



## **West Sussex County Council Response to Open Box Consulting Report on 'Secondary School Pupil Place Planning for Shoreham-by-Sea' – September 2023**

Message from Lucy Butler, Director of Children, Young People and Learning

In response to the challenges around secondary school places in the Shoreham area, and the number of families who were unsuccessful in any of their school preferences for September 2023, we made a commitment to the local communities we serve, to commission an independent review to better understand how the shortfall in secondary places had arisen, and what steps we should consider to improve the situation in future years.

In July 2023 Open Box Consulting were commissioned to undertake the independent review which resulted in a report issued to West Sussex County Council. This report is scheduled for publication on 4 October 2023.

We fully accept the findings from the report, which we consider has been thorough and extensive in its analysis of the situation and takes into consideration the complexities of the roles and responsibilities of local authorities in providing sufficient school places. We continue to work hard to maximise use of our limited resources. During the independent review period (July 2023 – September 2023) and following the public apology we made we have already undertaken a number of actions, which include:

- Engaging with the Headteachers at Sir Robert Woodard Academy and Shoreham Academy to see if they will consider taking above the published admission numbers (PAN) for intake in September 2024 and whether they will consider a change in the admissions policy they govern
- Working with Sir Robert Woodard Academy and Shoreham Academy to provide a solution that meets the needs of children in the area
- Scheduling and promoting engagement meetings with parents and carers in Shoreham and other areas (as appropriate) to discuss any significant secondary school place pressures for 2024 at the earliest opportunity
- Initial planning to review the Home to School Transport policy

Further measures we plan to take in response to the report are detailed in the 'response to recommendations' section below.

*Lucy Butler*

Lucy Butler

Director of Children, Young People and Learning

### West Sussex County Council response to recommendations:

It is clear the independent report has been thorough and extensive in its analysis and does not suggest that the situation was acceptable. The Leader of the Council and the Director of Children's Services have already recognised this and issued an apology on 13<sup>th</sup> June 2023. Furthermore, appropriate management action has been taken in accordance with West Sussex County Council policies.

The report makes some very clear statements on actions that West Sussex County Council could have taken to help reduce the impact on the Shoreham community of extra places not being provided at Shoreham Academy and Sir Robert Woodard Secondary. The County Council also recognises that resource constraints through limited central government grant and competing priorities have impacted upon the capacity within the Council in this area of need. This response does not repeat the detail within the report but instead focuses on Section 10: Areas for consideration and these are titled below with the West Sussex County Council response to each area.

- i) Planning School Places document: West Sussex County Council welcomes the positive assessment of this document and has initiated a change in format for future versions so that in each district and borough council area there will be a specific reference to any areas where West Sussex County Council expects there to be significant pressures and will focus on Reception and Year 7 forecasts. The publication is already widely publicised on the West Sussex County Council website, but in future links will be sent direct to each headteacher and chair of governors so each school community can be informed early of future pressures, where known.
- ii) West Sussex County Council awareness: With immediate effect there will be a briefing to the County Council's Executive Leadership Team and Cabinet of any localities where significant pressure on school places are forecast. Additionally, there will be an annual briefing on any school place pressures to the Director of Children's Services and their Leadership Team to enable any issues to receive appropriate attention and support.
- iii) West Sussex County Council operations: The report makes reference to a longer period of time being taken by West Sussex County Council to reimburse Sir Robert Woodard Academy for capital works that it delivered on behalf of the council. This matter has been reviewed internally and whilst it is accepted the timescale was unnecessarily protracted whilst ensuring the appropriate internal governance was in place, any further incidences would be escalated sooner to ensure prompt resolutions.
- iv) Partnership with schools: West Sussex County Council recognises the importance of having appropriate and consistent representation from stakeholders on consultative groups and this matter is being specifically addressed by the Director of Children's Services at the start of the new academic year. The School Organisation and Development Team will meet annually with all locality groups of headteachers to update on pupil projections and admissions arrangements where significant pressure is expected and these meetings will be noted for future reference. The challenge to West Sussex County Council of academies being in control of their own admission arrangements is true for all local authorities with academies. There is already a developing partnership between West Sussex County Council and academy trusts and as this develops further it is expected

that it will help resolve earlier any situations that could otherwise limit collaboration.

- v) Communication with parents: The report makes very clear that West Sussex County Council had not given parents sufficient notice or information on areas where pressure on school places could result in a disproportionate number of families not receiving any of their three preferences. The council has immediately taken action on this and initiated information sessions in both Shoreham and Lancing and another locality elsewhere to help give parents/carers more detail on school place pressures and the options available to them. This is seen as a positive step in ensuring improved communication and will be mirrored in any other areas where similar concerns arise.
- vi) Home to school transport: The report makes very clear that the County Council's current Home to School Transport policy disincentivises parents who apply to schools further away to secure a place. West Sussex County Council is going to review this situation and consider whether there is a need for a more permanent review of the policy or that it will consider, where circumstances require, whether to make exceptional arrangements for transport.
- vii) Admissions policies: The report recognises that where academies are their own admission authority they may wish to consider reviewing their admissions policy/criteria. West Sussex County Council will engage with admission authorities to highlight the challenges that can arise and will continue to seek to influence changes in policy where it can be beneficial to a significant group of individuals. Any potential changes can only be introduced from September 2025, in accordance with the DfE Admissions Code, and discussions will take place in the autumn term 2024 to determine if any academy wishes to change its admissions policy.
- viii) Academy status: The report recognises the challenge for West Sussex County Council with significant numbers of schools either being, or likely to become, academies and the limitations the council has in being able to direct admissions to those schools. As set out above, the council will continue to engage with all academy trusts to help ensure admission arrangements across the County are universally understood and regularly reviewed.

#### Conclusion:

The independent report has enabled West Sussex County Council to react positively to the lessons learnt from the Shoreham area applications for secondary transfer in September 2023 and to introduce a variety of new arrangements to ensure communication is improved. The report found areas of the school place planning and admissions process to need changes and improvement and as these begin to happen they can only be to the benefit of all parents and stakeholders in future years.

# Secondary school pupil place planning for Shoreham-by-Sea

Report created by David Groves, Open Box Consulting

September 2023

## Executive summary

This report was commissioned following pupils in Shoreham being allocated Y7 places at a school in Worthing, which they had not named as one of their preferences, due to there being insufficient places available at schools closer to their home. The scope of the review was to document how the situation arose and possible areas of learning for the future; the review was not to propose solutions for the situation.

The report concludes that:

- WSCC knew that there would be a shortage of Y7 places for 2023/24 from 2017, and projections submitted to the DfE indicate that WSCC was aware that there would first be a shortage of Y7 places in 2019/20;
- The Y6 cohort in 2022/23 is very close to the size that it has been projected to be since that started primary school in 2016/17;
- By 2019/20, when SRWA admitted over PAN into Y7 for the first time and after it had extended its catchment to include west Shoreham, the projections indicated that the shortfall of Y7 places would continue until at least the mid-2020s;
- WSCC projections submitted to DfE until 2019 projected Reception cohorts of above 675 for Shoreham and Lancing through until 2023/24. This would mean that Y7 cohorts until 2030 could reasonably be expected to be well in excess of the combined PAN of SA and SRWA of 540 Y7 places a year;
- The initial strategy of SRWA admitting over PAN to use surplus space from smaller cohorts higher up the school was appropriate and met both WSCC's requirement for pupil places and SRWA's desire to grow pupil numbers. It was, however, only ever a temporary solution; permanent expansion of SA and / or SRWA would be required if additional Y7 places were to be provided in Shoreham or Lancing;
- There was limited WSCC urgency to progress the permanent expansion of places in Shoreham or Lancing. While WSCC identified an indicative capital budget need in 2017/18, it was only £5m; viability studies of SA expansion to Middle Road and SRWA expansion were separately completed by early 2020, and both showed capital costs at least double the indicative budget need. Neither were progressed, and nor were any other options. It is unclear whether reductions in capital funding affected WSCC's approach to providing places in the locality;
- Confidence in the ability of WSCC to deliver – financially or organisationally – expansion projects has been harmed by the time taken and process involved to repay SRWA for the accommodation it installed in 2022 – accommodation that was only required to support the Council's statutory duty to provide school places;
- The combination of the projected demand and the lack of urgency to establish or implement a strategy beyond the initial 'sticking plaster' of SRWA's surplus space indicates that WSCC accepted (whether by choice or default) that pupils would need to attend schools further away;
- There was no discussion with schools about the potential impact of their over-subscription criteria upon who would – and who would not – be likely to secure places at either SA or SRWA once there were insufficient places to meet demand from their catchment areas; and

- There was no preparation of families for the likely outcome of the admissions process on 1<sup>st</sup> March 2023.

The potential learning from this situation is less about data and projections and more about the effectiveness and urgency of the usage of the data. The school organisation data and projections provide the starting point for WSCC to lead discussions with schools (and other partners such as Diocese and MATs) to develop an agreed position about if and how to respond to demographic changes. Areas identified for consideration are:

Planning School Places document: This annual publication of this document is positive. Focusing more on Reception and Y7 forecasts may help highlight pressures and support collaboratively identifying solutions. Ensuring that this document is received and considered by Councillors and officers across WSCC, by partners, and by Headteachers and Chairs of Governors, would help build collective, consistent, data driven understanding of the challenges and priorities.

WSCC awareness: The Planning School Places document should serve as the basis of formal briefings to senior officers and Councillors about anticipated school organisation pressures so that the whole authority is aware of potential risks. This ensures that the Director of Children’s Services and Lead Member can ensure that WSCC is able to fulfil its statutory duty to secure school places, including escalating with DfE or partners where that is required to secure sufficient provision. It also ensures that officers across the authority understand priorities and timeframes to ensure that WSCC internal processes enable effective delivery.

WSCC operations: This review has not reviewed or evaluated WSCC internal processes in detail but has noted the considerable time taken to repay SRWA for the accommodation it installed in 2022. WSCC should identify and implement any ‘lessons learned’ from the SRWA project regarding capital project procedures.

Partnership:

- Review the membership and Terms of Reference of the existing ‘Planning Places Board’ and the ‘Resources, School Organisation, Capital and Admissions Sub Group’ (RSOCA) sub-group of the Schools Forum to ensure that there is clarity about where school organisation issues would be discussed in partnership.
- In planning areas where the projections and Planning School Places indicate potential challenges, ensure that all Headteachers are briefed upon the issue prior to engaging with specific schools, and either providing Headteachers with materials to enable them to effectively brief Governors or briefing Chairs of Governors directly.

Communication with parents: In areas where schools are forecast to become close to capacity, work with local Headteachers to communicate with communities as far in advance as possible. If the pressure is upon secondary places, involving local primary schools enables them to support the managing of expectations of families before and during the admissions round.

Home to school transport: The WSCC home to school transport policy, by stating that you only receive transport to a more distant school if you did not preference it and if your local school is full, disincentivises families in Shoreham from naming more distant schools which they may have a greater chance of getting into. Given the potential longevity of the situation whereby west Shoreham residents may not be able to access a school in Shoreham or Lancing, the local authority could explore whether there is potential to reduce or eradicate this tension.

Admissions policies: WSCC and admissions authorities, in partnership, could explore different over-subscription criteria, focusing upon whether different criteria seem likely to affect which geographic areas or groups of pupils would or would not be able to access certain schools, and whether any of these outcomes would be preferable to the situation that has arisen by default.

Academy status: WSCC does not have the power to compel an academy school to admit over PAN or to expand and is reliant upon negotiation to expand provision at academies (whereas for local authority maintained community schools there is the ability to compel them to admit over PAN and the ability to determine expansion). This situation has the potential to remove the ability of a council to meet its statutory duty to provide sufficient places if all schools are academies and none wish to expand. This risk increases in probability as more schools become academies. Mitigating the risk requires effective partnership, locally between councils and academies, and nationally between councils and the DfE so that the DfE supports councils achieve their statutory duty if their most appropriate option is a resistant academy. The situation in Shoreham has not arisen because either school is an academy and so this area for consideration is raised because of the potential for it to be an issue elsewhere.

# Contents

Executive summary.....	5
Contents .....	8
<b>1 Glossary.....</b>	<b>10</b>
<b>2 Commissioning, purpose, and methodology of this review .....</b>	<b>10</b>
<b>3 Background .....</b>	<b>12</b>
3.1 Current school provision in Shoreham-by-Sea and Lancing.....	12
3.2 Published Admission Numbers (PAN) .....	13
3.3 Primary school pupil numbers .....	14
3.4 Y6 to Y7 progression .....	15
<b>4 The situation on 1<sup>st</sup> March 2023 .....</b>	<b>17</b>
<b>5 Relevant legislation .....</b>	<b>18</b>
5.1 Providing sufficient school places.....	18
5.2 Admissions.....	19
5.3 Home to school transport.....	19
5.4 School types.....	20
<b>6 Chronology until 1<sup>st</sup> March 2023 .....</b>	<b>21</b>
<b>7 Key considerations .....</b>	<b>24</b>
7.1 Was the demand for Year 7 places in 2023 anticipated? .....	24
7.1.1 Cohort progression through primary school.....	25
7.1.2 Parental preference .....	26
7.1.3 Were larger cohorts a short-term challenge or a longer-term trend? .....	27
7.1.4 Conclusion.....	28
7.2 What did WSCC state publicly about the demand for Y7 places in Shoreham and Lancing? .....	29
7.3 Were WSCC colleagues, schools and parents aware of the potential shortage of places before 2020? .....	30
7.4 Why was additional secondary school capacity not established? .....	30
7.4.1 Expand SA .....	31
7.4.2 Expand SRWA.....	32
7.4.3 Establish a new secondary school.....	35
7.5 If additional places were not being created, what other options were there?.....	36
7.5.1 Adjust admissions arrangements to mitigate the shortfall of places .....	36
7.5.2 Require families to access schools that are further away .....	37
7.6 Could WSCC afford permanent expansion of SA or SRWA?.....	38
7.7 How effective were the relationships between WSCC and schools regarding pupil place planning? .....	40
7.8 Were schools and families prepared for the Y7 offers that were made on 1 March 2023? .....	40
7.9 Did WSCC processes or structures hinder progressing expansion of either SRWA or SA? .....	41
7.10 Did the status of SA and SRWA as academies have any impact? .....	42
<b>8 Conclusions.....</b>	<b>44</b>
<b>9 What is the likely situation for the next few years? .....</b>	<b>46</b>
<b>10 Areas for consideration .....</b>	<b>47</b>
<b>Annex 1: Those involved in the review .....</b>	<b>50</b>
<b>Annex 2: Information considered as part of the review .....</b>	<b>50</b>
<b>Annex 3: Statements in the Planning School Places document .....</b>	<b>51</b>
April 2015.....	51
February 2016.....	51
February 2017.....	51
January 2018.....	52
January 2019.....	52
January 2020.....	53
February 2021.....	54
March 2022.....	54





## 1 Glossary

DfE	Department for Education (central government department)
EHCP	Education, Health, and Care Plan outlining the additional support required by an eligible pupil
PAN	Published Admission Number (the maximum number of pupils that a school will admit into their Reception or Y7 cohort)
SA	Shoreham Academy
SRWA	Sir Robert Woodard Academy
WSCC	West Sussex County Council

## 2 Commissioning, purpose, and methodology of this review

This report was commissioned by the Director of Children’s Services at West Sussex County Council (WSCC) in response to Year 6 pupils’ resident in Shoreham-by-Sea being offered places at a school in Worthing (5 or 6 miles away by road depending upon the route taken) due to them not being able to access closer school places. The report was commissioned from an external organisation (Open Box Consulting) to provide independence.

The purpose of the review was to:

- Detail a chronology of how this situation arose; and
- Identify areas of potential learning or for consideration.

The purpose of the review was not to propose solutions for the future regarding Y7 places for residents of Shoreham and Lancing. That remains the responsibility of WSCC as the council with the statutory duty to secure sufficient school places.

The review was undertaken through:

- Discussions with WSCC, including the ward Councillor and individuals involved in school organisation / place planning, the leadership of local secondary schools, and representatives of the families offered places in Worthing (see Annex 1);
- Analysis of information provided by WSCC and those involved in the review. This included quantitative data (such as pupil numbers and admissions information) and qualitative information (such as publications and correspondence) (see Annex 2).

The review:

- Did not consider information regarding any planning areas, or schools within planning areas, besides Shoreham and Lancing; and
- Relied upon information provided by WSCC and other contributors to the review, all of whom were invited to submit any information or documents that they wished to.

Open Box Consulting is grateful to all those who contributed time and information to this review. All conclusions are those of Open Box Consulting alone.

### 3 Background

#### 3.1 Current school provision in Shoreham-by-Sea and Lancing

Figure 1 shows the schools in Shoreham-by-Sea and Lancing. Key points are:

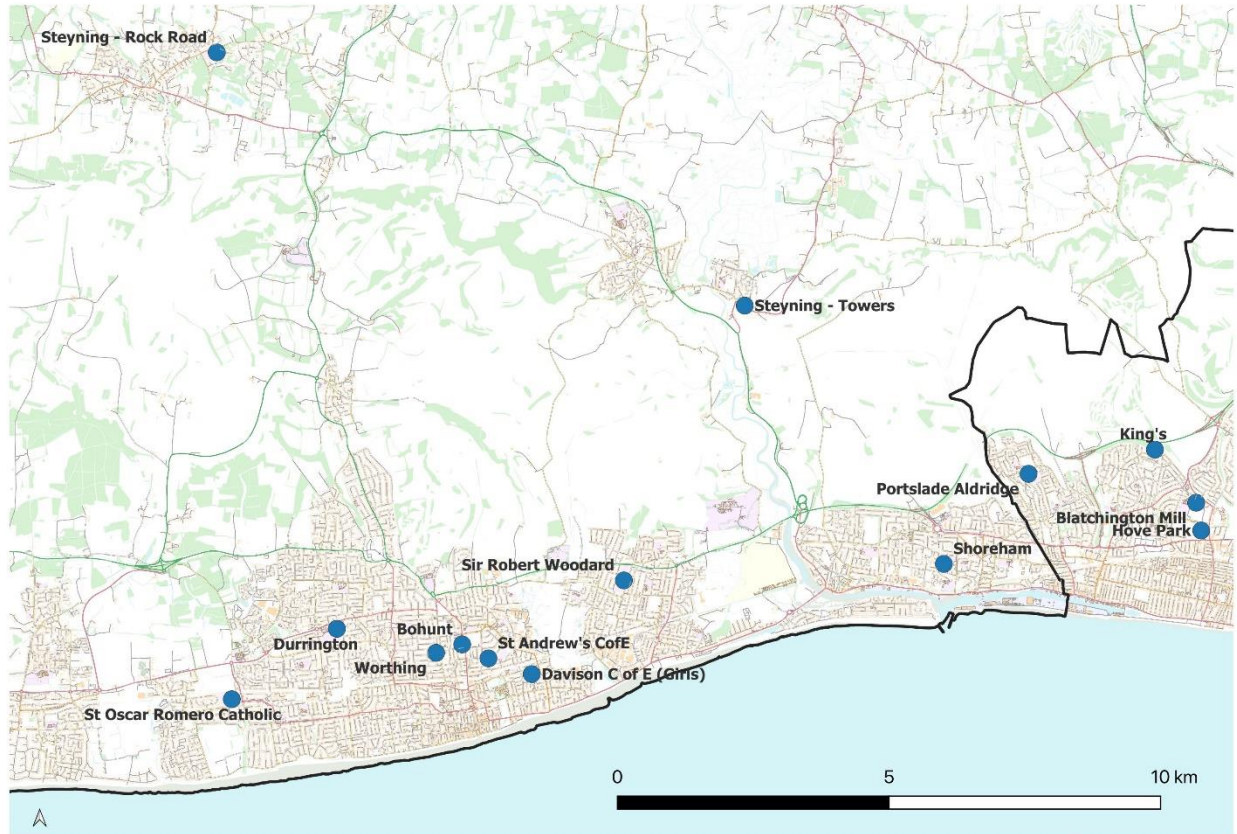
- There are 8 primary schools in Shoreham-by-Sea. For September 2023 they collectively had a Reception Published Admission Number (PAN) of 450, which has been consistent since 3 permanent expansions in September 2015 when the PAN increased from 360;
- There are 4 primary schools in Lancing. For September 2023 they collectively had a Reception PAN of 300, which has been consistent since at least 2009;
- Shoreham Academy (SA) is the only secondary school located in Shoreham-by-Sea. It moved into its rebuilt accommodation in 2011. Its Y7 PAN was 270, which increased to 290 in September 2016 and 300 in September 2017;
- Sir Robert Woodard Academy (SRWA) is the only secondary school located in Lancing. It was rebuilt around the same time as SA with capacity for 240 pupils per year to join Year 7; and
- Both SA and SRWA have catchment areas within their admissions policy. Since 2019 there is some overlap between these catchment areas as SRWA expanded their catchment into west Shoreham – the area of overlap includes the western end of Shoreham where many of those who were unable to access either SA or SRWA for Y7 in 2023 live.

Figure 1: Map of schools in Shoreham and Lancing



Figure 2 shows the secondary phase schools in and around Shoreham and Lancing.

**Figure 2: Map of secondary schools in and around Shoreham and Lancing**



### 3.2 Published Admission Numbers (PAN)

Table 1 shows the Published Admission Numbers for Reception and Year 7 entry for the schools in Shoreham-by-Sea and Lancing.

**Table 1: Published Admission Numbers (PAN) for Reception and Y7**

		2015/16	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22	2022/23	2023/24
Shoreham	Primary	450	450	450	450	450	450	450	450	450
	Secondary	270	290	300	300	300	300	300	300	300
Lancing	Primary	300	300	300	300	300	300	300	300	300
	Secondary	240	240	240	240	240	240	240	240	240
Total	Primary	750	750	750	750	750	750	750	750	750
	Secondary	510	530	540	540	540	540	540	540	540

In both Shoreham and Lancing the Y7 PAN is below that of Reception, by 150 in Shoreham and 60 in Lancing. The combined difference is 210 fewer available places in Y7 than Reception.

For the cohort due to join Y7 in 2023/24, there were 750 places available when they joined Reception in 2016/17 (plus a bulge at Swiss Gardens), compared to 540 places available for them in Y7 in 2023/24.

This differential PAN requires an outflow of pupils for secondary schooling.

### 3.3 Primary school pupil numbers

Table 2 shows the primary phase pupil numbers for the schools in Shoreham-by-Sea and Lancing.

**Table 2: Primary phase pupil numbers for schools in Shoreham and Lancing**

January ...	Reception	Y1	Y2	Y3	Y4	Y5	Y6	Total
2009	572	582	579	545	517	581	591	3967
2010	629	567	579	573	537	519	575	3979
2011	624	644	572	582	570	545	511	4048
2012	676	626	644	574	585	564	540	4209
2013	645	686	616	641	572	576	565	4301
2014	719	641	690	612	633	578	564	4437
2015	750	689	676	669	611	611	582	4588
2016	723	753	681	684	666	604	600	4711
2017	751	732	748	680	673	668	598	4850
2018	690	752	719	733	682	666	660	4902
2019	710	731	745	715	714	660	690	4965
2020	684	702	736	741	721	708	658	4950
2021	671	692	693	718	733	720	698	4925
2022	680	677	695	682	712	731	718	4895
2023	589	688	671	704	677	716	728	4773

- Reception numbers rose from below 600 in 2008/09 to a peak of 751 in 2016/17 – a rise of 150 pupils. This was responded to with school expansions, resulting in a Reception PAN of 750 for 2015/16, and an additional bulge class at Swiss Gardens Primary School in 2016/17.
- In 7 of the 9 years since the Y6 cohort of 2014/15, the Y6 cohort is smaller than the corresponding Reception cohort, and in six of those 9 years the Y6 cohort is within 30 pupils of the corresponding Reception cohort.
- The three years of greater difference between Y6 and its corresponding Reception cohort were the cohorts that were in Y6 in 2018/19, 2019/20, and 2020/21, and all three were affected by changes between Jan 2018 and Jan 2019 when the Y3 and Y4 cohorts each reduced by 20+ pupils and the Y5 cohort increased by 20+.

### 3.4 Y6 to Y7 progression

All parties accept that at the time of their becoming academies SA and SRWA wished to increase their popularity within their catchments (as expressed by the number of first preferences they receive). Due to sufficient places being available, residents in Shoreham and Lancing were able to choose to attend either types of secondary school not available in Shoreham or Lancing (such as single sex CofE schools in Worthing, Catholic schools in Worthing or Brighton), or to attend co-educational secular secondary schools that they considered preferable (whether in Worthing, Steyning, or Brighton).

Over the last 10 years, both SA and SRWA have become over-subscribed with first preferences; SA since at least 2018/19 entry, and SRWA in 2019/20 and since 2021/22. Since the Y7 admissions round for entry in 2019/20 their combined first preferences have been between 85% and 90% of the corresponding Y6 at Shoreham and Lancing primary schools.

Regarding outflow from Shoreham and Lancing:

- Shoreham includes two faith primary schools: St Peter's Catholic (1FE) and St Nicolas and St Mary CofE (2FE). St Peter's is listed as a feeder school for St Oscar Romero Catholic high in Worthing, and St Nicolas and St Mary is a feeder school for Davison CofE (girls). The policy for St Andrew's CofE is based on home location rather than feeder school, and places Worthing residents above Adur residents, both for church attendees and other residents (Note, historic policies have not been reviewed so it is not known if St Andrew's policy changed, for example at the time of becoming co-educational). In recent years, more than half of St Peter's Y6 pupils have progressed to secondary schools other than SA, SRWA or Steyning, as have 10 – 15 pupils a year from St Nicolas and St Mary.
- Residents towards the west or south of Lancing may consider Davison to be geographically accessible as it is situated to the very east of Worthing and close to a train station. In recent years approximately 45 – 60 pupils each year have progressed from Lancing primary schools to secondary schools other than SA, SRWA or Steyning.
- In total, over the last three years:
  - Around 15 pupils progress to schools outside West Sussex – primarily from St Peter's and Eastbrook into Brighton secondary schools. This number increased to 25 for the 22/23 Y7 cohort from those two schools, which may reflect inability to access SA; and
  - Between 60 and 100 pupils access other West Sussex secondary schools; from Shoreham this is most commonly pupils from St Peter's and St Nicolas and St Mary.

The 'outflow' therefore has been approximately 80 – 120 a year to schools other than SA, SRWA, or Steyning Grammar.

There is also some 'inflow' of residents within the SA or SRWA catchment areas who do not attend Shoreham or Lancing primary schools. This may be families who move into the area from, say, Brighton or Worthing, whose children complete their primary education at the school they joined

while at a previous address, and then who transfer into SA or SRWA for secondary school. Admissions data suggests that this inflow has been approximately 35 – 50 pupils in recent years.

Both inflow and outflow can be affected by the availability of places and school popularity.

The over-subscription criteria of SA and SRWA each prioritise catchment area residents before even siblings living outside the catchment area. Combined with the popularity of each school, this means that it is unlikely that eldest or only children living outside of the catchment areas would obtain places at either SA or SRWA unless they have an EHCP, are or were previously looked after, or have exceptional needs to attend that specific school.



## 4 The situation on 1<sup>st</sup> March 2023

1<sup>st</sup> March is the date on which families who applied on-time (by 31<sup>st</sup> October the previous year) are informed of the secondary school that their child has been offered a Year 7 place at.

Between 31<sup>st</sup> October 2022 and February 2023, based upon the application data shared by WSCC, local schools had agreed to provide additional Y7 places (above the determined PAN) for 2023/24: 30 at SA, 5 at SRWA, and 5 at each high school in Worthing and Durrington.

Relevant to the situation for Y7 entry in September 2023 is:

- There were 728 pupils within the Y6 cohort in Shoreham and Lancing primary schools;
- SA and SRWA received 645 first preferences for their 540 places; and
- Offers were made to 772 pupils who live within the SA or SRWA catchment areas.

On 1<sup>st</sup> March:

- 60 pupils living outside of Worthing, who had not named St Andrew's CofE High School as a preference, were allocated a place at the school, of which 43 attended primary schools in Shoreham or Lancing, and a further 5 lived within the Shoreham / Lancing area; and
- Of the 217 pupils offered places who live in the shared SA / SRWA catchment area, 132 were offered places at SA or SRWA (61%). By contrast, 84% of applicants resident within the 'only SA' part of the SA catchment were offered places at that school (205 of 244), and 74% of those in the 'only SRWA' part of the SRWA catchment were offered places at that school (231 out of 311, with an additional 45 attending Davison, 14%).

## 5 Relevant legislation

### 5.1 Providing sufficient school places

West Sussex County Council has a statutory duty to secure sufficient school places for residents of compulsory school age (section 14 of the Education Act 1996).

If the local authority believes that additional school places are required:

- It can propose (ideally in partnership with the school and, if a voluntary-aided school, the Diocese) and determine an expansion to local authority maintained schools in accordance with legislation, regulations and statutory guidance. This process requires two stages of public engagement (and informal consultation and a statutory proposal). This process covers community, foundation, and voluntary schools;
- It cannot propose or determine the expansion of places at academies. Expansion of an academy can only be approved by the Department for Education (DfE) following receipt of an application from the academy trust. The local authority can support such an application (including via funding any necessary capital works) but cannot compel an academy to apply; and
- It can commence the process to establish a new school which – unless it is a centrally managed DfE free school – would generally require the local authority to provide the land and capital funding and run a competition to establish the provider of the school, which itself would usually be an academy in which case the final decision about the provider would be made by the DfE.

Irrespective of whether the decision-maker is the local authority or the DfE, when considering a proposed expansion of a school they are required to consider the rationale for the expansion (i.e., the demand), the impact upon other schools, and the educational performance of the school.

The fragmentation of decision-making between admissions authorities (whether to admit over PAN) and DfE / local authorities (whether a school should expand) makes it more complicated for a local authority to secure its statutory duty for sufficient places since it may not have the power to compel any schools within a particular geographic area. Indeed, this legal structure and decision-making set-up could result in a Council being unable to meet its statutory duty if all the relevant schools were academies and all refused to admit over PAN and / or expand and if the Council was unable to establish a new school (for example due to a shortage of land).

The DfE does not have a statutory duty regarding the sufficiency of school places. While it acts as decision maker upon expansions of academies, it does not initiate formal school organisation reviews or expansion processes – it reacts to applications received from academies (and only academy trusts can apply to the DfE; a local authority cannot apply for the expansion of an academy). The DfE expects academies to be involved in school organisation discussions, and their published guidance requires applications to detail how their application aligns with local pupil place planning and detail the views of the local authority upon the proposed change.

## **5.2 Admissions**

Chapter 1 of Part 3 of the School Standards and Framework Act 1998 contains the key provisions regarding school admissions, including the statutory basis for the School Admissions Code which is statutory guidance that local authorities and local authority maintained schools must follow by virtue of statute, and which academy trusts must follow through the terms of their funding agreements.

Admissions authorities set the Published Admission Number (PAN) for the entry year for their school(s) and also the over-subscription criteria which are used to prioritise applications. The Local Authority is the admissions authority for community schools, the Governing Body is the admissions authority for foundation and voluntary-aided schools, and the academy trust is the admissions authority for academies. Reductions in PAN or changes to over-subscription criteria are required to be determined in accordance with the School Admissions Code which requires:

- Consultation, in accordance with the requirements set out in the School Admissions Code, to start in the autumn term the academic year before the application for admission would be made; and
- the policy to be determined by 28 February the calendar year before the entry to the school (i.e., in February 2023 for the 2024/25 academic year).

The place that is offered to a pupil is the outcome of the admissions process, whereby the preferences of families (as expressed on their admissions application) are processed in accordance with the over-subscription criteria of schools. All applications for a school are ranked against the over-subscription criteria, and a pupil is offered the highest preference school for which their ranking is within the PAN for the school. If a pupil's ranking is not within the PAN of any school for which they have expressed a preference, they are allocated a place at a school that has available places (i.e., that is not full to its PAN based on on-time applications).

## **5.3 Home to school transport**

Local authorities are required to provide home to school transport to eligible children in accordance with sections 508A to 508I of the Education Act 1996 and associated statutory guidance.

WSCC policy is that free transport to secondary school will be provided if the child is of statutory school age, attends the catchment or nearest suitable school to their home, and lives more than 3 miles from the school using the shortest passable route.

Paragraph 3.1.5 of the WSCC policy states "Where the nearest suitable or County Council catchment school is unable to admit a pupil because the relevant year group is full, transport arrangements will

be made to the next nearest suitable school with an available place, provided it is beyond statutory walking distance from the child's home address."

The situation in 2023 therefore requires the Council, in accordance with its policy, to provide transport to St Andrew's for the incoming Y7 students who are resident in Shoreham and who did not preference the school.

#### **5.4 School types**

Schools in England can be one of several legal types, with some types (community, foundation, voluntary) being "local authority maintained" while academies (including free schools) are directly funded by the DfE via a Funding Agreement.

The two secondary schools within Shoreham and Lancing are both academies: Shoreham Academy has been part of United Learning since 2009, Sir Robert Woodard Academy has been part of the Woodard Academies Trust since 2009. Since the 2022/23 Y6 pupils joined Reception in September 2016, therefore, in accordance with the framework summarised in section 5.1, the Council has had no decision-making powers to secure additional school places at these schools, either through admitting over PAN or temporary or permanent expansion. Expansion of either school requires reaching agreement with the school / academy trust for expansion, and then the academy trust obtaining the approval of the Secretary of State.

## 6 Chronology until 1<sup>st</sup> March 2023

**Table 3: Chronology until 1<sup>st</sup> March 2023**

Up to Sept 2015	<ul style="list-style-type: none"> <li>• Reception cohorts in Shoreham and Lancing increase from 572 in 2008/09 to 750 in 2014/15 and 723 in 2015/16.</li> <li>• In response to this, three permanent extra primary classes established in Shoreham from September 2015 which raises the Shoreham and Lancing Reception PAN from 660 to 750.</li> <li>• In 2015/16 the combined Shoreham and Lancing Y6 cohort reaches 600 for the first time (from a Reception cohort of 629 in 2009/10).</li> <li>• The Y7 PAN of Shoreham Academy is 270 and is 240 at SRWA – 510 in total.</li> </ul>
2016/17	<ul style="list-style-type: none"> <li>• Reception cohort in Shoreham and Lancing combined is 751 – this is the largest cohort as numbers then began to drop (remaining at 680+ until 2022/23). Cohort requires a bulge class to be established at Swiss Gardens, against the wishes of the Governing Body. This is the cohort joining Y7 in September 2023.</li> <li>• Shoreham Academy increases Y7 PAN to 290 from September 2016. SRWA remains as 240 – total of 530 Y7 places. The combined Y7 cohort is 490 in January 2017.</li> <li>• February 2017 Planning School Places document states that “These [increased primary phase] numbers are now beginning to impact on the [secondary] schools and further expansion is required to cater for demand”.</li> <li>• First FAST (Future of Adur Schools Team) public meeting held in April 2017.</li> </ul>
2017/18	<ul style="list-style-type: none"> <li>• Shoreham Academy increases Y7 PAN to 300 from September 2017. SRWA remains as 240 – a total of 540 Y7 places.</li> <li>• January 2018 Planning School Places document includes for the first time the named expansion of SRWA to 10FE in the longer-term planning section, with timetable for this expansion “dependent on the housing delivery timescale” as the text states that “currently across the schools in the school planning area they have capacity to accommodate the rising number of pupils in the primary schools”. The shorter-term section continues to state that “further expansion is required to cater for demand”.</li> <li>• WSCC desktop study undertaken for whether a 4FE or 6FE satellite provision of SA could be accommodated on the Middle Road site (600 or 900 places); outline costs of £16-£20m indicated.</li> <li>• SRWA extends its catchment area to include west Shoreham for the September 2019 Y7 intake, meaning that west Shoreham is within the catchment area for both SA and SRWA.</li> </ul>

	<ul style="list-style-type: none"> <li>• WSCC Strategic Outline Business Case for the basic need grant includes a 2FE expansion of SRWA for a 2021 start on site (2022 delivery of new places) with indicative budget of £5m.</li> <li>• FAST public meeting in June 2018 focusing on shortage of Y7 places for September 2019.</li> </ul>
2018/19	<ul style="list-style-type: none"> <li>• Shoreham / Lancing combined Y6 cohort of 690 in 2018/19, with 540 Y7 places available at SA / SRWA for 2019/20.</li> <li>• SA / SRWA receive combined 601 first preferences for 2019/20 Y7.</li> <li>• SRWA agree to admit over-PAN for September 2019 Y7 entry, using surplus space due to smaller year groups higher in the school.</li> </ul>
2019/20	<ul style="list-style-type: none"> <li>• 2019/20 Y7 cohort at SA / SWRA is 586 in January 2020. This is the first of four consecutive years when SRWA admit at least 30 additional pupils into Y7.</li> <li>• SA / SRWA receive combined 569 first preferences for 2020/21 Y7, from Shoreham / Lancing Y6 cohort of 658, for Y7 PAN of 540.</li> <li>• The January 2020 Planning School Places document states that 2019/20 was the first year that the Y7 cohort breached the LA's definition of a planning area being 'full' when cohort size is greater than 95% of the PAN. It also states for the first time that "feasibility works are being undertaken and discussions are being held with [SRWA] for future expansion by 2FE (60 places per year of age)". SRWA expansion to 10FE is also included as the longer-term proposal for additional capacity to meet housing development demand.</li> <li>• Viability study undertaken regarding expansion of SRWA by 60 places (to PAN of 300). Includes range of options, with outline costs of £8.6m to £10.3m for the two considered most likely. Study completed Feb 2020. There was no further architectural evaluation of expansion of SRWA.</li> </ul>
2020/21	<ul style="list-style-type: none"> <li>• 2020/21 Y7 cohort at SA / SRWA is 570 in January 2021 due to SRWA taking an additional 30 pupils over PAN.</li> <li>• SA / SRWA receive combined 590 first preferences for 2021/22 Y7, from Shoreham / Lancing Y6 cohort of 698, for Y7 PAN of 540.</li> <li>• February 2021 Planning School Places document has the same statements as in 2018 (regarding longer-term expansion at SRWA while saying there remains sufficient capacity to meet growing numbers) and the same statement as in 2020 regarding feasibility works for expansion of SRWA to meet shorter-term need.</li> </ul>
2021/22	<ul style="list-style-type: none"> <li>• 2021/22 Y7 cohort at SA / SWRA is 580 in January 2022.</li> <li>• SA / SRWA receive combined 641 first preferences for 2022/23 Y7, from Shoreham / Lancing Y6 cohort of 718, for Y7 PAN of 540.</li> <li>• Confusion between WSCC and SRWA regarding whether SRWA requires additional accommodation for 2022/23, which results in SRWA procuring / installing additional modular space with WSCC providing the funding. The Full Business Case for £650k of WSCC funding for this work is submitted within WSCC capital governance processes in August 2022, with a final version submitted in May 2023 (Note, the Key Decision, which</li> </ul>

	was first published on the WSCC forward plan in April 2022, was taken at the end of June 2023).
2022/23	<ul style="list-style-type: none"> <li>• 2022/23 Y7 cohort at SA / SWRA is 604 in January 2023.</li> <li>• SA / SRWA receive combined 645 first preferences for 2023/24 Y7, from Shoreham / Lancing Y6 cohort of 728, for Y7 PAN of 540.</li> <li>• SA agrees to admit 30 pupils over PAN, with SRWA and other schools each agreeing to admit 5 over PAN.</li> <li>• February 2023 – Strategic Outline Business Case submitted to undertake feasibility study for the 2FE expansion of SRWA, which was approved by WSCC capital governance processes.</li> <li>• 1<sup>st</sup> March – parents receive offers for Y7 places in September 2023.</li> </ul>

Table 4 below summarises the forecast demand for Y7 places, the PAN, the first preferences, and the actual Y7 cohort over time.

## 7 Key considerations

### 7.1 Was the demand for Year 7 places in 2023 anticipated?

**Table 4: Forecast for Y7 places over time, compared to PAN, first preferences and actual Y7 cohorts**

		2018/19	2019/20	2020/21	2021/22	2022/23	2023/24	2024/25
Forecast Y7 for SA / SRWA (to DfE)	In 2015	485	551	513	572			
	In 2016	503	573	536	606	614		
	In 2017	502	578	536	594	611	610	
	In 2018	486	563	537	581	601	608	607
	In 2019		540	514	551	576	595	604
	In 2021				595	623	627	625
	In 2022					615	621	609
PAN for SA / SRWA combined		540	540	540	540	540	540	540
Corresponding Shoreham / Lancing Y6		660	690	658	698	718	728	716 (Y5 in Jan 2023)
First preferences for SA / SRWA combined		467	601	569	590	641	645	TBC Nov 2023
Actual SA / SRWA Y7 cohort (January)		466	586	570	580	604		
Notes			SWRA extra 46	SWRA extra 30	SWRA extra 40	SWRA extra 63		

Note: There was no submission of forecasts to the DfE in 2020 because of the pandemic.

Each local education authority is required to submit pupil projections for their mainstream schools to the DfE each summer (except 2020 because of the pandemic). These projections are for Reception to Year 13 and are submitted at a planning area level. The planning areas are determined by each local authority to reflect their geography. The DfE use the projections to understand national, regional, and more local trends, to support their decision making for school organisation decisions for academies and new free schools, and to inform the allocation of the Basic Need capital funding. It remains the responsibility of each local authority, under section 14 of the Education Act 1996, to use the projections to ensure they provide sufficient school places; there is no compulsion for the DfE to act upon the projections.

Table 4 demonstrates that the projections submitted to the DfE since 2015 (earlier submissions have not been seen) were consistently indicating that the 540 Y7 places at SA and SRWA would be insufficient:

- 2019/20 would see demand for between 550 and 580 places (actual NOR was 586);
- 2020/21 would see demand for between 510 and 540 places (actual NOR was 570);
- 2021/22 would see demand for between 550 and 606 places (actual NOR was 580) (note, this was the furthest into the future the 2015 projections to the DfE went – 7 years ahead);



- 2022/23 would see demand for between 575 and 625 places (actual NOR was 604);
- 2023/24 would see demand for between 595 and 627 places (this was first projected in 2017 projections to the DfE, once the cohort was in Reception);
- 2024/25 would see demand for between 600 and 625 places; and
- 2025/26 would see demand for approximately 580 places.

A shortage of Y7 places was therefore apparent in the projections from 2015 onwards, and the shortage of places in 2023/24 has been apparent in every set of projections submitted since the cohort began in Reception in 2016/17.

In addition, WSCC considers an area to be 'full' if there is a less than 5% surplus (to allow for parental preference and in-year admissions) – so adding 5% to the above forecast demand results in an additional 30 places to be provided. This means that in some years the total additional places required to meet demand and the desire for a 5% surplus would be 90 to 120 places above the PAN of 540.

Within WSCC, this shortage of places was recognised in the Planning School Places document from February 2017 onwards. The Strategic Outline Business Case that sought funding for the 2019/20 viability study at SRWA stated that in 2019 SRWA could accommodate additional pupil numbers without additional accommodation but that, "for September 2020 and beyond, pupil projections (based on pupils in 'feeder' primary schools) are continuing to indicate that additional capacity is required. If not provided, pupils cannot be offered a secondary school place within a reasonable distance from their home."

There are several variables that can affect pupil numbers, however, which in turn affect the accuracy of and confidence in projections:

### **7.1.1 Cohort progression through primary school**

In six of the nine years since the 2014/15 Y6 cohort, the Y6 cohort for Shoreham and Lancing primary schools has been within 30 pupils of the size of the corresponding Reception cohort (on cohort sizes that have increased from around 570 to over 700). The three years of greater change were the cohorts that were in Y6 in 2018/19, 2019/20, and 2020/21, and all three were affected by changes between Jan 2018 and Jan 2019 when the Y3 and Y4 cohorts each reduced by 20+ pupils and the Y5 cohort increased by 20+. Significant but unusual / one-off cohort changes such as this are difficult to predict – the Y5 cohort increasing by over 20 pupils before Y6, for example, was an additional pressure for the 2019/20 Y7 cohort that became 586 pupils at SA and SRWA because of the first bulge Y7 cohort at SRWA.

When the current Y6 cohort was in Reception, however, the average Reception to Y6 progression of the previous three years would have projected the Y6 cohort in 2022/23 to be 734. Primary

projections submitted to DfE only include the next five years, so the current Y6 cohort was first submitted in summer 2018 when it was forecast to be 750 pupils. The actual cohort size in January 2023 was 728.

While other cohorts have experienced more difficulty to predict progression through primary school, the current Y6 cohort is close to the statistical average and smaller than it was originally projected to be. The likely number of children seeking Y7 places for September 2023 was therefore well known and had been since the cohort started primary school.

Table 2 above provides the total cohorts in Shoreham and Lancing primary schools since 2009.

Open Box has not reviewed pupil level school census or admissions data. Aggregate admissions data suggests that there are more pupils seeking Y7 places than there are in local primary schools, which may reflect local movement into Shoreham / Lancing by families who leave their children in previous primary schools and then seek local secondary places.

### **7.1.2 Parental preference**

The projections which WSCC are required to submit to the DfE each summer are projections for places at schools within each planning area, not projections of residents within an area who require places. This distinction is important, since for any given planning area some resident families may choose to access provision elsewhere, while those who live elsewhere may prefer schools in this planning area. Such parental preference may be influenced by factors such as wishing for a particular type of school (such as a single-sex school or a school with a particular faith ethos), or for reasons of family convenience, or because they believe some schools to be more desirable than others (even if they are of the same type, such as co-educational secular schools). By requiring local authorities to submit projections based upon schools, local authorities have to factor in parental preference.

Section 3.4 outlined some historic information regarding Y6 to Y7 progression locally. The projections submitted to the DfE (as shown in Table 4) already take account of the historic outflow as Y7 projections are approximately 100-120 below the corresponding Y6 cohort size.

Within the context of Shoreham:

- SA was judged Outstanding by Ofsted in 2012 and has been over-subscribed with first preferences since 2018 (which is the earliest data Open Box has seen), and since 2019 has had over 350 first preferences for its 300 places.
- SRWA was judged Good by Ofsted in 2021 (previous judgements in 2018, 2015, and 2013 were Requires Improvement), and has been over-subscribed with first preferences in 2019 and since 2021.

- The combined first preferences have been greater than their shared PAN of 540 since 2019 and been above 600 in 2019 and since 2022 (645 for September 2023 entry).

Comparing the combined first preferences of SA and SRWA with the Y6 cohort in Shoreham and Lancing primary schools gives a crude proxy of the popularity of the schools within their communities. For the Y6 cohort in 2017/18, first preferences were equivalent to 71% of the Y6 cohort; since the Y6 cohort of 2018/19 the first preferences have been equivalent to 85%-90% of the Y6 cohort. That is not to say that all first preferences are from Shoreham or Lancing residents, but it is a measure of community confidence.

Table 5 provides the admissions preference information for SA and SRWA since 2018 alongside the comparable Y6 cohort in Shoreham and Lancing primary schools.

**Table 5: Preferences for Shoreham Academy and SRWA compared to corresponding Shoreham and Lancing Y6 cohorts**

Y7 entry in...	Combined SA and SRWA first preferences	Corresponding Y6 cohort in Shoreham and Lancing primary schools	First preferences as percentage of total cohort
2018	467	660	71%
2019	601	690	87%
2020	569	658	86%
2021	590	698	85%
2022	641	718	89%
2023	645	728	89%

### 7.1.3 Were larger cohorts a short-term challenge or a longer-term trend?

When forecasting any variable, anticipating when you reach the top or bottom of a particular cycle is the most difficult aspect. Within pupil place planning this particularly affects Reception projections; for Y7 projections there is the advantage of pupils being in school for 7 years.

2016/17 was the largest Reception cohort in Shoreham / Lancing (751 pupils), at the end of 9 years of uneven growth from a cohort of 572 in 2008/09. The Reception cohort then remained above 680 pupils a year for the next five years, but the 2022/23 Reception cohort was 90 fewer than the previous year and back to only slightly above the figure in 2008/09.

This means that in 2016/17, when the 2022/23 Y6 started school, WSCC knew that Y7 cohorts were likely to start growing as the larger Reception cohorts reached secondary transfer, and that they

would keep growing until at least 2023/24. But WSCC also knew that there was surplus capacity at SRWA to provide some initial ability to place families locally – which gave time to determine if permanent expansion was required.

What WSCC could not be sure of in 2016/17 was:

- Whether the Reception cohorts had peaked, if so at what rate they would fall, or whether they would remain high, or even continue to increase.
  - Projections submitted to DfE in 2015, 2016, and 2017 had every Reception cohort projection (up to 2021/22 in 2017 projections) being larger than 700;
  - Projections submitted in 2019, just as SRWA admitted its first Y7 cohort over PAN, showed every Reception cohort through to 2023/24 being 674 or larger. Based on historic cohort progression patterns, this would mean that Y7 cohorts until 2030 could reasonably be expected to be in excess of the combined PAN of SA and SRWA of 540;
- Whether primary cohorts would grow as they progressed through primary school through inward migration (whether to existing or new housing), with particular inability to control the build out rates of new developments and uncertainty about pupil yield from those developments. WSCC data in 2016/17 from previous Reception to Y6 cohort progression would have suggested no or minimal growth, and as section 7.1.1 shows that has continued to be generally the case.

It is also noteworthy that WSCC did commit to three primary school permanent expansions in Shoreham that increased the Reception PAN by 90 places from 2015/16. When these were commissioned there was less certainty about future projections for Reception cohorts (given the challenges of projecting Reception cohorts too far into the future) than they had regarding the forthcoming secondary shortfall in Shoreham and Lancing in 2016/17.

#### **7.1.4 Conclusion**

The Y6 cohort in 2022/23 is very close to the size that would have been anticipated in 2016/17 when it started in Reception based on previous cohort progression. It is, and was always going to be, well in excess of the permanent Y7 places available.

The increased popularity of SA and SRWA is likely to have exacerbated the shortage of places as fewer parents sought places in other schools.

In 2019/20, when SRWA first admitted over PAN, it was evident that every cohort then in primary school was significantly in excess of the permanent Y7 places available and – coupled with the popularity of the schools within their community – would result in a shortage of places until at least 2026/27. The projections submitted to the DfE in 2019 forecast that future Reception cohorts until 2023/24 would be at least 674 pupils, meaning Y7 cohorts until 2030 could reasonably be expected to be well above the permanent Y7 places available if SA and SRWA remained popular.

In 2021/22 when additional emergency accommodation for SRWA was being considered, it was apparent that local demand would be expected to be in excess of the permanent Y7 PAN until at least 2028/29.

## **7.2 What did WSCC state publicly about the demand for Y7 places in Shoreham and Lancing?**

Towards the beginning of each calendar year, WSCC publishes its Planning School Places document, which sets out by district and planning area, by primary and secondary phase, the mainstream school places that the council anticipates needing in the short and the longer-term. Publication of this document is not a DfE requirement, but such a document aids school leader / governor and public understanding of potential changes that may be required.

For Shoreham and Lancing secondary phase provision, the detail is provided in Annex 3. In summary:

- The 2017 to 2023 documents all include a need to increase Y7 places to meet short-term demand, with statements such as “further expansion is required to cater for demand” in 2017 to 2020, and from 2020 onwards a statement that “feasibility works are being undertaken and discussions are being held with [SRWA] for future expansion by 2FE (60 places per year of age)”. In 2021 and 2022 the SRWA statement was caveated with “should the increase in pupil numbers continue to remain at the current level” but the 2023 edition says “to cater for the increase in demand from the primary schools which is expected to continue beyond our current forecasting timetable of 10 years to 2032”.
- Regarding longer-term demand (i.e., including anticipated housing), from the 2018 document onwards there is a statement that “currently across the schools in the planning area they have the capacity to accommodate the rising number of pupils in the primary schools.” The 2018 edition is the first time that SRWA expansion to 10FE is explicitly mentioned in the longer-term section, with timing “dependent on the housing delivery timescale.”

These documents:

- Publicly acknowledge that there are insufficient places in Shoreham and Lancing to meet demand, but do not quantify the potential shortfall for Y7 specifically as the documents focus upon forecasts of total pupils rather than points of entry such as Reception and Y7;
- Provide statements about a short-term need for additional Y7 places while also (incorrectly) stating that there is sufficient capacity to meet demand from larger cohorts in the primary phase; and
- From 2020 onwards, include expansion of SRWA, and until the 2023 edition this expansion in both the short-term and the long-term section.

The Planning School Places document includes data about total projected pupil numbers in the future, and historic data about Reception and Year 7 cohorts. It does not include the Reception and

Y7 cohort projections, which would help focus attention upon areas where action may be required to expand or reduce provision.

The Planning School Places document, especially if it includes Reception and Y7 projections, can provide a basis for ensuring that the Director of Children's Services, the Lead Member, key colleagues across WSCC, Councillors, and partners (including the DfE) are aware of the key school organisation priorities or challenges.

### **7.3 Were WSCC colleagues, schools, and parents aware of the potential shortage of places before 2020?**

In 2016/17, FAST (Future of Adur Schools Team) was established by parents in Shoreham. They were concerned about how sufficient secondary phase places would be established to accommodate the larger cohorts in primary schools which had necessitated several primary school expansions and bulge classes in the years up to 2016/17. FAST highlighted the risks given that the primary-phase cohorts were significantly larger than the Y7 places available.

FAST organised public meetings in April 2017 and June 2018 regarding the potential shortage of places from 2019 onwards, using WSCC data and information obtained through Freedom of Information Requests. They campaigned to WSCC officers, Councillors, the MP, and local secondary schools about what the response was to be to the rising need for places.

It is clear that – through existing briefing processes and / or through the actions of FAST to raise awareness – all these parties were aware of a likely shortage of Y7 places in Shoreham and Lancing.

It is not clear whether individuals were aware of the detail or duration of the potential shortfall, however. The cohort-specific projections included in the annual WSCC submission to the DfE that were outlined in section 7.1 were not included in the Planning School Places document or any other public document or internal WSCC briefing (so far as Open Box is aware). It is unclear how specific the information provided to senior officers, officer colleagues in other parts of the council with an involvement in capital governance or delivery, or Councillors was. An area for consideration is to include Reception and Y7 projections within the Planning School Places document to ensure that WSCC Councillors and colleagues and partners (including schools) are appropriately informed.

### **7.4 Why was additional secondary school capacity not established?**

It was the responsibility of WSCC to lead the planning for responding to the increased demand for places from larger cohorts.

SA increased its PAN to 290 for September 2016 (from 270) and to 300 from September 2017.

Following SA's increase to 300 Y7 places, the options to respond to the increased demand for places were:

#### **7.4.1 Expand SA**

In many ways this was the logical option. Its educational improvement journey was more secure than SRWA's in the mid 2010s following its Ofsted Outstanding judgement in 2012, and this was reflected in increased parental preference. Its catchment area had seen primary-phase growth and expansions, so expanding its Y7 capacity would have responded to that to provide places as close to need as possible. SA expansion would also have alleviated the risk of SA catchment residents being unable to secure places at SA and then being lowest priority for other schools because of the over-subscription criteria for most local schools for Y7 admissions prioritising applicants (including siblings) upon whether they live within the catchment areas.

Against this starting position of presumptive growth, there were three potential issues.

Firstly, when Shoreham Academy expanded its Y7 PAN to 300, 10FE, it reached the size that WSCC would "ideally" not like to see schools grow beyond based upon their principles for secondary school provision stated in the Planning School Places document ("ideally" is the phrasing in the document). For 2023/24, 3 of 40 secondary schools in West Sussex have a PAN larger than 300 – 2 schools of 330 and one of 360.

Secondly, whether SA could be expanded in terms of site and buildings. WSCC commissioned a desktop viability study of establishing a satellite site on the Middle Road site of SA, which is currently an off-site playing field less than 300m by road from the main site; it is understood that Middle Road did previously have buildings on it. This viability study reported in March 2018 on options of providing an additional 120 places a year or 180 places a year for Y7 to Y11 on Middle Road but with all sports facilities remaining on the main site. It is not clear why an expansion of this scale was considered (i.e., 600 or 900 places in total) rather than a smaller expansion. One potential option would have been to consider locating the Sixth Form on Middle Road (perhaps 300 or 400 places) which would have allowed a 60 place a year expansion at the main site for Y7 to Y11. It is not documented what, if any, involvement SA had in this study and therefore whether the options outlined would reflect the approach that the school would wish to adopt if the school was to expand. The study concluded that provision could be made at the Middle Road site for 600 or 900 places at a cost of approximately £16-£20m.

The Strategic Outline Business Case submitted in 2019 for the viability study at SRWA stated "Previous feasibility work for Shoreham Academy has indicated that the school cannot be expanded on its current site and the Academy Trust does not wish to expand." Open Box has not seen this feasibility work about the main site as the 2018 viability study only relates to Middle Road.

Thirdly, whether SA wished to expand. Discussions during this review suggest that there may have been differences of understanding between WSCC and the school about a) the thoughts of the school regarding expansion beyond a PAN of 300 and b) the urgency or duration of the council's need for places. When SA constructed Port Hall it is agreed that there was discussion with WSCC regarding whether it should be designed to be capable of stage-two works to provide an upper floor for classrooms, such as including foundations capable of accommodating that subsequent accommodation. The classrooms this stage-two would have enabled would not have been sufficient for a permanent expansion, but they may have enabled temporary expansion to provide places within Shoreham itself. No written documentation has been provided as to why this option was not taken up.

Exploration of the potential for expansion of SA needed a more collaborative and detailed evaluation of the options for achieving expansion. This would have enabled consideration of site, buildings, education, capital and revenue finance, and operational issues. It would then have enabled both SA and WSCC to review the same information before collectively determining whether there was a viable option for expansion that both parties could support.

#### **7.4.2 Expand SRWA**

Expansion of SRWA was included in the WSCC Strategic Outline Business Case for the Basic Need budget between 2018/19 and 2022/23 (document drafted in May 2017 and updated through to 2018). The Planning School Places document from 2018 included the expansion of SRWA to 300 places a year in the longer-term section, and from 2020 also in the shorter-term section. From 2020 to 2023 the document states that "feasibility works are being undertaken and discussions are being held".

The initial strategy of admitting over PAN at SRWA, which was possible due to smaller cohorts higher up the school, was appropriate. It met the WSCC need for places and reflected the desire of the school to build pupil numbers. SRWA had expanded its catchment area for the 2019/20 year to include west Shoreham which provided more 'in catchment' pupils. This approach provided local places at no initial capital cost and with revenue support through growth funding.

SRWA first agreed to admit over PAN for Y7 entry in September 2019, which reflected the first point at which the projections indicated the permanent PAN of SA and SRWA would be insufficient. During March to May 2019 the school sought clarity from WSCC regarding future utilisation of part of the vocational centre which, if returned to SRWA as both parties believed to be a possibility, would result in Woodard Academies Trust investing approximately £100k in the building to create sixth form accommodation that would help facilitate larger Y7 cohorts.



This approach of taking advantage of smaller year groups higher in the school was only a temporary solution, essentially a 'sticking plaster'. It provided time for the Council and schools to consider whether permanent expansion was required (i.e., how long the increased cohorts were anticipated to be for) and, if so, how to provide it.

WSCC duly undertook a viability study during summer / autumn 2019 to consider permanent expansion, which was "to review current accommodation to enable the school to take an additional 90 year 7 pupils in September 2019 with a view to permanently increasing Sir Robert Woodard by an additional 2-3FE (taking the school to 10-11FE) for September 2020 and beyond". The process included meetings with the school in September 2019 to discuss initial options and then the report issued February 2020. The report was issued 5 months after the first over PAN Y7 cohort started at the school in September 2019, and noted that the completion date for the permanent expansion project was September 2023 (whereas the budget business case in 2018 had included a 2022 completion).

A viability study is the very first stage of a capital project, focusing upon potential key issues and the overall scope of the potential works. In the SRWA study, focus was upon the accommodation required to grow the school from 240 places to 300 places a year and the building location / massing to achieve that additional floorspace. The result was that it only proposed building the additional accommodation required, such as 2 science labs for science, rather than considering the likely overall impact – i.e., building two additional science labs results in the science facilities being split between two locations at the school. Similar splitting was proposed for other subjects with specialist accommodation needs. As a result of it being an initial viability study, there was not consideration of the educational or operational implications of this, and therefore no consideration of the associated or knock-on works that may be required in the main school building. The report provided potential costs of £8.6m to £10.3m for the two options considered most likely, which are well in excess of the indicative allocation within the Basic Need budget business case; given, however, that these costs include no allowance for associated or knock-on works elsewhere on the site they were likely to be a significant under-estimate of a scheme that would be acceptable to the school.

Following the meeting in February 2020 regarding the viability report, the next stage would have been a feasibility study that would consider issues such as associated and knock-on works. However, no business case was submitted for a feasibility study, and no further work was undertaken on this proposal. The pandemic and national lockdown may have been the cause of some delay in this, but the absence of any progress by spring 2021, when the school sought updates, indicates a lack of WSCC urgency to progress the scheme. December 2019 emails indicate that SRWA had not yet been asked to admit over PAN for September 2020.

There was then confusion between WSCC and SRWA about when the school would be unable to admit over PAN without additional accommodation. SRWA emails in March and April 2021 say they would need accommodation "by September 2022" and requested a joint review of the likely pupil numbers and net capacity; an email from WSCC to SRWA on 09/07/21 following a meeting on 22/06/21 confirmed that "we agreed to keep the proposed expansion under review and that you

would be able to accommodate a further bulge in September 22 without additional accommodation”; a SRWA email in September 2021 says that they could not admit above PAN in September 2022 due to curriculum spaces but also pressure on other school infrastructure such as space for assemblies: “In order to timetable and staff for another 250+ students in September 2022 we will need some guarantees that more space will be available.” In mid-November 2021 the confusion / misunderstanding became apparent.

In terms of pupil numbers, Table 6 shows the Y7 to Y11 SRWA pupil numbers from the year before SRWA first admitted over PAN into Y7. Based on a PAN of 240, their Y7 – Y11 cohort would be 1200 if the school was full.

**Table 6: Y7 to Y11 pupil numbers at SRWA**

	Y7	Y8	Y9	Y10	Y11	Y7 – Y11 total
2018/19	172	185	171	182	161	871
2019/20	286	177	179	169	177	988
2020/21	270	287	183	173	163	1076
2021/22	281	270	283	185	177	1196
2022/23	303	278	251	268	181	1281

The incoming Y7 cohorts were approximately 100 larger than the outgoing Y11 cohorts for each of those four years. It is assumed that at the June 2021 meeting it was clear that the 2021/22 Y7 cohort would be a 10-class cohort rather than a 9-class cohort, and so the school being close to Y7-Y11 capacity would have been known. It may not have been anticipated at that stage that the cohort in 2022/23 would also be a 10-class cohort rather than 9 class cohort (i.e., 300 rather than 270 pupils).

It is worth noting that the 2022 situation would have been worse had sixth form recruitment been higher – SRWA sixth form has been approximately 100 learners which is retention of around a third of a Y11 cohort into Y12. The sixth form capacity is 200 pupils, giving a total school capacity of 1400. In 2021/22 total pupil numbers were 1287, and in 2022/23 they were 1382.

Once the need for accommodation in 2022 was clarified, SRWA took forward the procurement and installation of the additional accommodation with the support of WSCC due to the urgency. Expenditure was occurred by SRWA during summer and autumn 2022. The WSCC Key Decision to authorise this expenditure was on the WSCC forward plan from 13 April 2022; the recommendation was (eventually) approved in June 2023 to enable repayment. This delay and – from the school’s perspective – the complexity of the process involved and the allocation of risk within the legal documentation, has undoubtedly harmed the perception of WSCC. It has reduced confidence in WSCC as a partner.

As a result of the four bulge years, in 2023/24 the total number of pupils in Y7-Y11 at SRWA will be around 1340 and will then gradually reduce as the larger cohorts leave Y11 and are replaced by cohorts of 240. The ability of the school to retain more learners into Y12 will be affected for the next few years by the availability of accommodation – if it continues to retain around a third of Y11 cohorts and has incoming Y7 cohorts of 240 then total pupil numbers could peak at around 1450 between 2024/25 and 2026/27.

While no contributors to the review mentioned this, a further factor to consider is the DfE guidance for expansions of academies. In the period 2018 to 2020 when the viability study was being undertaken, SRWA had received three consecutive 'Requires Improvement' judgements from Ofsted. DfE guidance regarding expansion of academies in 2016 stated that "The department expects that only academies that are rated as 'good' or 'outstanding' will seek to expand their premises, in order to increase their intake. Only in very limited circumstances will the [DfE] consider approval of a proposal to expand from a school in another category"; however, "an area of critical basic need" was one of the limited circumstances cited in the guidance. The updated guidance in November 2019 stated "Where schools are underperforming, we would not expect them to expand unless there is a strong case that such an expansion would help to raise standards. We expect academy trusts to propose to create new places in academies that have an overall Ofsted rating of 'good' or 'outstanding'. However, if there are no other feasible ways to create new places in the area, the academy trust should submit a full business case application to the department and set out why the expansion is necessary." The guidance demonstrates that there needed to be strong partnership between the council and SRWA to present a compelling joint business case to the DfE to expand SRWA prior to the school receiving a 'Good' judgement from Ofsted at their 2021 inspection.

#### **7.4.3 Establish a new secondary school**

Establishing a new secondary school may have been an inappropriate proposal given:

- The difficulty of securing a site of sufficient size given that Shoreham is surrounded by the sea, airport, South Downs, and Brighton;
- The initial uncertainty about how long Y7 cohorts would be above the PAN of 540, including potential impacts of parental preference; and
- The projections not suggesting a need for PAN to increase by the size of a 180 place a year secondary school (which is WSCC's normal minimum size for a new school, as expressed in the Planning School Places document). This means that it could have been necessary to shrink an existing popular school to secure the viability of the new one, which would run counter to parental preference and result in WSCC paying to build new accommodation while also asking other school(s) to reduce PAN and so take accommodation out of use.

The desktop viability study undertaken in 2018 regarding Middle Road explored that as a satellite of SA to add 120 or 180 places a year (600 or 900 places in total). The approach of a satellite (rather than a new school) was presumably in recognition of the educational strength and popularity of SA and the practicalities of it being the lease holder.

Respondents to this review have not suggested that there was a site available of a suitable size for a new secondary school, and indeed highlighted the difficulty that the DfE had in finding a suitable site for a primary-phase free-school.

## **7.5 If additional places were not being created, what other options were there?**

In the absence of permanent additional places once SRWA was unable to accommodate over PAN Y7 cohorts using spaces higher up the school, the options available become:

- Adjust admissions arrangements – this does not create more places; it instead considers who may be unable to secure places and what impact changes to admissions over-subscription criteria may have upon who can secure places; and / or
- Require families to access schools that are geographically further away.

### **7.5.1 Adjust admissions arrangements to mitigate the shortfall of places**

When there are insufficient places, it is the admissions system that determines who is unable to access the school(s) of their preference.

It is understood that both SA and SRWA have retained the main over-subscription criteria that their predecessor schools used when they were community schools. Essentially this means that after the statutory requirement for those with EHCPs and who are or have previously been looked after are met, most places are allocated to:

- Siblings living in catchment;
- Other pupils living in catchment;
- Siblings living out of catchment; then
- Other pupils living out of catchment.

Within each category priority is given to those living nearest to the school as measured by a straight line.

When schools operate catchment areas, it has the effect of pushing residents of one catchment area to the bottom of the list for the neighbouring school when seeking a place for their eldest or only child. It is therefore important that catchment areas reasonably reflect the demand from their catchment, since if one catchment has many more residents than the school has places for then those residents are likely to be disadvantaged for any other school.

There was acknowledgement of this pressure and the importance of this point when SRWA expanded its catchment area to include some of west Shoreham. While this was instigated by SRWA rather than by WSCC, it enabled west Shoreham residents, who were already becoming less able to gain places at SA, to be 'in-catchment' for SRWA and so were able to access it as it admitted over PAN from 2019 onwards.

Since 2020, however, there is no evidence that there was any discussion with the schools about whether their over-subscription criteria should be reviewed in light of the insufficiency of places. Such discussion may or may not have resulted in any changes, but the discussion would have enabled all parties – WSCC as the authority with the statutory duty for places and responsible for home to school transport, and the academy trusts as admission authorities – to understand the possible scenarios for Y7 transfer and where the families unable to secure either SA or SRWA would be likely to live.

For entry in September 2023, these discussions would have needed to take place in spring 2021 to enable consultation and determination of policies in accordance with the timeframes set out in the School Admissions Code. In spring 2021, the need for places in 2023 and the inability of SRWA to admit over PAN in 2023 without additional accommodation were both evident.

What this means in practice is that in 2023:

- Applications to each of SRWA and SA were prioritised in accordance with their over-subscription criteria.
- Residents of part of west Shoreham with eldest or only children:
  - Were within the 'other pupils living in catchment' priority. However, because there are more children resident in the catchments than places available, this category is prioritised based on distance to the school. West Shoreham is an area geographically between the two schools, and within the catchment of both, but where some residents are insufficiently close to either school to be prioritised high enough up the ranking of applications to be offered a place. They were therefore not offered a place at either school;
  - They are out of catchment for other schools, such as Steyning Grammar or Worthing schools. This means that they are the lowest priority for places and so less likely to be successful if those schools are over-subscribed;
  - They were allocated a place at the next nearest school with places, which was St Andrew's. They therefore 'leapfrog' SRWA to be allocated a school further away.

### **7.5.2 Require families to access schools that are further away**

Insufficient places in one area requires families to access schools further away, with admissions policies and school popularity determining which families are affected and which school(s) they can access or are allocated to – by definition the school that they are allocated to must be a school that is under-subscribed.

The expansion of the SRWA catchment area to include west Shoreham enabled that geographic area to access SRWA as they were losing access to SA due to a combination of rising pupil numbers and its popularity. The Strategic Outline Business Case in 2019 for the SRWA viability study stated that “The preferred approach has been to look at using all of the available places within the locality rather than funding additional places at oversubscribed schools and therefore the first use of unfilled places at SRWA is proposed.”

That Strategic Outline Business Case in spring 2019 stated that if the additional places were not established at SRWA then “pupils cannot be offered a secondary school place within a reasonable distance from their home.” This approach had – by necessity or design – changed by 1<sup>st</sup> March 2023 when families were offered St Andrew’s. The March 2023 briefing document for parents prepared by WSCC stated that “the distance and travel arrangements between Shoreham and Worthing are considered reasonable”.

Historically some pupils have transferred from Shoreham and Lancing primary schools to Steyning Grammar School. This school has expanded in recent years and now operates across three sites, two of which provide Y7 and Y8 provision, following which all pupils transfer to the third site for Y9 onwards. Shoreham and Lancing are not within the catchment area for Steyning Grammar but have historically been able to access places. Applications for a Y7 place are made for Steyning Grammar School as a school, not to either of the sites that accommodates Y7 pupils. The school then allocates an applicant to a site based upon where they live, with each site having its own catchment area. For residents of Shoreham and Lancing, who are outside the catchment area for the school, if you are offered a place at Steyning Grammar the school allocates you to whichever site has available spaces after it has met demand from its catchment.

This uncertainty about the site that you would be allocated to is significant for Shoreham residents. One site (Towers) is approximately 5 miles (15 minute drive) from west Shoreham, the other (Rock Road) is over twice as far. It may be that families would be willing to make the journey (or pay for transport) to one site, but not the other. Steyning Grammar has increased its Y7 PAN for 2024/25 (from 360 for 2023/24 to 390 for 2024/25), with the 30 additional places being provided at the Rock Road site, which is the one further away from Shoreham. The contribution of those additional places to alleviate pressure in Shoreham is unclear given the uncertainty about which site a Shoreham pupil may be allocated to and the distance to the Rock Road campus.

## **7.6 Could WSCC afford permanent expansion of SA or SRWA?**

The statutory duty for sufficient places is an absolute duty, not one that can be varied or amended at times of budget pressures.

New school places are often funded by one or more of the following:

- DfE Basic Need grant;
- Section 106 funding from developers of new housing developments; and / or
- Local government borrowing.

Within West Sussex:

- The Basic Need grant has dropped dramatically, from being between £24m and £34m a year between 2016/17 and 2019/20, to nothing in 2020/21, to £7m in 2021/22 and £8m in 2022/23.
- The Basic Need outline business case in 2018/19 anticipated the Basic Need grant dropping to £11.5m per year for 2020/21 to 2022/23 – but the total funding assumed at that time for 2020/21 to 2022/23 (the period when a SA or SRWA expansion scheme would ideally have been on site) was double what was received (over £34m assumed compared to £15m received). This level of funding reduction would be expected to require a significant reduction in the number of schemes supported and / or the funding available for each scheme;
- WSCC publishes draft ‘contribution calculators’ on its website for developers to understand the likely s106 contribution that would be sought; and
- There are or will be S106 agreements for developments in Shoreham and Lancing, such as Monks Farm (600 dwellings, £3.6m towards education facilities plus land for a primary school; within the SRWA catchment area), West Sompting (469 dwellings, s106 not yet concluded, potentially c£3m for education; within the SRWA catchment area), and the Shoreham Harbour Regeneration (area divided into several separate developments / applications; within the SA catchment area).

The Basic Need outline business case in 2018/19 included an indicative £5m for expansion of places in Shoreham. The outline costs suggested by the viability studies were each significantly in excess of this: £16-£20m for SA Middle Road (although for a 600 or 900 place expansion) and £8.6m to £10.3m for a 300 place expansion at SWRA (on a study that probably underestimated the works that would be involved).

Expansion of SA or SRWA would seem likely to be a financial challenge for WSCC, especially given that the expansion would be required prior to the availability of the Section 106 funding. It would likely have required most of the whole county Basic Need funding during the 2020/21 to the 2022/23 period.

It is unclear from written documentation whether this changing financial environment affected – formally or informally – the urgency of taking forward the potential expansion of SA or SRWA and instead favoured utilising available places further away.

## **7.7 How effective were the relationships between WSCC and schools regarding pupil place planning?**

Respondents from all organisations have spoken of warm personal relations and mutual recognition of the context and pressures facing other organisations, for example:

- School leaders recognise that WSCC has multiple place planning challenges across its geographic area, faces a constrained capital and revenue financial situation, that school organisation is arguably more complex with academies over whom they have no legal school organisation powers, and the potential for parental preference to change (sometimes quickly); and
- WSCC recognise the imperative facing school leaders of focusing upon quality of education (including for Ofsted inspections), impacts of the pandemic, revenue budget pressures, and staff recruitment and retention challenges.

However, there is a lack of written evidence of effective, collaborative strategic discussions to establish solutions for the communities that the schools and WSCC jointly serve. This situation appears to have been affected by a variety of incidents that cumulatively eroded trust and confidence:

- WSCC imposing a bulge class at Swiss Gardens Primary School in 2016 against the views of the Governing Body and undertaking the desktop viability regarding Middle Road seemingly without SA involvement both affected confidence in the attitude and approach of WSCC;
- While there were annual meetings with secondary Headteachers in the second half of the autumn term (after the Y7 applications have been submitted for the following year), these focused more on meeting the demand for the next academic year rather than longer-term pressures and strategy;
- Uncertainty whether WSCC could deliver (financially or organisationally) large-scale projects that the schools would be able to agree to, including some lack of clarity about who within the Council is responsible for what and how bureaucratic or slow the Council processes may be. This concern has been significantly strengthened by the time taken and process involved to reimburse SRWA for the accommodation it installed in 2022, accommodation which was only required to enable the school to admit over PAN for the fourth year in a row to support WSCC's statutory duty;
- A perception that WSCC did not provide sufficient information to schools as to the extent of the challenge regarding Y7 places and the potential duration of this challenge, and was not treating the schools as partners; and
- The impression created by some documentation / presentations that the inability of some pupils to access SA or SRWA was the result of admissions policies (i.e., the responsibility of the schools) rather than insufficient places (i.e., the responsibility of the council) which has undermined confidence in the partnership between WSCC and the schools.

## **7.8 Were schools and families prepared for the Y7 offers that were made on 1 March 2023?**

No evidence has been seen that:

- Families were advised prior to the admissions round for 2023 Y7 entry that there may be a shortage of places. Indeed, families who researched the issue would have taken reassurance from the 2022 Planning School Places document that stated feasibility works for a 60 place a



year expansion at SRWA were progressing and that the longer-term section continued to (inaccurately) state “currently across the schools in the school planning area they have capacity to accommodate the rising number of pupils in the primary schools”. Several respondents articulated that reassurance was forthcoming from WSCC and schools during summer and autumn 2022;

- There was engagement with local primary schools, to enable them to prepare and support parents, even once the full extent of the shortage of places was apparent after on-time applications were submitted in autumn 2022; or
- Consideration was given to preparing answers to issues that families who were unexpectedly allocated a place in Worthing would be expected to raise, most particularly regarding arrangements for home to school transport. It is apparent from emails between SRWA and WSCC in autumn 2019 that similar practical issues were evident when Shoreham families were first allocated SRWA.

While it is understood that primary school Headteachers receive secondary offer information shortly before 1<sup>st</sup> March, the above bullet points meant that education stakeholders were ‘behind the curve’ and on the defensive on 1<sup>st</sup> March – primary Headteachers were less able to support their families effectively because they had limited prior warning and may not have had any more knowledge of the allocated school in Worthing than parents did; SA and SRWA were – despite having provided 8 classes of additional places since 2019/20 – implicated as a result of being the admissions authorities; and St Andrew’s CofE High School had to rapidly build relationships with families and primary schools from scratch in very difficult circumstances.

Given the data available to WSCC, it was possible to anticipate the geographic areas where families were most likely to be unable to access a place at SA or SRWA, and once on-time applications were received in autumn 2022 that was possible to do with a high degree of accuracy.

All respondents were very positive about the actions by and engagement of St Andrew’s since 1<sup>st</sup> March. This included their proactive engagement in discussions about home to school transport options.

## **7.9 Did WSCC processes or structures hinder progressing expansion of either SRWA or SA?**

The approval for viability or feasibility studies, and procurement of construction contracts, for school projects each require a business case to be developed by the client department (in this case, education / children’s services) and then proceed through two governance processes. One of these, Education Project Board, is to ensure alignment with service priorities and appropriate prioritisation and scope of projects given limited capital resources; the second (Corporate Asset Board) is a corporate review which considers the viability and deliverability of schemes as well as their legal or service justification. Each of these groups meet approximately monthly, with papers required a week in advance.

Following these reviews, if the recommendation is to proceed then the formal decision is made by either the Director of Property or a Lead Member depending upon the spending level involved; the time required for a decision may be affected by its complexity.

If there are more proposed projects than WSCC capacity to manage them, prioritisation between projects from different departments is undertaken corporately. Project Management is undertaken corporately, with the property department as the client for third-party consultants / contractors, and each service being the end user. For school projects this means that education colleagues are the end-user within the council and manage the interface with the schools.

This organisational structure relies upon close collaboration between education and property colleagues to ensure that the projects are scoped correctly and that designs are developed in partnership with the schools, with the school (as ultimate end user) receives consistent and timely information and support.

This review has not reviewed WSCC processes, structures, or capacity in detail. The only information reviewed has related to Shoreham, where it is noted that:

- The business case for the viability study at SRWA was drafted in March 2019 and Corporate Asset Board reviewed the proposal towards the end of April 2019, which appears reasonable. The study itself commenced in summer 2019 with the report submitted in February 2020.
- The business case for the 2022 accommodation at SRWA was first drafted in August 2022 and final version only completed in May 2023.

The time taken to repay SRWA for the accommodation it installed in 2022 has given a poor impression of the internal processes within WSCC. It is beyond the remit of this review to understand whether this was a one-off occurrence or reflects broader issues, but it is proposed that SCC should identify and implement any 'lessons learned' from the SRWA project regarding capital project procedures.

### **7.10 Did the status of SA and SRWA as academies have any impact?**

As noted in section 5.1, WSCC has no legal powers to require an academy to admit over PAN or to expand. As the number of academy schools increase, there will be more geographic areas where all Reception or Y7 places are provided by academies. This has the potential to create a situation whereby a Council is unable to fulfil its statutory duty to provide sufficient school places if the academies refuse to admit over PAN or expand.

Both SA and SRWA are academies. WSCC is therefore reliant upon negotiation with those schools to add places, whether through admitting over PAN in any particular year or to permanent expansion. For Shoreham, however, it is not considered that the legal status of the schools significantly affected

the situation. Following the viability studies for SA's Middle Road site and for SRWA, WSCC processes would have required further business cases to be developed for permanent expansion proposals irrespective of the legal status of the school – the lack of these business cases would therefore have prevented the project progressing even at a community school.

The fragmentation of the school system into local authority maintained schools and academy schools has emphasised the importance of effective partnership, based on transparency and trust, to identify issues and jointly develop solutions early. By not progressing (in partnership) a strategic viability study to identify options across SA / SRWA, and then more detailed feasibility studies on options that appeared viable, the Council reduced its ability to secure agreement from either school because it could not demonstrate that there was an achievable scheme to achieve expansion and that would also not affect quality of education. Without having these feasibility studies, and so in essence require a school to formally reject a scheme that WSCC believes would be viable, WSCC also was in a weaker position to seek support from the DfE to secure agreement if a school was initially reluctant to proceed with a viable scheme. Ultimately, this removed the ability of the Council to add places within Shoreham and Lancing.

More academy schools means that it becomes more important that the Council:

- Acts early and in partnership with academy trusts to seek agreement to temporary or permanent additional places, including through using viability and feasibility studies to jointly determine whether there is a viable scheme to deliver expansion and maintain / improve quality of education;
- Engages effectively with the DfE in areas where proposals are likely to require additional places at academies to seek their support where, despite a viable proposal and lack of alternative options, an academy is reluctant to provide the additional places.

It is not considered that the legal status of SA and SRWA as academies has created or exacerbated the shortage of places in Shoreham and Lancing. If the Council had, in partnership and in good time, led studies with the schools that demonstrated viable options which the school(s) then rejected, it would be able to argue that the status of the school(s) had created or exacerbated the shortage of places. That is because they could argue that, if the school was a community school, they would have the legal powers to expand the school – and so it is the academy status that is preventing places being provided. In this situation, however, those studies were not undertaken and so the Council cannot demonstrate that it had developed viable schemes which the school unreasonably rejected.

## 8 Conclusions

By 2017, once the current Y6 were in Reception, it would have been apparent to WSCC that there would be significantly more pupils resident in Shoreham and Lancing than Y7 places available at SA and SRWA in 2019/20 and then from 2021/22 to 2022/23. Their Reception projections, coupled with historic cohort progression patterns, suggested that this situation could continue for longer.

The initial strategy of SRWA admitting over PAN to use surplus space from smaller cohorts higher up the school was appropriate and met both WSCC's requirement for pupil places and SRWA's desire to grow pupil numbers. It was, however, only ever a temporary solution.

Accordingly, WSCC undertook a desktop viability study regarding Middle Road for SA expansion, included expansion in their outline business case for the Basic Need grant, which at that time was £25m+ a year and assumed to be £11.5m a year for the three years from 2020/21, and undertook a viability study regarding expansion of SRWA.

By the conclusion of the SRWA viability study in early 2020, WSCC would have been aware that:

- There would be significantly more pupils resident in Shoreham and Lancing than Y7 places available at SA and SRWA in from 2021/22 to at least 2026/27 based on existing primary school cohorts and the WSCC projections submitted to the DfE each summer. This would result in at least 8 years of provision being required of at least 1FE more than the existing PAN, sometimes more, and excluding any planned surplus provision for parental preference / in-year admissions.
- It was likely that both SA and SRWA would be strongly over-subscribed with first preferences, meaning that a significant number of families would not receive either school if the schools did not admit above PAN – as evidenced by the preference data as a percentage of school cohorts;
- SRWA would be unable to continue to admit over 240 pupils without additional accommodation due to the cumulative impact of larger Y7 cohorts since 2019/20 – as evidenced by their school census figures and school capacity; and
- WSCC's projections of future Reception cohorts suggested that this shortage of Y7 places could continue until the end of the decade.

There was, however, an absence of urgent action during 2021 and 2022 about how to increase in capacity in the short and medium-term. No business cases were taken through the Council's capital programme governance processes to progress either of the viability studies (and emails indicate that it was SRWA chasing WSCC rather than the other way round). No alternative options were seriously pursued.

The WSCC approach can therefore reasonably be interpreted as relying upon places available in other schools that it considered to be acceptable alternatives for families living in Shoreham – i.e., to require families to travel to schools further away.

The absence of discussions about admissions criteria with SA and SRWA, despite knowing that there would be insufficient places, in advance of any consultation that would be required to change them if that was considered appropriate, meant that there was also no strategic consideration of the who the impact of insufficient places would fall upon.

The outcome of Shoreham residents being allocated to St Andrew's CofE High School could be described as a 'stage 2' of the process that had initially seen west Shoreham be allocated SRWA from 2019, and has now seen some of the same geographic area rely upon available places in Worthing.

The absence of engagement parents before and during the admissions round for 2023 – despite the evident likely outcome of unexpected allocations for many families – exacerbated a situation that was inevitably going to be challenging. Feedback from stakeholders was clear that WSCC communications, focusing on policy and overall statistics of the percentage of families being offered a preference school, had been insensitive and unhelpful.

## 9 What is the likely situation for the next few years?

Table 7 indicates that the excess of demand over available places is expected to continue until at least 2028/29.

**Table 7: Potential cohort sizes and PAN in future years**

	2024/25	2025/26	2026/27	2027/28	2028/29	2029/30
2022/23 cohort size *	716	677	704	671	688	589
2022 WSCC projected Y7	609	575	580	577	577	**
Y7 PAN at SA / SRWA	540	540	540	540	540	540

Notes:

\* This is the current size of the relevant cohort in Shoreham and Lancing primary schools – i.e., the 2022/23 Y5 cohort for 2024/25 Y7.

\*\* WSCC was only required to submit to 2028/29 in the 2022 submission to the DfE so there was no projection included for 2029/30.

It should be noted that:

- 2024 Y7 entry may be more challenging than 2023 due to the lack of a bulge class at SA and other schools admitting 5 over PAN. SA and SRWA seem unlikely to have the accommodation to admit over PAN. While Steyning Grammar returns to 390 places, the additional places are at Rock Road which is a considerable distance from Shoreham.
- Admissions policies for entry in 2025 will be determined in early 2024 following, if required, consultation in accordance with the School Admissions Code.
- Any capital works for a permanent expansion are unlikely to be completed before 2026, although 'planned temporary' accommodation as a staging post to the permanent build being completed could be in place for 2025. Achieving this by 2024 would require rapid agreement of a proposed solution and confidence in the achievability of the permanent expansion.

## 10 Areas for consideration

The following are offered as areas for consideration by WSCC and schools. It is important to note that the pupil projections, as submitted to the DfE, identified the shortage of places in good time. Any issues, therefore, have not been with the data, but with the effectiveness and urgency of the usage of the data to enable WSCC and schools to determine if and how to respond to the challenge. The school organisation data and projections provide the starting point for WSCC to lead discussions with schools (and other partners such as Diocese and MATs) to develop an agreed position about if and how to respond to demographic changes.

Planning School Places document: The annual publication of this document is positive. It supports transparency and provides information to enable partners and parents understand the current position and future priorities / challenges / actions. Focusing more on Reception and Y7 forecasts, rather than total pupil numbers, may highlight pressures and therefore support collaboratively identifying solutions. Highlighting significant changes from the previous year (whether about projections or the response to these) also helps partners focus on issues and solutions. Ensuring that this document is received and considered by Councillors and officers across WSCC, by partners, and by Headteachers and Chairs of Governors, would help build collective, consistent, data driven understanding of the challenges and priorities.

WSCC awareness: The Planning School Places document should serve as the basis of formal briefings to senior officers and Councillors about anticipated school organisation pressures so that the whole authority is aware of potential risks. This ensures that the Director of Children's Services and Lead Member can ensure that the authority is able to fulfil its statutory duty to secure school places, including escalating with DfE or partners where that is required to secure sufficient provision. It also ensures that officers across the authority understand priorities and timeframes to ensure that WSCC internal processes enable effective delivery.

WSCC operations: This review has not reviewed or evaluated WSCC internal processes in detail, but has noted the considerable time taken to repay SRWA for the accommodation it installed in 2022. WSCC should identify and implement any 'lessons learned' from the SRWA project regarding capital project procedures.

### Partnership with schools:

- Review the membership and Terms of Reference of the existing 'Planning Places Board' and the 'Resources, School Organisation, Capital and Admissions Sub Group' (RSOCA) sub-group of the Schools Forum to ensure that there is clarity about where school organisation issues would be discussed in partnership. This should include consideration of the key challenges identified in the Planning School Places document;
- In planning areas where the projections and Planning School Places indicate potential challenges, ensure that all Headteachers are briefed upon the issue prior to engaging with

specific schools, and either providing Headteachers with materials to enable them to effectively brief Governors or briefing Chairs of Governors directly; and

- This partnership approach needs to respect the lack of decision-making power for local authorities to compel academies to expand or admit over PAN. This makes it more important that WSCC takes a leadership role that is committed to working in partnership. The lack of a backstop power of compulsion over academies should be a motivation to ensure that partnership working is strong and strategic discussions are held collaboratively and in good time.

Communication with parents: In areas where schools are forecast to become close to capacity (i.e., the 95% WSCC criteria for being full as a planning area) the partnership discussions each autumn and the Planning School Places document each spring provides an opportunity to begin the communication of this pressure with communities as far in advance as possible. This should include primary schools in areas where there is projected to be pressure for Y7 places so that they can support with managing expectations of families before and during the admissions round. This also enables engagement with the secondary schools who may be allocated pupils and so gives them their best possible chance of quickly forming a positive relationship with pupils and families.

Home to school transport: The WSCC policy states that you only receive transport to a more distant school if you did not prefer it and if your local school is full. This disincentivises families in Shoreham from naming Steyning Grammar School or schools in Worthing which they may have a greater chance of getting into, creating an unfortunate tension between admissions preferences and home to school transport. Given the potential longevity of the situation whereby Shoreham residents may not be able to access a school in Shoreham or Lancing, the local authority could explore whether there is potential to reduce or eradicate this tension.

Admissions policies: Given the potential longevity of the shortage of places, there could be consideration by WSCC in partnership with admissions authorities in and beyond Shoreham and Lancing of different over-subscription criteria. This should focus upon whether different criteria seem likely to affect which geographic areas or groups of pupils would or would not be able to access certain schools, and whether any of these outcomes would be preferable to the situation that has arisen by default. It is too late to do this for 2024 entry as the admissions policies have been determined but could be considered urgently for 2025 entry.

Academy status: WSCC does not have the power to compel an academy school to admit over PAN or to expand and is reliant upon negotiation to expand provision at academies (whereas for local authority maintained community schools there is the ability to compel them to admit over PAN and the ability to determine expansion). This situation has the potential to remove the ability of a council to meet its statutory duty to provide sufficient places if all schools are academies and none wish to expand. This risk increases in probability as more schools become academies. Mitigating the risk requires effective partnership, locally between councils and academies, and nationally between councils and the DfE so that the DfE supports councils achieve their statutory duty if their most appropriate option is a resistant academy. The situation in Shoreham has not arisen because either



school is an academy and so this area for consideration is raised because of the potential for it to be an issue elsewhere.

## **Annex 1: Those involved in the review**

The following are thanked for contributing to the review:

- 2 parent representatives of the group who were offered places at St Andrew's CE High School on 1<sup>st</sup> March 2023;
- Headteacher and Chair of Governors at Swiss Gardens Primary School;
- Headteacher and Chair of Governors of Shoreham Academy;
- Headteacher of Sir Robert Woodard Academy;
- WSCC: Local ward councillor for Shoreham South ward, where Swiss Gardens Primary School is situated;
- WSCC: Head of Organisation and Planning, Children's Services and their colleagues within the Organisation and Planning team; and
- WSCC: Director of Property and Assets.

## **Annex 2: Information considered as part of the review**

1. Planning School Places document from 2015 onwards.
2. School Census data for each January from 2009 onwards for all schools in Shoreham and Lancing (per cohort per January, not at individual pupil level).
3. Pupil projections for Shoreham and Lancing that were submitted each summer to the DfE since 2015 (besides 2020 when no projections were submitted due to the pandemic).
4. Data showing Y6 to Y7 progression from primary schools in Shoreham and Lancing.
5. Reception and Year 7 PANs for primary and secondary schools in Shoreham and Lancing.
6. First preference on-time application data for SA and SRWA since admissions for September 2019.
7. Adur Local Plan and information about major housing developments.
8. Site and building plans for SA and SRWA.
9. Information requested through Freedom of Information requests relating to the topic of this review.
10. FAST and WSCC presentations from public meetings from 2017 onwards.
11. WSCC public briefing from March 2023.
12. Internal WSCC documents regarding capital programme, strategic business cases, viability studies for SA Middle Road and SRWA.

## **Annex 3: Statements in the Planning School Places document**

### **April 2015**

Shoreham Academy expansion by 60 places a year included in the table of potential schemes, stating that it was “yet to be commissioned” with a “possible Sept 2017” opening date. [Note, at this point SA was a 270 PAN, so 30 additional places were provided, without additional accommodation, by 2017]

### **February 2016**

“The increase in demand for primary places is likely to have a corresponding impact on the secondary school in the locality. Discussions have been on going with the academy regarding expansion by one to two FE (30 – 60 places per year of age) in the coming years to cater for the need if required.”

Regarding longer term implications of housing developments: “At this time if the short term scheme of Shoreham Academy is bought forward it is considered that there should be sufficient places across the locality to accommodate secondary age pupils in the longer term (15 years).”

### **February 2017**

“The secondary schools in the area [SA and SRWA] were re-built in 2009 as part of the Building Schools for the Future programme and became Academies. Increases were made to the PAN at this time to cater for the predicted increase in the cohorts seen in the primary schools. These numbers are now beginning to impact on the schools and further expansion is required to cater for demand.

Shoreham Academy increased its PAN from 270 to 290 for September 2016 and discussions are on-going with the academy regarding additional accommodation to cater for the continued increase in pupil numbers.”

Regarding longer-term implications of housing developments: No mention of secondary phase provision.

## January 2018

“The secondary schools in the area [SA and SRWA] were re-built in 2009 as part of the Building Schools for the Future programme and became Academies. Increases were made to the PAN at this time to cater for the predicted increase in the cohorts seen in the primary schools. These numbers are now beginning to impact on the schools and further expansion is required to cater for demand.

Shoreham Academy increased its PAN from 270 to 290 for September 2016 and by a further 10 places for September 2017 bringing their PAN to 300.”

Note – the 2017 text regarding discussions about additional accommodation is not included.

Regarding longer-term implications of housing developments: “Currently across the schools in the school planning area [SA and SRWA] they have capacity to accommodate the rising number of pupils in the primary schools. The strategic allocations [of housing developments] across the district fall mainly within the Lancing area and this will require careful monitoring of numbers to ensure timely expansion of the secondary provision in the school planning area to meet the increase in demand.”

The table of possible longer-term schemes included SRWA, for which “school expansion by 2FE and relevant provision for 6<sup>th</sup> form” was proposed, with timeframe “dependent on the housing delivery timescale”.

## January 2019

“The secondary schools in the area [SA and SRWA] were re-built in 2009 as part of the Building Schools for the Future programme and became Academies. Increases were made to the PAN at this time to cater for the predicted increase in the cohorts seen in the primary schools. These numbers are now beginning to impact on the schools and further expansion is required to cater for demand.

Shoreham Academy increased its PAN from 270 to 290 for September 2016 and by a further 10 places for September 2017 bringing their PAN to 300.”

Regarding longer-term implications of housing developments: “Currently across the schools in the school planning area [SA and SRWA] they have capacity to accommodate the rising number of pupils in the primary schools. The strategic allocations [of housing developments] across the district fall

mainly within the Lancing area and this will require careful monitoring of numbers to ensure timely expansion of the secondary provision in the school planning area to meet the increase in demand.”

The table of possible longer-term schemes included SRWA, for which “school expansion by 2FE and relevant provision for 6<sup>th</sup> form” was proposed, with timeframe “dependent on the housing delivery timescale”.

## January 2020

“The secondary schools in the area [SA and SRWA] were re-built in 2009 as part of the Building Schools for the Future programme and became Academies. Increases were made to the PAN at this time to cater for the predicted increase in the cohorts seen in the primary schools. These numbers are now beginning to impact on the schools and further expansion is required to cater for demand.

Shoreham Academy increased its PAN from 270 to 290 for September 2016 and by a further 10 places for September 2017 bringing their PAN to 300.

For September 2019, to cater for the increase in pupil numbers coming through for the primary schools, SRWA agreed to admit additional pupils over its published admission number. These pupils could be accommodated utilising surplus places in other year groups.

Feasibility works are being undertaken and discussions are being held with school for future expansion by 2FE (60 places per year of age)”

Regarding longer-term implications of housing developments: “Currently across the schools in the school planning area [SA and SRWA] they have capacity to accommodate the rising number of pupils in the primary schools. The strategic allocations [of housing developments] across the district fall mainly within the Lancing area and this will require careful monitoring of numbers to ensure timely expansion of the secondary provision in the school planning area to meet the increase in demand.”

The table of possible longer-term schemes included SRWA, for which “school expansion by 2FE and relevant provision for 6<sup>th</sup> form” was proposed, with timeframe “dependent on the housing delivery timescale”.

## February 2021

“For September 2019 and 2020, in order to cater for the increase in pupil numbers coming through for the primary schools, SRWA agreed to admit additional pupils over its published admission number. These pupils could be accommodated utilising surplus places in other year groups. Feasibility works are being undertaken and discussions are being held with school for future expansion by 2FE (60 places per year of age) should the increase in pupil numbers continue to remain at the current level.”

Regarding longer-term implications of housing developments: “Currently across the schools in the school planning area [SA and SRWA] they have capacity to accommodate the rising number of pupils in the primary schools. The strategic allocations [of housing developments] across the district fall mainly within the Lancing area and this will require careful monitoring of numbers to ensure timely expansion of the secondary provision in the school planning area to meet the increase in demand.”

The table of possible longer-term schemes included SRWA, for which “school expansion by 2FE and relevant provision for 6<sup>th</sup> form” was proposed, with timeframe “dependent on the housing delivery timescale”.

## March 2022

“For September 2019, 2020 and 2021, to cater for the increase in pupil numbers coming through for the primary schools, SRWA agreed to admit additional pupils over its published admission number. These pupils could be accommodated utilising surplus places in other year groups.

Feasibility works are being undertaken and discussions are being held with school for future expansion by 2FE (60 places per year of age) should the increase in pupil numbers continue to remain at the current level.”

Regarding longer-term implications of housing developments: “Currently across the schools in the school planning area [SA and SRWA] they have capacity to accommodate the rising number of pupils in the primary schools. The strategic allocations [of housing developments] across the district fall mainly within the Lancing area and this will require careful monitoring of numbers to ensure timely expansion of the secondary provision in the school planning area to meet the increase in demand.”

The table of possible longer-term schemes included SRWA, for which “school expansion by 2FE and relevant provision for 6<sup>th</sup> form” was proposed, with timeframe “dependent on the housing delivery timescale”.

## March 2023

“For secondary transfer in September 2019 to 2022 inclusive to cater for the increase in pupil numbers coming through from the primary schools, SRWA agreed to admit additional pupils over its published admission number. These pupils could be accommodated utilising surplus places in other year groups.

Feasibility works are being undertaken and discussions are being held with school for future expansion by 2FE (60 places per year of age) to cater for the increase in demand from the primary schools which is expected to continue beyond our current forecasting timeframe of 10 years to 2032.”

The table of potential schemes then lists a “permanent expansion” of SRWA by 60 places per year group with a proposed implementation date of 2024.

Regarding longer-term implications of housing developments: “Currently across the schools in the school planning area [SA and SRWA] they have capacity to accommodate the rising number of pupils in the primary schools. The strategic allocations [of housing developments] across the district fall mainly within the Lancing area and this will require careful monitoring of numbers to ensure timely expansion of the secondary provision in the school planning area to meet the increase in demand.”