrastructure requirements must be provided at the outset, the Council will agree to the delivery of additional classrooms at later stage provided these have been allowed for in the capacity of the initial provision and the design of the site.

- ✚ For developments where fewer than 210 primary-aged children are generated, the Council will expect:
  - The developer to pay for the necessary extra class bases and the additional infrastructure needs required for either 105 or 210 new places at the nearest North Somerset good/outstanding school to the development (the appropriate school) so it can operate within BB103 guidelines and supporting building bulletins and early years guidance
  - Where the nearest appropriate school is in excess of 2 miles as a safe walking route from the development, or the route to school is deemed to be unsafe, the Council will expect the developer to contribute towards the cost of home to school transport (as assessed) for a period of at least 7 years from the start of the new development or to pay for the route to school to be made safe to enable pupils to travel to school sustainably.

- ✚ Where appropriate, contributions from multiple developments may be combined and resources pooled to create a new mainstream and SEND school places to serve a range of new communities.

For all new schools, the developer will be expected to pay for the Fixtures, Fittings and Equipment (FFE) at a rate of £10k per class base. Where new class bases at an existing school are to be created within existing accommodation, the same contribution may also be required for FFE.

3.3 For secondary school places, in general, where the needs of the development cannot be met in full or in part at the local school, (external and internal) contributions will be requested from developers as below:

- ✚ For developments where the need for a new 900-place or larger provision is shown, land and the delivery of the extra places and pre-school, if required, to the Council's specifications and based on the DfE's Building Bulletin BB103 and supporting building bulletins. This will include a site to meet at least the mid-range size in accordance with BB103 plus the necessary increases in site size for the pre-school and any shared community facilities (if appropriate). The site will need to allow for the provision of sports pitches and outdoor space to meet the needs of the academy and the community it serves
- ✚ Where a development is planned to grow in phases, the Council will look to the developer to provide land and the infrastructures needed for a larger school (including playing fields) and for the pre-school and any shared community facilities (if appropriate). Whilst the full hall, staff room and other infrastructure requirements must be provided at the outset, the Council will agree to the delivery of additional classrooms at later stage provided these have been allowed for in the capacity of the initial provision and the design of the site
- ✚ For developments where fewer than 900 children are generated, the Council will expect:
  - The developer to pay for the necessary extra class bases for whole tutor group increases in capacity (30 extra pupils per year group) and the additional infrastructure needs required at the nearest good/outstanding North Somerset secondary school able to expand so it can operate within BB103 guidelines.
  - Where the nearest appropriate school is in excess of 3 miles as a safe walking route from the development, or the route to school is deemed to be unsafe, the Council will expect the developer to contribute towards the cost of home to school transport (as assessed) for a period of at least 7 years from the start of the new development or to pay for the route to school to be made safe to enable pupils to travel to school sustainably.
- ✚ Where appropriate, contributions from multiple developments may be combined and resources pooled to create a new mainstream and SEND school places to serve a range of new (and existing) communities

For all new secondary and SEND schools, the developer will be expected to pay for the Fixtures, Fittings and Equipment (FFE) at a rate of £10k - £15k per class base (dependant on the faculty to be expanded). Where new class bases at an existing school are to be created within existing accommodation, the same contribution may also be required for FFE.

- 3.4 As at January 2020, 0.9% of North Somerset's primary-aged pupils and 0.6% of its secondary-aged pupils have an Education and Health and Care (EHCP) Plan. This compares with 1.8% of primary and secondary pupils across England (see Department for Education, Special Educational Needs in England: January 2020, *available at* <https://www.gov.uk/government/statistics/special-educational-needs-in-england-january-2020> (underlying data)). These children are educated, wherever possible, in a provision and location that best meets their specific needs. A developer contribution is calculated based on applying these percentages to the primary and secondary pupil yields resulting from the development and multiplying the result by the average capital cost for SEND pupils.

[Building Bulletin](#) 104 outlines the range of requirements for such specialist facilities. The percentage of SEND pupils is reviewed annually.

- 3.5 Details of the Councils SEND Strategy can be found in Appendix 2. Currently, children with additional needs may be educated at their local school or at a specialist provision located within or outside of North Somerset. Where the needs of the development cannot be met in full or in part within North Somerset, contributions will be requested as below:

- ✚ For mainstream schools, the developer is to pay for nurture group facilities and/or specialist equipment (hearing loops etc.) to meet the requirements of pupils with additional needs to study alongside their peers.
- ✚ For specialist provisions, the developer is to pay for the necessary extra class bases and additional infrastructure needs for whole tutor group increases in capacity (6 – 10 extra pupils per class group) at the nearest good/outstanding North Somerset school able to expand so it can operate within BB104 guidelines.
- ✚ Due to the needs of the pupils attending specialist provisions, the Council will expect the developer to contribute towards the cost of home to school transport (as assessed) for a period of at least 7 years from the start of the new development.
- ✚ Where appropriate, contributions from multiple developments may be combined and resources pooled to create a new school to serve a range of new communities.

- 3.6 The Council will only expand schools that are not classed as good or outstanding by Ofsted and achieving the appropriate Progress 8 scores in exceptional circumstances. This will normally be where the school has the capacity to improve or it is to be supported by another good/outstanding

school on its journey to good/outstanding within its Multi-Academy Trust (MAT).

- 3.7 Contributions to cover the Supervision of Works (Clerk of Works) on the above schemes will be requested at a rate of 1.75% of the gross construction costs.
- 3.8 Revenue funding and procurement set up costs will be requested when a development requires a new school. The amounts required will be calculated on a scheme by scheme basis dependant on the size of the school. Such contributions will be used to assist the new academy and Council in cover pre-opening expenses but will normally be in the same region as the funding made available to promoters via the DfE's Free Schools process – see [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/901034/A\\_guide\\_to\\_new\\_special\\_free\\_school\\_revenue\\_funding\\_2020\\_to\\_2021.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/901034/A_guide_to_new_special_free_school_revenue_funding_2020_to_2021.pdf)
- 3.9 Demand for nursery/pre-school facilities will be made with reference to an audit of childcare provision for 0–4-year olds in the area of the proposed development. If the audit shows there are insufficient places, then a request will be made for the provision of early year's facilities. The Council has a statutory duty to ensure enough provision and will seek contributions for developers/set planning conditions to ensure enough places across the Council's area.

The Statutory Framework for Early Years Foundation Stage sets standards for provision and states that any buildings used for childcare must have 3.5m<sup>2</sup> per child younger than 2 years, 2.5m<sup>2</sup> for 2-year olds and 2.3m<sup>2</sup> for 3 – 5-year olds. The Council will use developer allocations to provide accommodation and commission places from schools and the PVI sector. The Council will also explore options for the developer to deliver the provision, for example through community or commercial-based providers at bespoke accommodation provided by the developer as part of employment-led obligations.

Pre-schools or nursery classes will be included on all new primary and secondary school sites where practicable. Where the needs of the development cannot be met in full or in part within that area, contributions will be requested as below:

- ✚ The developer to provide at least two nursery classes with supporting facilities for 2- and 3-year olds built to the DfE's Statutory Guidance for Early Year Foundation Stage requirements at any new school for each 210-place equivalent new provision in their development area. The provision may be overseen by the school or a Private, Voluntary or Independent (PVI) provider.
- ✚ The developer to provide for at least one, preferably two nursery classes for 2- and 3-year olds with supporting facilities built to the DfES Statutory

Guidance for Early Year Foundation Stage at the nearest good or outstanding North Somerset school able to expand to include this provision. The early years setting may be overseen by the school or a Private, Voluntary or Independent (PVI) provider. Where appropriate, contributions from multiple developments may be combined and resources pooled to create a new early year setting to serve a range of new communities.

- ✚ Where the needs of the development cannot be included as part of a school and/or the need for early years places exceeds the places available locally, the developer must include the availability of early years facilities as part of their business requirement offer for their development. The size and nature of this provision will be assessed in accordance with conformity tests. Where appropriate, contributions from multiple developments may be combined and resources pooled to create a new early year setting to serve a range of new communities.

- 3.10 Where additional places are required before the delivery of extra accommodation, a contribution towards the cost of home to school transport for pupils from the development may be requested in line with the conformity tests for a period of at least 7 years.

Details of the current home to school transport arrangements can be found at: <https://www.n-somerset.gov.uk/my-services/schools-learning/support-pupils-students/home-school-transport>

North Somerset Council has a policy of supporting local schools for local children where appropriate and will in all cases seek to avoid transporting children if a local school place can be provided. In particular at primary age, the Council will prioritise options to deliver school places within a safe walking distance of a maximum two miles of new housing and will seek contributions for new provision within that area rather than ongoing transport obligations.

School places can only be deemed to be 'available' to development residents if accessible via a Safe Route to School. Determination of whether a route is safe lies with the Integrated Transport Unit. Where places are available (or are made available) at a school within the required distances but routes are not deemed to be safe, developers will be asked to carry out or fund improvements to walking routes to bring them up to the necessary standard, both within and outside of their development site. Where additional provision is made within a new development, a key starting point of the design of the site should be to ensure Safe Routes to School.

In the event that a local school place is not available and arrangements to secure an increase in local provision cannot be secured or is not appropriate locally, the Council will seek to place pupils at the next nearest school with a vacancy. If this school is more than the statutory walking distance (2 miles for pupils under 8 years of age, or 3 miles for pupils aged 8 and above), costs will

be sought to compensate the Council for any travelling expenses to the nearest setting with a vacancy for a period of up to at least 7 years.

It is estimated, with pre Covid-19 prices, that the annual cost for providing transport to enable a primary aged pupil to attend a school more than 2 miles from their home could be up to £30,400 per annum (£160 per day x 190 days), although this is dependent on the number of pupils and resulting mode of transport that is appropriate. This can be reduced when multiple pupils can benefit from a single transport route and the average cost per head has been calculated as £1735.88. In the case of secondary age pupils, the cost of public transport (if reliably available) currently stands at approximately £800 per school year per pupil if a pupil is offered a school place more than 3 miles from their home address.

If it is necessary to provide a taxi/minibus/coach, the cost can range from the provision of taxi at the cost £13.8k to a minibus at the cost of £25k per annum to a 53-seater coach at a cost of £49k per annum dependent on the journey. The average cost per head is £681.00

All journeys and needs and the resulting costs are determined on a case by case basis.

- 3.11 North Somerset Council is under a statutory duty to secure access for young people to sufficient educational and recreational leisure-time activities which are for the improvement of their well-being (Education Act 1996. S507B). It is the Council's duty to ensure that any barriers to accessing such facilities are removed, and that factors such as availability of transport, income, health and disability, gender or sexuality do not prevent young people from accessing opportunities. This duty is primarily focused on the 13-19 age group, but also includes young people with learning disabilities from 13-24 and recognises the need to provide a range of activities suitable for children of all ages.
- 3.12 The Council also has a statutory duty to provide Family Centre facilities offering support to families from ante-natal onwards. The number of children likely to need these services will be based on the pupil yields at the Early Years' stage; however, the contribution required will be calculated on the existing provision in the area and if/ how this will need to be expanded to meet the additional need. This could be supporting new classes or programmes, or for larger developments a physical expansion to a building may be required.

Demand for Family Centre Services will be made with reference to an audit of childcare provision in the area of the proposed development. If the audit shows there is a need, then a request will be made for the additional facilities.

Development contributions in the form of the CIL may be used to support this work, subject to the Council's prioritisation of funds received.

- 3.13 In all the above cases, contributions will be assessed to meet the conformity tests. A table of the S106 contribution rates as at November 2020 is shown

below. North Somerset would seek to increase its claims to match the national averages based on benchmarking data and DfE Scorecard information from 1 September 2021 onwards.

	New School - National Average cost per place <sup>1</sup>	Expansion - National Average cost per place <sup>1</sup>	Average National New & Expansion cost per place	NSC Cost Multiplier per pupil £ <b>under review</b>
Early Years*	tbc	tbc	tbc	£12,625
Primary	£17,268	£20,508	£18,888	£12,257
Secondary	£24,929	£23,775	£24,352	£18,469
SEND** <sup>2</sup>	£84,473	£65,739	£75,106	£68,000

\*\*NSC 0.78% of primary and 0.75% of secondary = 1 pupil

The DfE consulted in October 2020 on draft guidance to create a possible national methodology for matching housing developments and pupil data. This could provide pupil yield factors for all local authorities in England, for the purposes of securing developer contributions towards education. This could be used to:

- ✚ Set local authority-wide average pupil yield factors according to development characteristics such as tenure mix and dwelling sizes, only differentiated at district/borough level (in two-tier areas) when analysis shows substantial variations across the wider local authority area;
- ✚ Apply a 'net' pupil yield factor to development proposals, which discounts the average proportion of pupils who move within the same lower super output area (and can be assumed not to require new school places), unless LAs can evidence that vacated properties will be backfilled by more families moving into the area;
- ✚ When assessing existing school capacity for the purposes of calculating developer contributions, trends of admissions from outside a school's catchment area (where it has one) should be disregarded and these places considered available, unless displaced admissions cannot be accommodated elsewhere within the planning area; and
- ✚ In seeking developer contributions for education, include the pupil yield from affordable housing as well as market housing

The outcome of this consultation may determine future allocations.

#### **Review:**

**Do you support the principle of 'local schools for local children' and the strategies and process for securing extra places as indicated above?**

**Should the Council increase its requirements for pupil place capital contributions from developers to match the national average?**

**What priority should the Council give to the allocation of CIL contributions for educational delivery alongside the allocation of resources to other Council priorities?**

**4. Projection and School Building Methodology**

- 4.1 The Business Intelligence Unit oversees pupil projections for North Somerset. The numbers of pupils generated from new homes is dependent on the size, types of homes supplied and the rate of build. For homes in new estates, primary school pupil yield is normally expected to peak within 5-10 years of the completion of any new development. Secondary school demand will normally peak around 4-5 years later.

The calculations used to assess developer contributions take account of pupil intake and the number of pupils estimated to be on roll. The Council uses the DfE cost indicator, which is subject to change as the rate is amended by the DfE, to determine contributions.

Details of the latest methodology is available at <https://www.n-somerset.gov.uk/sites/default/files/2020-02/pupil%20projections%20for%20north%20somerset%20schools%202019%20to%202023.pdf>

- 4.2 School buildings should be built to the highest standards possible. This will be in accordance with BB103 for mainstream and BB104 for special schools and other relevant national standards.

When looking at the new sites:

- they should be a rectangular plot, the sizes of which should be appropriate for the different sized schools and/or where other facilities available from the site are added;
- they should be of a suitable shape to incorporate buildings, hard/soft play areas, shared facilities, parking, community access etc., whilst meeting the needs of the surrounding buildings and any necessary planning conditions;
- they must be in accessible location and have at least two separate approaches and not be located at the end of a cul-de-sac;
- they must have discreet access to shared facilities (internal and external);
- they should have appropriate access/egress/parking facilities/surrounding road infrastructure must comply with North Somerset Council requirements/current policies and traffic impact assessment needs and the site should facilitate the provision of 'Safe Routes to School';

- land must be delivered in virgin state without contamination, well drained and free of constraints including noise and air pollution and archaeological interests;
- developers should not use the school land as a solution to their wider developer infrastructures such as for drainage routes or swales;
- they should have suitable topography for the school's needs;
- they should have access to services including broadband fibre connections that must be available, with all costs to facilitate their supply met by the developer;
- they should have appropriate road and travel infrastructures to and from the school must be provided by the developer.

School sites must have the following:

- The building must, as a minimum, comply with the mid-point of BB103 requirements. The building must also comply with BB102.
- A full production kitchen must be delivered in accordance to NSC specifications to meet the needs of the delivery of meals to all pupils on the site (school/pre-school as appropriate).
- External wall construction needs to be robust and suitable for a school environment where balls etc. can be kicked against walls without detriment to the finish.
- ICT – A suitable connection to building via the appropriate connection (i.e. fibre) to be installed to enable connection to broadband services.
- The toilets should allow for privacy and be age appropriate with the correct numbers in accessible locations for all ages of pupil. Good access to washing facilities should be available. There should be no urinals. Toilets should be constructed in an open and unisex manner, to prevent potential for bullying. Toilet cubicle doors should be full height and each one to be ventilated adequately. Toilet facilities for disabled pupils should be provided in the same location to the ambulant disabled persons standard.
- Nursery toilet door heights to be confirmed with the end user prior to construction commencing.
- Facilities for nursing mothers should be available on all new school sites.
- Areas for quiet reflection and prayer should be made available on all new school sites.
- Floor finishes – barrier matting must be included at every external door location and suitably sized. The type of matting should be either recessed in mat wells or of an agreed alternative design.
- Under floor heating is the preferable system (i.e. normally no radiators in classrooms or circulation spaces), noting that PE stores need to be excluded to enable mats to be stored.
- The site generally should be free from both underground and over-ground services. In particular, the site should not have restrictive services such as

power, gas, water sewerage, archaeological constraints etc. that impinge upon the site development. The site should however be provided with services such as power, water, telecoms, drainage – to enable the construction of a school. The services to be terminated within the site boundary in a location that is within 20m of the likely position of the new school building.

- In seeking to become carbon neutral by 2030, school buildings should promote the latest low energy sustainable heat, facilities and light options and provide for sustainable modes of travel to and from and within the site. This will include electronic charging points for vehicles, sufficient cycle and scoot parking and changing rooms and showers for those who travel sustainably.
- The site should not be below a flight path for aircraft either taking off or landing at Weston.
- No site should be with the HSE restricted zones for high pressure gas storage units or pipelines.
- If there are rhymes or other water courses, the site should be transferred only once the requisite maintenance works have been completed to the satisfaction of the Environment Agency or Internal Drainage board as applicable. Maintenance access to the watercourse should be excluded from the transferred land or appropriate measures put in place to enable access without impinging upon the site area and use.
- Sites should not be affected by ecological or conservation constraints. Prior to transfer, the site should be subject to an ecological survey and the results issued for acceptance by the local authority.
- Sites should not be affected by Archaeological constraints. Prior to transfer, the site should be subject to an Archaeological Desktop survey. If it is recommended that trial trenches should be dug, these should be completed prior to transfer, at the cost of the contractor. The NSC Archaeological Officer will need to approve that the site can be constructed upon, following receipt of the survey and trial trench findings.
- The site should be sited such that it is not affected by noise from adjacent highways or industrial sites. The contractor to provide noise assessments prior to transfer to demonstrate that the site is suitable.
- The surrounding development should be designed to provide at least two entrances to the site that are suitable for school coaches (52-seater), refuse and general deliveries. The surrounding road infrastructure should also suit parking for parents who drive to school and drop/collect children, without adversely affecting the residents. Due cognisance of the relevant Supplementary Planning Document – North Somerset Parking Standards, should be complied with.
- All internal and external doors should be installed with integral anti-finger trap designs. Examples of such doors are Leaderflush Shapland Sentinel or Hazlin Safehinge.

- The site should not normally be with Environment Agency flood zone 3a or 3b classification. If it is appropriate mitigation measures should be in place without cost to the Local Authority or school.
- On completion, the contractor to provide the required maintenance contract for the duration of the defect's correction period at no cost to the school or North Somerset Council. The rationale being that warranties must remain valid and no complications regarding liability.

4.3 Where significant numbers of new school places are required, often at the start of a major new development, the Council will ask for the schools within the new housing areas to be 'future-proofed' and built to enable a phased increase in provision to be added at a later stage. For example, a one or two-form entry school may need to be built with the full future capacity hall, staff rooms, main group rooms etc. appropriate to the capacity of a larger school. This would enable further class bases and other supporting facilities (such as a pre-school; sixth form facilities) to be added at a later stage in the development, without When considering a 'local school' for primary schools, this will normally be a school within 2 miles (as a safe walking route) from the child's home. Many parents of primary aged pupils expect a school place for their child within an 800m walking and 1600 cycle/scooting distance from their home (although this is not a legal entitlement).

4.4 When negotiating agreements with developers, the Council will, if possible, ensure input from the promoter of the (new) school into its design and final specification. All buildings should meet national requirements as well as North Somerset bespoke specifications.

**Review:**

**Are there any further factors the Council should be considering when determining projection need and securing sites and financial contributions for new schools or expansions to current provisions?**

## **5 New Schools and Competitions**

5.1 The Education Act 2011 gives Local Authorities 'a critical new role as strengthened champions of choice, securing a wide range of education options for parents and families, ensuring there are sufficient high-quality school places, co-ordinating fair admissions, promoting social justice by supporting vulnerable children and challenging schools which fail to improve.'

There is an expectation that within the schools' system, academy status will be the norm and that where there is a need for a new school, the first choice will be a new Academy or Free School. Where the Local Authority is unable to identify a suitable sponsor to open a new school, it will be 'able to contact the Secretary of State for Education so that together such a sponsor can be found.

- 5.2 Local Authorities have a statutory duty under section 14(3A) of the Education and Inspections Act 1996 to exercise their functions with a view to securing diversity in the provision of schools, and in increasing opportunities for parental choice when planning the provision of school places. In ensuring that there are enough schools in its area, the Council will always promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential.
- 5.3 The Council wants every North Somerset child to be educated in learning facilities where they can be inspired to learn and develop educationally, morally and emotionally in safe, secure and physically and financially robust establishments. Whilst the condition and suitability of academies is a matter for these schools or their Multi-academy Trust, where the Council does have influence, it is vital that schools/academies should be central to the communities they serve, providing genuinely personalised learning experiences for their pupils; engaging environments for parents, carers and the local community; and providing a wide curriculum of learning that leads to high standards and good behaviour within specialist facilities.
- 5.4 In all cases and where practicable and needed, for all new schools delivered by the Council, it will seek to maximise the community use of school facilities outside of school hours to meet the needs of the local community and provide a revenue stream for the school.
- 5.5 In addition to creating the right internal accommodation to meet curriculum needs, the Council expects all new schools/ school expansions in areas of design significance to be important buildings, contributing to their urban environment. This can add to the cost of a new building and should be a financial consideration when allocating resources to build any new school.
- 5.6 The Council has a range of Supplementary Planning Documents (SPDs) that provide guidance on North Somerset Council's policy requirements. These include, for example, design standards; parking requirements; and the provision of informed Travel Plans. They can be viewed on the Council's website at: <http://www.n-somerset.gov.uk/my-services/planning-building-control/planningpolicy/supplementary-planning-advice/adopted-supplementary-plans/supplementary-plans-adopted/>. New school buildings will be expected to comply with these standards where reasonably practical, and/or to provide explanation where those standards cannot for some reason be met.
- 5.7 All new schools/academies should be community resources that are committed to work together as well as extensively and effectively with parents, other providers and wider children's services. They should deliver with other partners a wide offer of teaching, learning and other services; meeting additional pupil and family needs; ensuring that problems are

identified and addressed universally; maximising pupil and family learning improvements; and making the greatest use of their community resource to ensure collective accountability in the local area.

5.8 North Somerset Council will seek to ensure that all learning establishments within the Council's area are committed to working together to meet the best interests of children and families. It will lead and facilitate this ethos, sometimes acting as a brokerage service, and ensure that any new education partners subscribe and commit to North Somerset Council's learning principles. The Council will ensure that, where possible, schools should facilitate access to wider community resources.

5.9 When considering new school place provision, North Somerset will:

- establish new academy free schools via national Presumption Route Free School guidelines - <https://www.gov.uk/government/publications/establishing-a-new-school-free-school-presumption>
- where appropriate, work with its partners to expand consistently good or outstanding popular academies and schools. This may include increases in provision on an existing site and/or an expansion of age range on a new or existing site or a transfer and expansion onto a new site, all within national guidelines. Where a school expands and transfers to a new site, the Council will expect to secure the previous site location in exchange
- work with good/outstanding Multi-Academy Trusts (MATs) to support their Free School bids where they are consistent with the Council's strategic plans.

5.10 Where a new school is needed and more than one provider asks for the Council's support with their bid, providers will be expected to submit Local Intentions of Interest to the Council. These will be considered by the Council in accordance with the guidelines outlined below. The Council will support the group that best matches its strategic obligations. The preferred sponsor will be notified of the Council's support.

(The Council's decision not to support a Free School submission by a MAT will not stop that organisation from progressing with their application to the DfE's Free School Unit).

5.11 The Council will work with developers and support them, where possible, in providing new school buildings and community resources to the Council's specifications as part of their infrastructure obligations.

5.12 New School Competitions – a decision to request an Expressions of Interest (EOI) process for a new school will be made by the Executive Member for

Services & Lifelong Learning, having regard to the recommendations of the CYPs Policy and Scrutiny Panel.

The Strategic Planning & Governance Service/Pupil Places and Planning Team will oversee the EOI process. Whilst it is recognised the Secretary of State is the Decision Maker, officers will review all submissions. The application process will normally include written submissions and interviews with strong applicants able to show that they can fulfil the criteria, such as that shown in Addendum A attached. Officers will make recommendations of support to the DfE. The regulations prevent the publication or sharing of the Council's preferred sponsor. Details of this organisation will normally be included with the submission of all Expressions of Interest sent to the Secretary of State following the Council's conclusion of its EOI process only. Secretary of State decisions are normally made in around 6 weeks. It is anticipated the whole process will take around 6 – 9 months to complete.

- 5.13 The Council will take all necessary steps to ensure that the widest possible range of groups or organisations that might be interested in establishing the new school are aware of the opportunity to do so, and that they have sufficient time to develop proposals. Local good or outstanding academies that are interested in submitting a proposal to run a new school will need to have, or will need to acquire, both Academy status and sponsor approval. The Department's list of approved sponsors can be accessed on the DfE website <https://www.gov.uk/government/publications/academy-sponsor-contact-list>.

The Department for Education will also play a role in generating interest from high quality proposers – by posting details of new academy/free school proposals on its own website, encouraging key stakeholders to do the same and by sign-posting proposals to existing sponsors or potential sponsors who we are aware are keen to operate in that region.

All presumption projects will be assigned a lead contact in the DfE at the point the local authority notifies the department of its intention to run a presumption competition. The lead contact will help, advise and challenge all stakeholders to ensure that the new school will operate successfully from day one. The Council will include this contact in all stages of the EOI, including the interviews and assessment of potential sponsors.

In expressing an interest, it is expected that potential promoters will be able to satisfy the requirements of the competition brief. Addendum A provides an example of the most recent local competition for a 210-place primary school.

- 5.14 Local Authorities are required to include the following details in their Presumption proposals:

- Type of school
- Character/Ethos of school
- Phase and age range (will it include nursery / sixth form provision?)
- Opening date
- Final capacity

- Proposed Published Admission Number (PAN) and number of forms of entry on opening, and expected rate of growth
- Proposed admission arrangements, including catchment area if applicable
- Details about transport
- Reasons the new school is required (e.g. due to a new housing development)
- Profile of the area, including data about Free School Meals (FSM); Looked After Children (LAC) and Previously Looked After Children (PLAC); Black and Minority Ethnic (BME); Special Educational Needs and Disability (SEND); Key Stage 2 outcomes
- Is the school expected to provide community use / will there be any shared facilities?
- Details of the site / building, including details of the ownership
- Details of pre-opening revenue funding to be provided by the local authority
- Details of post-opening diseconomies of scale funding to be provided by the local authority, including underwriting of places and how many years this will be for
- Timelines for the project, including deadline for proposals
- Process the local authority will follow when assessing proposals
- How to apply (including application form)
- Local authority contact details

5.15 In moving to a commissioning role, it is not appropriate for any added members of the CYPs Policy and Scrutiny Panel to take part in the Panel discussions and decisions. Added members are however welcome to address the Panel within the arrangements made for public discussion (Standing Order SS09).

The same will also apply to any Member who has a personal interest in providing a new school. If a personal interest, the Member may speak and vote on the matter. If a prejudicial interest is declared, the Member should leave the Chamber whilst the matter is being dealt with but may first make a personal statement on the matter as if they were a member of the public addressing the meeting under the Public Participation Procedure. The Member must immediately leave the meeting at the start of debate on the agenda item.

If the Member leaves the Chamber in respect of a declaration, he or she should ensure that the Chair is aware of this before he or she leaves because it should be recorded in the Minutes.

5.16 All proposals received will be assessed and the Council will advise the DfE of their preferred sponsor. The Secretary of State for Education will take the Council's assessment into account, along with any additional relevant factors. The Secretary of State reserves the right to overrule any local process and agree a sponsor from the Department's list of approved sponsors on the basis that there may be further evidence about a proposer, or proposers, which means that none of those put forward are suitable. The national intention is to ensure that the school is always established by the best proposer possible.

As part of the planning process for new schools, the Council will also undertake an assessment of the impact of the proposal, both on existing

educational institutions locally, and in terms of impact on particular groups of pupils from an equality's perspective. This is to enable the Secretary of State to meet the duties under section 9 of the Academies Act 2010 and under section 149 of the Equality Act 2010. In the unlikely event that the Secretary of State has concerns about the level of analysis, the Council may be asked to undertake further work on their impact assessment.

In accordance with the regulations the Council will await the Secretary of State for Education's decision before formally making public the outcome of their assessment or the result of the EOI process.

- 5.17 The Council is responsible for providing the site for the new school and meeting all associated capital costs. It is also required to meet the revenue costs of the new provision by making provision in its growth funds to support increases in pupil numbers relating to basic need.

From April 2013 the Schools Budget has been responsible for funding all pre-opening and all post-opening start-up costs associated with establishing new presumption route provisions (to meet basic need) in academies and free schools. The latest policy for calculating these resources was agreed by the Strategic Schools Forum (SSF) in February 2021. The policy is reviewed regularly. The funding for new growth forms part of the overall North Somerset allocation and as new places are provided, the funds available to other schools and academies could be adjusted accordingly.

The latest guidance is available at: <https://www.supportservicesforeducation.co.uk/Page/10238>

- 5.18 Expanded site Intentions (size and age range) – where local places are needed and this can be addressed by the expansion of an existing school on the existing or onto a new site, where more than one establishment may be deemed appropriate for expansion, a decision to request Local Intentions of Interest for providing new school places may be progressed. Any such decisions will also be discussed with the Regional Schools Commissioner who will often be the decision maker if the expanding school is an academy.

Expressions of Interest will need to follow the principles of new school competitions as shown in Addendum A and will need to show:

- how well the additional places are located to meet growth and, in the case of Special School provision, whether the school is able to meet the needs of the additional young people requiring a Special School place;
- standards in the school - it is expected that schools that expand will be Outstanding or Good \* with appropriate Progress 8 scores;
- the capacity of the school to provide suitable accommodation on the site, within existing space and within planning/building constraints or to be able to move to a new site and continue to meet its communities needs and

those of an extended school population without detriment to its current local community;

- the popularity of the school;
- the potential of any expansion to create overprovision or reduce diversity of provision in an area;
- where a school moves onto a new site and does not retain the current locations provision, the school/MAT is prepared to relinquish all control of their current site to make this available to the Council in exchange.

\* Where no solution to a requirement for additional places can be found that meets this criterion, consideration will be given to expansion solutions where a school can evidence sufficient leadership capacity and standards are improving towards good.

5.19 In such cases as in 5.18 above, the Council will oversee consultations and publish any statutory proposals to expand and/or relocate a community, community special or VC school. Whilst non-academy Foundation and Trust schools can oversee their own statutory consultations, the Council may oversee these on behalf of the governing body if requested. Foundation and Trust Schools will need to follow the guidelines outlined by the DfE in their publication Making Prescribed Alterations to Maintained Schools - [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/756572/Maintained\\_schools\\_prescribed\\_alterations\\_guidance.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/756572/Maintained_schools_prescribed_alterations_guidance.pdf) The Council's Executive Committee is the decision maker for these proposals

5.20 For academies, in agreed circumstances the Executive Member for Children Services & Lifelong Learning may decide to support a proposal made by the Trustees of an Academy if their proposal meets the strategic aims of this strategy and of the Council.

The Academy would be expected to follow the making Significant Changes to an existing Academy Guidance issued by the DfE– see [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/847451/Significant\\_change\\_and\\_academy\\_closure\\_151119.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/847451/Significant_change_and_academy_closure_151119.pdf) The Regional Schools' Commissioner is the decision maker, having regard to the determination of the local Headteachers Board.

5.21 The Council will support the schools and academies in their requests provided they match its strategic obligations.

## Review

**How do you feel you are able to support the principles outlined above when the Council is seeking new or expanded school, especially when the duty to secure places remains with the Council but it is no longer the decision maker for c 78% of schools?**