



EXECUTIVE BOARD DECISION

REPORT OF:	Executive Member for Children, Young People and Education
LEAD OFFICERS:	Strategic Director of Children's & Education (DCS)
DATE:	Thursday, 9 March 2023

PORTFOLIO/S AFFECTED:	Children, Young People and Education
WARD/S AFFECTED:	Blackburn Central, Shear Brow and Corporation Park, Billinge and Beardwood
KEY DECISION:	Y

SUBJECT: Creation of new secondary school places

1. EXECUTIVE SUMMARY

Blackburn with Darwen is experiencing significant school place pressures in the secondary phase of education. There is a need to increase the capacity of places available particularly in the Blackburn locality in order for the borough to meet its statutory duty to provide a school place for every pupil that requires one.

2. RECOMMENDATIONS

That the Executive Board:

- Approves the projects and associated expenditure (**Appendix 1&2**)
- Approves for the monies detailed against each project to be delegated to the associated School/Trust so as to enable the agreed works to be directly managed by the Schools/Trusts
- Approves for the Council to enter into a legal agreement with each School/Trust by way of a Funding Agreement (**Appendix 3**)
- Approves a variation of lease at the former Witton City Learning Centre (CLC) to one similar to an academy style lease for a period not greater than 125 years

3. BACKGROUND

A pupil place planning analysis commissioned in 2021 advised of a need for Blackburn with Darwen to increase the capacity of secondary school places by 2024/25 to ensure that supply was available to meet forecasted demand based on the effect of larger primary cohorts ageing through the school year groups plus the impact of planned housing growth on secondary pupil numbers. The analysis advised that **“For secondary schools, maintaining a 10% surplus capacity across the borough for the full forecast period (2021 – 2036) would require, on average, an additional 810 secondary places”**.

In 2020/21, secondary schools were within 4% of their combined maximum capacity. In 2021/22, the percentage of vacant places has reduced further resulting in difficulties in offering school places through typical In Year School Admissions processes, with the pressures being particularly prevalent in the Blackburn locality. Throughout the 2021/22 admissions year, some schools in Blackburn have increased the number of places that they could offer on a temporary basis to meet the immediate demand. Whilst schools have been very receptive to support place pressures, this has come at a time when schools are facing extreme accommodation challenges. Post Covid, many pupils are requiring additional support to reintegrate into school and/or are requiring alternative type provision (smaller classes and nurturing environments to provide social, emotional and mental health support), additionally schools are trying to work differently maintaining some of the practices employed throughout the pandemic period to ensure ongoing effective infection management/control. Schools estates are therefore already compromised, with minimal capacity to increase pupil numbers further without extending or repurposing premises.

To support permanent pupil place growth, secondary schools across Blackburn with Darwen were invited to express interest in creating new permanent school places across year groups 7 – 11. Schools were asked to provide information on the type of project that they were proposing e.g. extensions, internal reconfigurations, alongside estimated costs of the project, drawings/specifications (if available) numbers of new school places that would be created and when these new places would be available.

Early interest was expressed by 4 schools, however following discussion one school did not progress further as the project was not affordable. Summary details of each school's proposal, number of new places to be created and associated costs are attached at **Appendix 1 & 2**. If each project is approved this will create 345 new places across years groups 7 – 11 in the Blackburn locality with a request for local authority (LA) schools capital funding of £1,249,700 to support these projects.

For one of the projects, the expansion will require significant internal reconfiguration of a Council owned asset to create additional teaching spaces. This premise is currently leased for a period of 7 years (until 31 August 2027). To offer assurance to and support the business case that the school will be required to propose to the Regional Schools Directorate for the purpose of expansion approvals, there will be a requirement to enter into an academy type lease arrangement for the former Witton City Learning Centre of a period no greater than 125 years.

4. KEY ISSUES & RISKS

If no additional capacity of secondary school places is created the LA may not be able to meet its statutory duty to offer a school place to every pupil that requires one as the LA cannot solely rely on the good will of Schools/Trusts to take additional pupils above existing maximum capacity given the increased estates pressures that schools are already facing.

Delegating the capital funding directly to the Schools/Trusts with a legally agreed funding agreement will offer assurance to the LA that each school/trust will be responsible for managing their agreed project directly including holding full budget responsibility with no recourse to the LA should any project overspend.

If capital funding is secured for each of the schools that have expressed interest, there will be a requirement for each of the respective Academy Trusts to comply with the process for making a significant change, by making an application to the Regional Schools Directorate for approval to increase the capacity of their school. Failure of Trusts to make an application to the Regional Schools Directorate as soon as possible once they have decided to proceed with the proposed change could constitute a breach of the existing Funding Agreement [Making significant changes to an open academy \(publishing.service.gov.uk\)](#). [Witton Park Academy will also have to submit a Land](#)

[Transaction Application for the Secretary of State's consent in respect of the proposed new lease arrangement.](#)

Approval for a change in the lease arrangement for the former Witton City Learning Centre increases the financial contribution required from the Council in respect of the valuation of the property which is identified on the plan shown at **Appendix 4** and based on a 125 year lease arrangement. At the moment Witton City Learning Centre is leased by the Council to "Achievement Through Collaboration Multi Academy Trust - Witton Park Academy," from and including 14th September 2020 to and including 31st August 2027. The current value of the property would transfer to the leaseholder until the end of the new lease period. Further advice will be taken as necessary from the Council's Legal and Property teams regarding this process.

5. POLICY IMPLICATIONS

None

6. FINANCIAL IMPLICATIONS

The total value of funding requested to support increased pupil place capacity is £1,249,700 (**Appendix 2**), with the funding drawn from:

Schools Basic Needs funding stream – £749,700
s.106 contribution - £500k

A further £250k is expected in 2022/23 from s.106 agreements. On receipt of this funding the total s.106 contribution will be increased to £750k and the Basic Need funding reduced to £499,700

Projects for academies will be managed directly by the Academy/Trust and will therefore require the associated funding to be delegated to that Trust. Delegating the capital funding directly to the Schools/Trusts with a legally agreed funding agreement will offer assurance to the LA that each school/trust will be responsible for managing their agreed project directly including holding full budget responsibility with no recourse to the LA should any project overspend. The delegation of funding will be staged in line with agreed project milestones.

As detailed in section 4 above the current value of the property would transfer to the leaseholder until the end of the new lease period. Valuations are required to satisfy the requirements of Circular 06/03: Local Government Act general disposal consent (England) 2003 disposal of land for less than the best consideration that can be reasonably obtained.

In other words the valuations are for the current value of the property being the 'Unrestricted Market Value,' and the proposed value following the intended transfer of the Witton CLC asset by the Council to an Academy style lease (for a period of no more than 125 years by varying the current lease,) being the 'Restricted Value.

A Chartered Surveyor from the Council's Property Team has provided the valuations.

7. LEGAL IMPLICATIONS

Under the Education Act 1996, the Local Authority has a statutory duty to ensure a sufficiency of school places are available for our area. The creation of additional secondary places through these proposals will significantly assist the Local Authority in fulfilling its legal duty.

A funding agreement will be required to ensure that all agreed capital expenditure is spent appropriately and that the number of new places to be created are delivered in a timely manner and with no financial recourse to the LA should any one project overspend. The agreements will also require the schools to comply with the statutory requirements and guidance relevant to their projects.

The existing lease between the LA and The Achievement through Collaboration Trust (Witton Academy) will require surrender and a new lease of 125 years detailing and progressing through associated legal teams.

8. RESOURCE IMPLICATIONS

Leadership of the projects will be met from existing Education resource with support required from the councils Legal, Finance, Procurement and Property Teams

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below. Where appropriate please include the hyperlink to the EIA.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision. (*insert EIA link here*)

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision. (*insert EIA attachment*)

10. CONSULTATIONS

Blackburn with Darwen has 12 mainstream secondary schools. Each secondary school was invited to express interest in creating new permanent school places. Early interest was expressed by 4 schools, however following discussion one school did not progress further as the project was not affordable. Summary details of each of schools proposal, number of new places to be created and associated costs are attached at **Appendix 1**.

Under the “Making Significant Changes to an open Academy” guidance each Academy is required to carry out a 4 week consultation before they can submit their applications to the Regional Schools Directorate for approval. This consultation must include parents, schools, relevant faith bodies and others as required by the guidance.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council’s Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

VERSION: 1

CONTACT OFFICER: Carol Grimshaw

DATE:

**BACKGROUND
PAPER:**

Appendix 1: Project details

Appendix 2: Education Capital Programme 22-23 variation report

Appendix 3: Sample funding agreement

Appendix 4: Property plan (former Witton City Learning Centre)