



# Call In Overview and Scrutiny Committee – Supplementary Agenda

**Wednesday, 2 March 2011 at 7.30 pm**  
Committee Room 4, Brent Town Hall, Forty Lane,  
Wembley, HA9 9HD

## Membership:

### Members

Councillors:

Castle (Chair)  
Mrs Bacchus  
Denselow  
Gladbaum  
Kabir  
Lorber  
Mashari  
BM Patel

### first alternates

Councillors:

Clues  
Harrison  
Beckman  
Adeyeye  
Long  
Matthews  
McLennan  
HB Patel

### Second alternates

Councillors:

Brown  
Sheth  
Hossain  
Al-Ebadi  
Chohan  
Allie  
Aden  
Colwill

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**The press and public are welcome to attend this meeting**

# Supplementary Agenda

Item Page

**5 Call-in of Executive decisions from the meeting of the Executive held on 15 February 2011**

Decisions made by the Executive on 15 February 2011 in respect of the following reports were called-in for consideration by the Call In Overview and Scrutiny Committee in accordance with Standing Orders 6 (b) and 18.

c) Preston Manor High School - determination of proposal to alter Preston Manor High School 1 - 148

The reasons for the call-in are:-

- To fully establish the need, with evidence, of reception and primary school places within the immediate vicinity and local area surrounding the Preston manor High School.
- To fully understand the impact and consequences of increased Traffic which would lead to congestion, Parking problem, and disruption to the residents and users of Carlton Avenue East.
- Effect of the expansion of the School on the residents of the Carlton Avenue East, Preston Road, Holly croft Avenue and Ashley Garden.
- Impact of the loss of sports playing space on the school and local communities
- The impact of pre-existing covenant on Preston manor High school's playing field.

Suggested action for the Call In Overview and Scrutiny Committee to take:-

- To receive full briefing from officers and the lead member on the above issues and to provide school places where the need is higher by finding an alternate site.

The Executive report is attached. The Lead Members and Lead Officers are invited to the meeting to respond to Members' questions.



Please remember to **SWITCH OFF** your mobile phone during the meeting.

- The meeting room is accessible by lift and seats will be provided for members of the public.
- Toilets are available on the second floor.
- Catering facilities can be found on the first floor near the Paul Daisley Hall.
- A public telephone is located in the foyer on the ground floor, opposite the Porters' Lodge



**Executive**  
15 February 2011

**Report from the Directors of Children  
and Families and  
Regeneration and Major Projects**

Wards Affected: ALL

**Determination of proposals to permanently expand Preston  
Manor High School.**

**Appendix E is Not for Publication**

**1.0 Summary**

- 1.1 This report informs the Executive of the outcome of the statutory proposals to alter Preston Manor High (Foundation) School by lowering the age limit of the school and as a result, enlargement of the premises of the school which would increase the physical capacity of the school. Representation period on the proposal ended on 16 December 2010.
- 1.2 The governing body of Preston Manor High School propose to alter the school by providing 2 form entry primary provision from 05 September 2011. Pupils would progress annually through the primary provision to Year 6 and then transfer to Year 7. Hence, from September 2017 out of the current total of 252 places in Year 7, 60 places would be available for Year 6 pupils already on the roll of the school. If fewer pupils transfer from Year 6, the school will admit over the admission number to provide a total of 252 Year 7 places in accordance with the schools oversubscription criteria. The admission number (external intake by the school) for Year 7 would change from 252 to 192 from September 2016.
- 1.3 The report seeks Executive approval to permanently expand Preston Manor High School, conditional upon the planning permission being granted.

**2.0 Recommendations**

The Executive are requested to:

- 2.1 Approve the permanent expansion of Preston Manor High (Foundation) School to provide 2 forms of entry primary provision from 05 September 2011. This will allow the school to expand by a) lowering the age limit of the school and as a result, b) enlargement of the premises of the school which would increase the physical capacity of the school. This is conditional upon the granting of full

planning permission under Part 3 of the Town and Country Planning Act 1990 by 30 April 2011.

- 2.2 Agree that the main factor for approving the alteration of Preston Manor High School is to provide permanent primary places in an area of the borough which has severe shortage of reception and year 1 school places.

### **3.0 Detail**

#### **3.1 Background**

- 3.1.1 Brent Council has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area.
- 3.1.2 According to GLA's current projection of school rolls (based on the January 2010 pupil census data), the number of four year olds on roll is expected to rise by over 300 pupils between 2010 and 2013, after which the demand is projected to decrease slightly. This translates into a shortfall in the capacity by 270 reception places (9 classes) by September 2012. The impact of rising birth rate may further impact on the demand for reception places.
- 3.1.3 Based on the GLA school roll projection analysis, the Council will need to provide an additional 1680 (Reception to Year 6) primary places by 2015-16 (including a 5% planning margin), which approximately equates to four new 2FE primary schools. In the last two academic years, the GLA's accuracy rate for the projection of primary school rolls has been falling and has not addressed the real rise in demand for primary school places. This is generally true across London authorities, which are being caught by extremely high number of applications for reception and Year 1 places.
- 3.1.4 On time reception applications were up last year, 3,817 applications for 2010-11 compared to 3,583 on time applications for 2009-10. More applications will inevitably come in throughout the academic year.
- 3.1.5 The demand for school places is mainly driven by:
- Housing growth;
  - Increased density of use of existing housing stock;
  - Increased popularity of Brent schools (mainly due to the increasing quality of Brent's educational offer);
  - Inward economic and other migration;
  - Decreasing availability of places in neighbouring boroughs;
  - Increased live births and fertility rates
- 3.1.6 Brent Council provided 135 additional temporary places for September 2010. As at 24 January 2011, 50 reception aged children and 122 Year 1 children remain without a school place for the 2010-11 academic year. Since then, the Council has accommodated a further 56 children in temporary classes for the ongoing year.
- 3.1.7 The number of unplaced children and vacancies in the system are constantly fluctuating but overall demand is exceeding supply in the lower year groups

(reception to Year 2), which is correlated to the pattern of rising demand in the borough, and indeed across London, over the last three years.

- 3.1.8 In May 2009, the local authority consulted with primary schools in the borough to explore the possibility of increasing the number of school places. Subsequently, the local authority reviewed opportunities to increase capacity at all primary schools and attempted to match these with areas where there was the highest demand for school places. Discussions took place with schools which were suitable and willing for expansion. This was followed by an initial feasibility assessment for a long list of schools. A priority list for expansion of schools has been drawn from this work based on the following criteria:
- shortage of school places in a local area;
  - physical expansion of a school deemed to be feasible;
  - availability of funding to expand the school in accordance with the initial feasibility study;
  - risk associated with the expansion of the specific schools, likelihood of planning consent;
  - expression of interest and/or agreement by the school to expand its capacity on a permanent basis.
- 3.1.9 Brent Council was allocated £14.766m in November 2009 from the previous DCSF under the additional round of Basic Need Safety Valve (BNSV). The funding is an emergency allocation to provide sufficient reception places by September 2011.
- 3.1.10 Subsequently, Brent Council discussed the option to provide primary school places with Preston Manor High School, since it met the criteria listed above. The Governing Body of Preston Manor High School agreed to consult on the proposal to expand the school by creating a new two form of entry (420 places) permanent primary provision as this could help provide school places for the local community in an area of growing demand.
- 3.1.11 Preston Manor High School primary expansion is one of the schemes which is being funded from the Basic Needs Safety Valve grant for providing permanent school places in an area of shortage, which is the main reason for the proposal.
- 3.1.12 Preston Manor High School also agreed to accommodate two Reception classes (60 places) on a temporary basis from January 2011 until the end of the academic year. The temporary accommodation is proposed to be sited adjacent to Ashley Gardens, for which planning consent has been granted.

## **3.2 Proposals to Alter Preston Manor High School**

- 3.2.1 Preston Manor High School is located at Carlton Avenue East, Wembley, HA9 8NA. It is a Foundation school using the admission arrangements set by the Governing Body. It offers non-denominational mixed gender places for students aged 11-19 years.

- 3.2.2 The school has an excellent reputation for Science and Maths education throughout Brent. Since achieving specialist Science and Maths status, results in these subjects have improved across the key stages and are significantly above the national average. It has developed strong links with community since becoming a Specialist School. It works closely with local primary and secondary schools, running student workshops and teacher training sessions to share expertise in engaging students and raising achievement in Science and Maths.
- 3.2.3 The Governing Body of Preston Manor High School published two proposals: a) lowering the age limit of the school and as a result, b) enlargement of the premises of the school which would increase the physical capacity of the school to provide two form entry (420 places) primary provision. Both proposals would need to be approved simultaneously. If either proposal is rejected then the other proposal will not proceed. The proposals support the Local Authority's statutory duty to ensure the provision of sufficient school places.
- 3.2.4 If the proposals are accepted conditional upon the granting of planning permission under Part 3 of the Town and Country Planning Act 1990 by 30 April 2011, Preston Manor High School will offer 2FE primary provision through yearly progression, which will enable the Local Authority to meet its statutory obligations for placing some of the out of school children. This means that 60 pupils from the proposed temporary Reception classes from January 2011 would progress to Year 7 in September 2017. Similarly the proposed permanent Reception intake of 60 pupils from September 2011 would progress to Year 7 in September 2018. Hence from September 2017, out of the total of 252 places in Year 7, 60 places would be available for Year 6 pupils already on the roll of the school. If fewer pupils transfer from Year 6, the school will admit over the admission number to provide a total of 252 Year 7 places in accordance with the schools oversubscription criteria. The following table provides a summary of the progression in capacity:

Year	Jan 2010	Sep 2011	Sep 2012	Sep 2013	Sep 2014	Sep 2015	Sep 2016	Sep 2017
<b>Planned Increase in Pupil Numbers</b>	Ashley Garden Early Learning 60 R	60 R 60 Y1	60 R 60 Y1 60 Y2	60 R 60 Y1 60 Y2 60 Y3	60 R 60 Y1 60 Y2 60 Y3 60 Y4	60 R 60 Y1 60 Y2 60 Y3 60 Y4 60 Y5	60 R 60 Y1 60 Y2 60 Y3 60 Y4 60 Y5 60 Y6	60 Y6 to Y7      192 external intake Y 7
<b>Total Places</b>	<b>60 R</b>	<b>120 R-Y1</b>	<b>180 R-Y2</b>	<b>240 R-Y3</b>	<b>300 R-Y4</b>	<b>360 R-Y5</b>	<b>420 R-Y6</b>	<b>252 Y7</b>

- 3.2.5 In accordance a) with paragraph 4.62 of the Guidance Making Changes to a Maintained Mainstream School (Other than Expansion, Foundation, Discontinuance & Establishment Proposals) (Excerpt attached in Appendix A), and b) with paragraph 4.75 of the Guidance Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form (Excerpt attached in Appendix B), the Decision Maker can decide to approve the proposals subject to meeting a specific condition. The Decision Maker must set a date by which the condition should be met but will be able to modify the date if the proposers confirm, before the date expires, that the condition will be met later than originally thought.
- 3.2.6 The Governing Body of Preston Manor High School published the proposals for the school to provide two form entry (420 places) primary provision. If this proposal is accepted, Preston Manor High School will offer 2FE provision through

yearly progression allowing the Local Authority to meet its statutory obligations to these children and enable them to be placed at this school.

- 3.2.7 The proposals comply with the Government's current agenda for raising standards, innovation and transforming education and in the process meet area and design guidance standards as detailed in Building Bulletin 99, where feasible.
- 3.2.8 In 2009, 69% of pupils at Preston Manor High School attained 5 or more GCSE's (A\*-C) including English and Math. This is higher than the Local Authority average (57.1%) and national average (49.8%).
- 3.2.9 Expansion of Preston Manor High School to provide primary education will increase the choice available to local parents and residents to select an all-through school. Whilst specific requests from parents to this effect have not been collated, the proposals will increase diversity of provision and enable the local authority to meet its statutory duty to provide school places to all resident pupils. As this is an expansion of school places there is no adverse impact to any disadvantaged group.
- 3.2.10 Preston Manor is a popular high performing secondary school; the local authority is confident that sufficient number of applications will be received for the permanent primary provision. All the temporary places have been taken for the two classroom provision sited at Preston Manor for the current academic year to commence from January 2011.
- 3.2.11 The proposals do not require an additional site or playing field. Implementation of the proposals will provide adequate playing space for both the primary and secondary schools. The scheme will also provide S106 enhancement to sport facilities to comply with the Sports England and planning requirements.
- 3.2.12 The accommodation will provide a new two form of entry primary provision offering 420 places for Reception to Year 6 places. The accommodation will include toilet facilities, storage and a multifunction hall and an external learning environment consisting of hard and soft landscaping. The proposed building will be two storey with 14 classrooms of approximately 60 square metres with two further practical learning classrooms and a Library. The multifunction hall is supported with an adjacent small hall which can be opened up to become one large space of approximately 225 square metres; suitable for community uses and a single badminton court. The main hall will be used as the dining area during the normal school day and can be hired locally for community functions.
- 3.2.13 Compliance with BB99 will ensure that the recommended spaces are allowed for in the design; therefore the main hall would be more than suitable for Physical Education in a Primary School. Climbing frames will be provided along the Eastern wall, which will allow the small hall to be in use whilst the main hall is being prepared for lunchtime.
- 3.2.14 The proposed layout provides one main site entrance from Carlton Avenue East. The main visitor entrance provides direct access to the modular classrooms on one side and to the main halls on the other side. Each modular classroom pod will have a separate entrance for the pupils, which will disperse the impact of children arriving all at one time at the one main entrance. Pupils will have cloak hanging space and toilet facilities adjacent to their learning spaces. There will be more

than the minimum requirement (1:20) of toilet spaces within the school. Compliance with BS830 is satisfied by the inclusion of three disabled persons toilet enclosures. Catering will be carried out on site in a fully equipped kitchen. Overall there will be 2217 square metres of new school building on the site.

3.2.15 This new school will enable an enhanced level of the delivery of the curriculum, through the provision of the above mentioned additional classrooms and facilities which are essential in supporting the educational standards for its pupils and staff. In effect it would lead to:

- Provision of a safe and secure environment
- Create a healthy environment - naturally ventilated, good sized classrooms with easy access to outside space, with shelter, for all pupils
- Provision of natural lighting where possible, good orientation of classrooms
- Environmentally friendly and efficient
- Provision of minimal loss of 'down-time' i.e travel to core facilities, toilets, etc.
- Allow a variety of learning experiences - individual, group, class, year group, quiet spaces internal and external
- Provision of playing space
- Opportunity for the community to become involved in the school and support the children's learning
- Classrooms to support easy access to ICT provision

3.2.16 The target of Excellent is being aimed for BREEAM accreditation. The new building will be sited on the North Eastern portion of the High School playing fields. The proposed site is located in a largely unused area of the site. A new substation to be provided by EDF Energy will be included and the existing maintenance access will be upgraded perimeter for emergency vehicle access purposes. The site boundaries will retain much of the existing fencing and the site will be enclosed with new school weld mesh gates. The children's play area is to include a mixture of all-weather surfaces and grassed areas, canopy for outdoor learning. The High school grounds can easily accommodate the statutory minimum sports playing areas, with some area over the recommended minimum. Since there is a limited open space in Brent it has been advised by Sport England that the existing sports provision should be upgraded and in order to compensate for the loss of sports playing space at the school, there will be a new football pitch provided elsewhere in Brent (Eton Grove Park).

3.2.17 Subject to planning application approval, the building works are planned to commence in March/April 2011 which will involve new build works in compliance with Department for Education's design guidelines.

3.2.18 No changes to the SEN provision at the existing secondary part of the school are being proposed. The proposal will comply with the standards, quality and range of educational provision for children with special educational needs in the proposed primary provision. The primary provision will fully meet the requirements of the SEN Code of Practice and the accessibility standards.

### **3.3 Statutory Process**



## Stage One Consultation

- 3.3.1 The governing body of the Preston Manor High School consulted with key interested parties on the alteration proposals. The consultation documents are attached as an appendix to the complete statutory proposals document (Appendix C). Approximately 6000 copies of the consultation document were distributed by email, hand and/or internal/external post. The school also distributed the consultation documents by hand to parents, pupils, staff and other interested parties. Out of the total, 4000 copies were distributed to the local residents through a special leaflet drop as agreed with the residents at the meeting held on 13 October 2010.
- 3.3.2 A consultation meeting with the residents was held at the school on 13 October 2010. Another meeting was held on 20 October 2010 as part of the Wembley Area Consultative Forum, whereby the expansion proposals were included as an agenda item. Invitation for both the meetings had been advertised in the local newspaper.
- 3.3.3 It was further agreed at the residents meeting held on 13 October 2010 that the school would hold another residents' meeting if the governing body of the school decided to publish the statutory notice for the proposals. This meeting was held on 29 November 2010 with the aim of providing those residents who could not attend either of the first two sessions a chance to raise their concerns as well as an opportunity to address previously raised issues. Residents were advised by the school that if their concerns remained unresolved after the meeting, they could submit issues in writing to the Council, which would in turn be reported to the Executive for decision making. The meeting was advertised in the local newspaper, schools and neighbourhood.
- 3.3.4 The Governing body completed the first consultative stage of the statutory process on 25 October 2010 for its proposal to provide two forms of entry (420 primary receptions to Year 6 places) at the north end of the school site with its own dedicated access from Carlton Avenue East. All applicable statutory requirements to consult in relation to these proposals have been complied with.
- 3.3.5 The Governing body received 71 on time responses to the consultation. 37 (52%) consultees support the proposal and 29 (40%) consultees have expressed concerns, whilst 5 (7%) remain undecided.
- 3.3.6 Responses on behalf of the school and Brent Council to the various concerns and objections were provided individually where relevant and were included as an appendix to the published statutory proposals.
- 3.3.7 Following the close of consultation, the school's governing body voted on the next step. Majority voted in favour of publishing the statutory notice and proposals.

## **Publication of Statutory Notice and Representation Period**

- 3.3.8 The governing body of Preston Manor High School with Brent Council support published the Statutory Notice in two local newspapers on 4 November 2010 for altering the school by creating a new two form of entry permanent primary provision from 05 September 2011. Following the progression of the reception

pupils through the primary classes up to Year 6 and moving onto Year 7, the admission number (external intake by the school) for Year 7 would change from 252 to 192 from September 2016.

- 3.3.9 The planning application for the expansion of Newfield Primary School is due to be considered by the Council's Planning Committee at their meeting in February 2011. Hence, the Executive is requested to approve the expansion of Preston Manor High School to provide 2FE primary provision from 05 September 2011, conditional upon the granting of planning permission and in accordance with Regulation 38 (1) (a) of the School Organisation Regulations.
- 3.3.10 A copy of the statutory proposals is attached in Appendix C, which includes a copy of the statutory notice.
- 3.3.11 The statutory notice was followed by a 6 week statutory period (Representation stage) ending on 16 December 2010, during which representations (i.e. objections or comments) could be made. The representation period is the final opportunity for residents and organisations to express their views about the proposal and ensures that they will be taken into account by the Brent Executive when the proposal is determined.

#### **Response received during the Representation Stage:**

- 3.3.12 The complete list of representations received during the 6 week statutory period is listed in Appendix D along with the Council's view on the issues raised. A summary of the key concerns are presented below (where possible the wording from the representation has been used):
- 3.3.13 **Traffic congestion:** the residents are concerned that the permanent expansion scheme would create increased traffic which would lead to congestion, parking problems and disruption to the locals living in the area. Increased traffic adding to the gridlock that already occurs during school times. Cars parked across drives by parents waiting to be picked up children after school.

#### **Council's view:**

- 3.3.14 Traffic surveys are mandatory for planning applications that include an increase of traffic whether it be pedestrian, or vehicular to a site. Transportation assessment has been requested and included in the planning application.
- 3.3.15 The transport assessment noted that Preston Manor High school has reduced car journeys and continues to do so with its green travel plan.
- 3.3.16 The primary school at Preston Manor will be closer to the underground station, and since it has a separate entrance will mitigate any congestion that may occur.
- 3.3.17 The Transport assessment has for example also taken into account the possibility of children from the same family going to both the primary school and the high school which might reduce the numbers of cars.
- 3.3.18 At present, parking is not oversubscribed, meaning that currently cars find a parking space when dropping off children for the High School, and at the time of the survey there was no double parking or abnormal congestion.

- 3.3.19 Parking during peak times, if it coincides with the High School, may cause slight congestion at this time, however it is expected that with implementation of the travel plan, this will be reduced. The travel plan provides detail of schemes that the school can implement to push people on to modes of transport other than car: such as highlighting the nearness of public transport; organising walking escorts; cycle training; providing showers at the school for cyclists; etc.
- 3.3.20 **Delay in planning for school places by the Local Authority:** primary schools were not built when they should have been.

**Council's view:**

- 3.3.21 The Council is under immense pressure to provide primary school places, especially in the lower age groups – Reception and Year 1 classes. According to GLA's projection, the demand for Reception places will continue to steeply rise in the borough over the next three years.
- 3.3.22 The Local Authority has a statutory duty to provide sufficient school places in the borough.
- 3.3.23 According to the government data, the birth rate in England reversed a long period of decline in 2001, and has shown growth in every year since. This growth is not uniform, and in addition to local variation, some areas are seeing changes in demographic and other factors which have resulted in a sharp increase in reception age pupil numbers in 2008, and projections that there will be further cumulative increases for at least the next few years.
- 3.3.24 Most London authorities are facing increased demand for Reception school places and are resorting to provide temporary accommodation where possible. As an example, London Borough of Lewisham has opened 18 Reception classes this year and is still receiving more applications. Similarly, Hounslow has added 345 Reception places of which 6 form of entries are on a temporary basis. Enfield Council has provided 7 additional Reception classes and is planning to deliver 4 additional classes during the current academic year.
- 3.3.25 Like other London Authorities, both land and capital resources are limited in Brent and it is a challenge to find premises for a new primary school within the timeline required to provide the school places in the vicinity of the demand.
- 3.3.26 **Funding:** Under the current Comprehensive Review Programme (CSR) period (2008 -2011) Brent Council was allocated £11.687 million for the Primary Capital Programme. Assuming that none of this money has been used, which is hard to believe, some £3 million pounds has to be found from the Councils coffers. Since Brent Council is always pleading poverty, it would be interesting to know where this money is coming from. There is also the question of ongoing costs such as teachers and administration staffs salaries and general running costs, which for a school must be enormous. Again, in the current economic situation, where Councils are having to cut services, staff etc., where will the money come from. Not by increasing Council Tax we hope.

**Council's view:**

- 3.3.27 The funding for the proposed scheme is from a special government grant Basic Need Safety Valve Fund. Confirmation from DCSF on allocation of the BNSV funding (Brent Council allocated £14,766,000 ) is available at the following link: <http://www.teachernet.gov.uk/docbank/index.cfm?id=14690>
- 3.3.28 Letter dated 30 November 2009 from DCSF: "I am writing to inform you that we are allocating you £14,766,000 of capital grant in response to your application for funding to support the provision of additional permanent primary places by 2011. We have allocated a total of £271 million to 34 authorities. Full details of the allocations are included at the end of this letter."
- This scheme is not being funded from the £11.6m Primary Capital Programme grant received previously, which is being spent on other schemes.
- 3.3.29 The expansion of pupil numbers at the school will result in increased revenue costs for staffing and associated teaching costs. These increased costs will be met from the school's budget which will increase proportionately based on the formulaic allocation from the DFE.
- 3.3.30 **Lack of Local Demand:** It has been established that the shortage of primary school places is not in the immediate vicinity of Preston Manor High School, where there are already newly built primary schools such as Wembley Primary and The Ark, and established schools such as Preston Park Primary and Mount Stewart Primary, but in the Wembley Central and south of the Borough. Surely it makes sense to build a new school where there is most need or to extend existing schools in those areas. Perhaps the libraries, which Brent intends closing, could be used as satellite class rooms.

**Council's view:**

- 3.3.31 Local authorities have a statutory duty to ensure sufficient school places are available to meet local needs.
- 3.3.32 In the local area (HA9 and HA0) of Preston Manor High School (as on 06 October 2010) 72 Reception aged children and 29 Y1 aged children remained without a school place. The number of unplaced children is constantly fluctuating but this situation is worsened by the fact that schools in this area around 6 October 2010 were working to full capacity:
- Wembley Primary which had expanded in 2008 to 4FE had no Reception vacancies.
  - Ark Academy opened its door to primary pupils in September 2008 was full in Reception, Year 1 and Year 2 classes.
  - Wykham Primary School was full and operating a 'Bulge' Reception class consisting of 30 places in the current academic year.
  - Preston Park School took in a 'bulge' Reception class in 2007-08 and 2008-09; however their Governing Body declined to expand the school permanently in 2009-10.
  - Chalkhill Primary School had only 2 vacancies in the Reception class. It is operating at full capacity in Year 1, Year 2, Year 3 and Year 6. The school

had 3 vacancies in Year 4 and 18 Vacancies in Year 5. However, the vacancies in the later years are not correlated to the annual increase in demand for Reception places over the last three years.

3.3.33 The waiting list as on 20 October 2010 for primary places in nearby schools were as follows:

<b>School</b>	<b>Reception</b>	<b>Year 1</b>	<b>Year 2</b>
Preston Park 1	61	11	
Wembley Primary	57	15	7
Chalkhill	2	8	4
Ark Academy	96	16	4

3.3.34 As at 26 October 2010, 634 primary aged pupils remained without a school place, of which, 150 pupils were Reception aged children. The number of unplaced children and vacancies in the system are constantly fluctuating but overall demand is exceeding supply in the lower year groups (reception to Year 2), which is correlated to the pattern of rising demand in the borough, and indeed across London, over the last three years.

3.3.35 According to GLA's projection, the demand for Reception places will continue to steeply rise in the borough over the next three years.

3.3.36 Both land and capital resources are limited and it is a challenge to find premises for a new primary school within the timeline required to provide the school places in the vicinity of the demand.

3.3.37 **Strategy for School Expansion and the impact on standalone primary schools:** Nowhere in the consultation has there been a thorough discussion of the benefits and drawbacks of such all-through schools which will each have a total pupil population of 1,600-2,000 or more. Nor has there been proper consideration of the impact of such provision on nearby 'stand alone' primary schools (in particular, Chalkhill Primary School).

**Council's view:**

A priority list for expansion of school has been drawn based on the following criteria:

- shortage of school places in a local area;
- physical expansion of a school deemed to be feasible;
- availability of funding to expand the school in accordance with the initial feasibility study;
- risk associated with the expansion of the specific schools, likelihood of planning consent;
- expression of interest and/or agreement by the school to expand its capacity on a permanent basis.

- 3.3.38 All applicable statutory requirements to consult in relation to the proposal have been complied with.
- 3.3.39 Authorities are under a duty to provide every school age child with a place, but they are not obliged to provide a place in a particular or nearest school. In the case of pupils aged up to 8 years, 2 miles is the statutory maximum walking distance (3 miles for over 8s). The recommended journey time for primary age pupils is up to 45 minutes, but this is at the local authority's discretion.
- 3.3.40 Primary schools in the borough were specifically requested by the Director of Children and Families to submit expression of interests to expand provision immediately - even where this involved providing places in temporary accommodation – and for the 2010 and 2011 admissions rounds vide Circular 3782: Reception places needed - invitation to Expand on 28 May 2009. A similar request was made in 2007 vide Circular 2614: Strategy to Develop School Places - Invitation to Expand Primary Schools on 06 June 2007. The requirement for primary school places has also been discussed at various meetings and forums. One such meeting was held by the Director of C&F with the Primary Heads on 18 May 2010.
- 3.3.41 In Brent community schools, the distance is measured in a straight line or by the shortest walking route from the front door of the child's home address (including flats) to the main entrance of the school, (using the local authority's computerised measuring system) with those living closer to the school receiving the higher priority.
- 3.3.42 Demand for school places is not restricted to one or two wards. It is spread across Brent. There are many factors which are required to be reviewed e.g. site feasibility, demand for school places, school's willingness to expand.
- 3.3.43 Preston Manor High School is within the demand area for primary places and is deemed suitable for expansion in time for next year's intake, subject to the outcome of the proposal. In many instances parents living near to Preston Manor have to accept places further away due to the mismatch in demand and supply. Preston Manor High School's governing body would be responsible for deciding the admission and oversubscription criteria for the primary provision in accordance with the national recommendation.
- 3.3.44 The authority would like to provide parental choice where ever possible. This would include admissions to Chalkhill primary school and the proposed intake at Preston Manor High School. However, due the significant number of children without a school place, it is essential that sufficient amount of places are provided within the borough in areas of demand and within acceptable travel distances.
- 3.3.45 In the near to medium term, the forecast and applications for admission suggest that the demand for primary school places will continue to increase. The Council will monitor the demand and supply of school places and it will review the forecast periodically to achieve a balance. The growth in demand in turn would even out the risk of standalone primary schools experiencing pupil turnover.
- 3.3.46 It is widely recognised that in terms of very limited funding and lack of new land, Authorities are still required to meet their statutory duty to provide sufficient school places.

3.3.47 **Proposed Entrance:** There are a number of other options for the entrances. Ashley Gardens is currently the entrance to Brent Adult & Community Centre and this could be utilised for the parents, or alternatively the parents could use the current school entrance and a footpath be built from the high school to the primary school without giving locals anymore parking headache.

**Council's view:**

3.3.48 An analysis of all the locations around the school site was undertaken and the location off Carlton Ave East was deemed to be the most effective in terms of location when considering a number of factors including impact on playing fields, parking and other traffic issues, sustainability etc. The primary school at Preston Manor will be closer to the underground station, and since it has a separate entrance will mitigate any congestion that may occur. At present, parking is not oversubscribed, meaning that currently cars find a parking space when dropping off children for the High School, and at the time of the survey there was no double parking or abnormal congestion.

**3.4 Next Steps**

3.4.1 The milestones following a decision by the Executive to determine this proposal to alter Preston Manor High School are set out in the timetable below:

<b>Milestone</b>	<b>Date</b>
Decision on Preston Manor High School expansion from 5 September 2011 through the provision of 420 permanent places (Reception to Year 6), conditional upon planning consent	15 February 2011
Planning Application submitted by	13 December 2010
Planning Committee Approval anticipated by	14 March 2011
Award of contract for building works by	14 March 2011
Reception class with 60 new places commences on	05 September 2011
Year 1 class taking in 60 pupils from the temporary provision at Ashley Gardens Early Learning Centre commences on	05 September 2011

**4 Procurement**

4.1 The Planning Application has been submitted in advance of the Executive approval to this proposal to ensure that the statutory proposal can be implemented on time. However, if the statutory proposal is rejected then the planning application would be withdrawn.

4.2 Consultants have been appointed for this project under both delegated authority and under decision of the Executive on 15<sup>th</sup> November 2010.

4.3 On 15 November 2010, the Executive also agreed to delegate the decision to award contracts from appropriate frameworks to building contractors to the Director of Regeneration and Major Projects in order to minimise further delay in the delivery of this project. The report informed the members that it is not usual

for award decisions to be delegated however it is considered justified in these circumstances where the implementation time is short.

- 4.4 Subsequently, the Council has undertaken a procurement process. The procurement of the contractors has been carried out using The Improvement Efficiency South East Framework (IESE) framework. This framework uses a two stage process for design and build projects. Under this two stage process, those bidding submit bids including indicative costs. The successful contractor under the bidding process is then awarded a pre-construction services contract under which they work on the costs in more detail and carryout some design work. If this work is satisfactory then the provider of the pre-construction services will be awarded the main works contract. The three schools proposed for expansion were put into two lots, lot one Preston Manor High School, and Lot two Brentfield and Newfield Primary Schools. The evaluation for both lots was split into quality 70% and cost plan 30%. The qualitative submission was evaluated by a panel consisting of officers from London Borough of Brent, external technical advisers and representatives from the individual schools. The cost plan submission was evaluated by the technical adviser's quantity surveyor. The whole process was overseen by a senior category manager from London Borough of Brent. The pre-construction services contract for lot one has been awarded to Kier Construction who are now working on the costs for the main works contract. A works contract will then be awarded under the delegation described in paragraph 4.3 above. The new primary school will be handed over to the school in completion.

## **5.0 Financial Implications**

- 5.1 The capital costs of the expansion of Preston Manor High School are currently estimated at approximately £8.57m.
- 5.2 On 15 November 2010, the Executive agreed the sum of £7m to this project from Basic Needs Safety Valve funding totalling £14.76m allocated to the Council in November 2009 to support the provision of additional permanent primary places by 2011. This funding allocation is dependent on pupil numbers in the January 2012 census meeting those forecast for September 2011 and the Department for Education (DFE) have reserved the right to claw back funding where these targets have not been met. As such the allocation must be expended in full by August 2011 in order to achieve these targets.
- 5.3 If there is any subsequent reduction in the grant allocation any shortfall on this scheme's funding will have to be met from elsewhere within the schools capital programme.

The forecast shortfall of £1.57m arising from the difference between the approved Executive allocation of £7.0m and the current estimated cost of the project at £8.57m is proposed to be allocated from the schools capital programme. In the November 2010 Executive report, the sum of £4.34m was identified under the Capital programme for 2011/12 for further investment in other priority school expansion schemes in conjunction with future years capital programme allocations. The forecast shortfall identified for Preston Manor School will be met from this allocation which will reduce the funding available for subsequent priority expansion schemes. The currently forecast additional requirements for the three ongoing proposed expansion projects at Preston Manor High School, Brentfield and Newfield Primary Schools totals £2.68m and will have to be met from the



2011/12 allocation detailed above. There will be a further report to Executive to give full details of the impact of this on the provision of other forecast expansion schemes and further proposed programmes of work.

- 5.4 The expansion of pupil numbers at the school will result in increased revenue costs for staffing and associated teaching costs. These increased costs will be met from the school's budget which will increase proportionately based on the formulaic allocation from the DFE.

## **6.0 Legal implications**

- 6.1 As Preston Manor High School is not a community school, it owns the land making up the school site. The Council is working with the school and seeking legal advice on the pre-existing covenants on Preston Manor High School's playing field. Further information is provided on this matter in Appendix E, which is not for publication.
- 6.2 Two proposals published by the Governing Body of Preston Manor High School are being considered: 1) lowering the age limit of the school and as a result, 2) enlargement of the premises of the school which would increase the physical capacity of the school to provide 2FE primary provision. Both proposals are related to each other and consequently would need to be approved at the same time in accordance with paragraph 35 of Schedule 3 School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 as amended. If either proposal is rejected then the other proposal will not proceed.
- 6.3 The procedure for the alteration of Preston Manor High School is as required by The Education and Inspections Act 2006 and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 as amended. The Governing Body is entitled to make prescribed alterations to Preston Manor High School pursuant to powers granted by The Education and Inspections Act 2006, section 19 and in accordance with Schedule 2 Parts 1 and 4 and Schedule 3 of the Regulations.
- 6.4 The Local Authority has the power to consider and determine proposals published under Section 19 of The Education and Inspections Act 2006, pursuant to Section 21 (2) (f) of the Act and in accordance with Regulation 30 of The School Organisation Regulations 2007 as amended. The Authority has the power under section 21 (2) (e) of the 2006 Act to consider proposals made under section 19 together with related proposals published under section 19 or any other enactment.
- 6.5 Under sections 13 and 14 of The Education Act 1996, as amended by The Education and Inspections Act 2006, a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. LA must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice. To discharge this duty the LA has to undertake a planning function to ensure that the supply of school places balances the demand for them.

- 6.6 The Council's legal officer advises on a) to d) that:
- a) Executive should decide this
  - b) The published notice meet the requirements
  - c) The required statutory consultations have been carried out
  - d) The proposals published in the Statutory Notice on 04 November 2010 are related.
- 6.7 The Brent Executive acting on behalf of the Brent Local Authority is the Decision Maker in accordance with Education and Inspections Act 2006 Section 21 (2) (f) and Schedule 3 paragraph 30 of the Regulations.
- 6.8 The Executive would need to have regard to Guidance issued by the Secretary of State before making a decision upon this proposal. Paragraphs 4.1 to 4.69 of the Guidance Making Changes to a Maintained Mainstream School (Other than Expansion, Foundation, Discontinuance & Establishment Proposals) (Excerpt attached in Appendix A), and b) with paragraphs 4.1 to 4.80 of the Guidance Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form (Excerpt attached in Appendix B) are applicable. A full set of the Guidance forms part of the background papers and is available from the Council's Major Projects and Regeneration Department or at [www.dcsf.gov.uk/schoolorg](http://www.dcsf.gov.uk/schoolorg).
- 6.9 If the LA fail to decide proposals within 2 months of the end of the representation period the LA must forward proposals, and any received representations (i.e. not withdrawn in writing), to the schools adjudicator for decision. They must forward the proposals within one week from the end of the 2 month period.
- 6.10 **Decision Making:**
- 6.11 There are 4 key issues which the Decision Maker should consider before judging the respective factors and merits of the statutory proposals:
- Is any information missing? If so, the Decision Maker should write immediately to the proposer specifying a date by which the information should be provided;
- All necessary information has been provided.**
- Does the published notice comply with statutory requirements?
- The statutory notice and the addendum comply with the statutory requirements. The six week statutory representation period closed on 16 December 2010.**
- Has the statutory consultation been carried out prior to the publication of the notice?
- The consultation has been conducted by the governing body of Preston Manor High School. All applicable statutory requirements to consult in relation to the proposal have been complied with.**
- Are the proposals "related" to other published proposals?
- Two proposals have been published by the Governing Body of**

**Preston Manor High School: 1) lowering the age limit of the school and as a result, 2) enlargement of the premises of the school which would increase the physical capacity of the school. Both proposals would need to be approved simultaneously. If either proposal is rejected then the other proposal will not proceed.**

## **6.12 Types of Decision**

6.13 All decisions must give reasons for the decision, irrespective of whether the proposals were rejected or approved, indicating the main factors/criteria for the decision.

6.14 In considering prescribed alteration proposals, the Decision Maker can decide to:

- reject the proposals;
- approve the proposals;
- approve the proposals with a modification (e.g. the implementation date); or
- approve the proposals subject to them meeting a specific condition.

6.15 The following bodies may appeal against an LA decision:

- The local Church of England diocese;
- The Bishop of the local Roman Catholic diocese;
- the Young People's Learning Agency (previously the LSC) where the school provides education for pupils aged 14 and over; and
- The governing body of the Community School that is proposed for expansion.

6.16 Any appeals must be submitted to the LA within 4 weeks of the notification of the LA decision. On receipt of an appeal the LA must then send the proposals and the comments and objections received, to the schools adjudicator within 1 week of receipt of the appeal. The LA should also send a copy of the minutes of the LA's meeting or other record of the decision and any relevant papers. Where the proposals are "related" to other proposals, all the "related" proposals must also be sent to the schools adjudicator.

6.17 Legal Services has also been involved in the procurement described in section 4 above and will be involved in formalising the works contract to ensure that it complies with standing orders and allocates risk to the contractor as appropriate to protect the Council's interest. A Works contract of the value outlined in section 4 is a High Value contract under the Council's Contract Standing Orders and needs to be tendered under the EU public procurement regime. Here the use of an IESE framework means that a further EU tender is not required, and furthermore the delegation by the November Executive means that the Executive is not required to award the works contract.

## **7 Diversity Implications**

7.1 In 2008, the Council consulted widely on schools strategy in Brent, receiving over 800 responses. Brent residents were in favour of the Council's strategy for school places and believed that the LA should play a major role in managing and running

schools (89% agree). Parent groups were the next most frequently identified (73% agree). Only around four in ten participants felt that charities (38%), faith groups (37%) or private sponsors (36%) should have such involvement in Brent schools.

- 7.2 Ensuring equal access to school places in Brent - over two thirds of participants did not feel they were disadvantaged in obtaining a school place for their children due to any of the main diversity strands. Over, 90% did not feel they were disadvantaged due to their gender. This was also true for 85% of participants in relation to disability; 77% in relation to ethnicity; and 66% in relation to their faith.
- 7.3 The school proposed for expansion has a diverse ethnic representation of children. Expanding Preston Manor High School would enable the Council to provide additional new places required for Brent's growing pupil population.
- 7.4 The expansion will improve choice and diversity. The impact on Equalities will be kept under review and reported to the members on a regular basis.
- 7.5 An Equalities Impact Assessment has been completed and is currently being reviewed by the Council's Diversity Team. The Executive will be informed of any concerns raised by the team at the meeting.

## **8 Staffing Issues**

- 8.1 With the expansion of pupil numbers there is likely to be an expansion of posts rather than a reduction. The costs relating to the need to provide for additional pupils will be covered by the schools' budgets.
- 8.2 There are no implications for the immediate purpose of this report.

## **9 Background Papers**

Guidance Making Changes to a Maintained Mainstream School (Other than Expansion, Foundation, Discontinuance & Establishment Proposals)

Guidance Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form

Statutory Proposal Files

Confirmation from DCSF on allocation of the BNSV funding (Brent Council allocated £14,766,000 ) is available at the following link:

<http://www.teachernet.gov.uk/docbank/index.cfm?id=14690>

Research Study - A Good School Places for Every Child in Brent, 2008

<http://intranet.brent.gov.uk/consultation.nsf/0/38c39cab7915e95c802573b8003feb74?OpenDocument>

## **10 Appendices**

Appendix A – Excerpt from the Guidance Making Changes to a Maintained Mainstream School (Other than Expansion, Foundation, Discontinuance & Establishment Proposals) (complete guidance document available from Property & Asset Management Service or at [www.dcsf.gov.uk/schoolorg](http://www.dcsf.gov.uk/schoolorg)).

Appendix B – Excerpt from the Guidance Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form (complete guidance document

available from Property & Asset Management Service or at  
[www.dcsf.gov.uk/schoolorg](http://www.dcsf.gov.uk/schoolorg)).

Appendix C – Complete statutory proposals document

Appendix D – List of Representations

Appendix E – Not for Publication

Appendix F – Location Map

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## **Making Changes to a Maintained Mainstream School (Other than Expansion, Foundation, Discontinuance & Establishment Proposals) - EXCERPT FROM A GUIDE FOR LOCAL AUTHORITIES AND GOVERNING BODIES**

[References throughout this document to the LSC only apply up to April 2010. The ASCL Act 2009 will transfer the responsibilities of the LSC in respect of 16-19 education and training to LAs, supported by the Young People's Learning Agency.]

### **Stage 4 – Decision (Paragraphs 4.1-4.69)**

#### **Who Will Decide the Proposals? (Paragraphs 4.1-4.4)**

4.1 Decisions on school organisation proposals are taken by the LA or by the schools adjudicator. In this chapter both are covered by the form of words “Decision Maker” which applies equally to both.

4.2 Section 21 of EIA 2006 provides for regulations to set out who **must** decide proposals for any prescribed alterations. The Regulations make detailed provision for the consideration of prescribed alteration proposals (see in particular Schedules 3 and 5). Decisions on the prescribed alterations covered in this guide will be taken by the LA with some rights of appeal to the schools adjudicator. Only if the prescribed alteration proposals are “related” to other proposals that fall to be decided by the schools adjudicator, will the LA not be the decision maker in the first instance.

4.3 If the LA fail to decide proposals within 2 months of the end of the representation period the LA **must** forward proposals, and any received representations (i.e. not withdrawn in writing), to the schools adjudicator for decision. They **must** forward the proposals within one week from the end of the 2 month period.

4.4 The Department does not prescribe the process by which an LA carries out their decision-making function (e.g. full Cabinet or delegation to Cabinet member or officials). This is a matter for the LA to determine but the requirement to have regard to statutory guidance (see paragraph 4.15 below) applies equally to the body or individual that takes the decision.

#### **Who Can Appeal Against an LA Decision? (Paragraphs 4.5-4.6)**

4.5 The following bodies may appeal against an LA decision on prescribed alteration proposals:

the local Church of England diocese;

the bishop of the local Roman Catholic diocese;

the LSC where the school provides education for pupils aged 14 and over; and

the governors and trustees of a foundation (including Trust) or voluntary school that is subject to the proposals.

4.6 Any appeals **must** be submitted to the LA within 4 weeks of the notification of the LA’s decision. On receipt of an appeal the LA **must** then send the proposals, and the representations received (together with any comments made on these representations by the proposers), to the schools adjudicator within 1 week of the receipt of the appeal. The LA **should** also send a copy of the minutes of the LA’s meeting or other record of the decision and any relevant papers. Where the proposals

are “related” to other proposals, all the “related” proposals **must** also be sent to the schools adjudicator.

#### **Checks on Receipt of Statutory Proposals (Paragraph 4.7)**

4.7 There are 4 key issues which the Decision Maker **should** consider before judging the respective factors and merits of the statutory proposals:

- Is any information missing? If so, the Decision Maker **should** write immediately to the proposer specifying a date by which the information **should** be provided;
- Does the published notice comply with statutory requirements? (see paragraph 4.8 below);
- Has the statutory consultation been carried out prior to the publication of the notice? (see paragraph 4.9 below);
- Are the proposals “related” to other published proposals? (see paragraphs 4.10 to 4.14 below).

#### **Does the Published Notice Comply with Statutory Requirements? (Paragraph 4.8)**

4.8 The Decision Maker **should** consider whether the notice is valid as soon as a copy is received. Where a published notice does not comply with statutory requirements - as set out in the Regulations - it may be judged invalid and the Decision Maker **should** consider whether they can decide the proposals.

#### **Has the Statutory Consultation Been Carried Out Prior to the Publication of the Notice? (Paragraph 4.9)**

4.9 Details of the consultation **must** be included in the proposals. The Decision Maker **should** be satisfied that the consultation meets statutory requirements (see Stage 1 paragraphs 1.2–1.4). If some parties submit objections on the basis that consultation was not adequate, the Decision Maker may wish to take legal advice on the points raised. If the requirements have not been met, the Decision Maker may judge the proposals to be invalid and needs to consider whether they can decide the proposals. Alternatively the Decision Maker may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposals as a whole.

#### **Are the Proposals Related to Other Published Proposals? (Paragraphs 4.10-4.14)**

4.10 Paragraph 35 of Schedule 3, and Paragraph 35 of Schedule 5, to the Regulations provides that any proposals that are “related” to particular proposals (e.g. for a new school; school closure; prescribed alterations to existing schools i.e. change of age range, acquisition of a Trust, addition of boarding, etc; or proposals by the LSC to deal with inadequate 16-19 provision) **must** be considered together. This does not include proposals that fall outside of the Regulations e.g. removal of a Trust, opening of an Academy, federation proposals. Paragraphs 4.11-4.14 provide statutory guidance on whether proposals **should** be regarded as “related”.

4.11 Generally, proposals **should** be regarded as “related” if they are included on the same notice (unless the notice makes it clear that the proposals are not “related”). Proposals **should** be regarded as “related” if the notice makes a reference to a link to other proposals (published under School Organisation and Trust regulations). If the statutory notices do not confirm a link, but it is clear that a decision on one of the proposals would be likely to directly affect the outcome or consideration of the other, the proposals **should** be regarded as “related”.



4.12 Where proposals are “related”, the decisions **should** be compatible e.g. if one set of proposals is for the removal of provision, and another is for the establishment or enlargement of provision for displaced pupils, both **should** be approved or rejected.

4.13 Where proposals for an expansion of a school are “related” to proposals published by the local LSC<sup>1</sup> which are to be decided by the Secretary of State, the Decision Maker **must** defer taking a decision until the Secretary of State has taken a decision on the LSC proposals. This applies where the proposals before the Decision Maker concern:

the school that is the subject of the LSC proposals;

any other secondary school, maintained by the same LA that maintains a school that is the subject of the LSC proposals; or

any other secondary school in the same LA area as any FE college which is the subject of the LSC proposals.

4.14 The proposals will be regarded as “related” if their implementation would prevent or undermine effective implementation of the LSC proposals.

### **Statutory Guidance – Factors to be Considered by Decision Makers (Paragraphs 4.15-4.16)**

4.15 Regulation 8 of The Regulations provides that both the LA and schools adjudicator **must** have regard to guidance issued by the Secretary of State when they take a decision on proposals. Paragraphs 4.16 to 4.60 below contain the statutory guidance.

4.16 The following factors **should not** be taken to be exhaustive. Their importance will vary, depending on the type and circumstances of the proposals. All proposals **should** be considered on their individual merits.

## **EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT**

### **A System Shaped by Parents (Paragraphs 4.17-4.18)**

4.17 The Government's aim, as set out in the Five Year Strategy for Education and Learners and the Schools White Paper Higher Standards, Better Schools For All, is to create a schools system shaped by parents which delivers excellence and equity. In particular, the Government wishes to see a dynamic system in which:

weak schools that need to be closed are closed quickly and replaced by new ones where necessary; and

the best schools are able to expand and spread their ethos and success.

4.18 The EIA 2006 amends the Education Act 1996 to place duties on LAs to secure diversity in the provision of schools and to increase opportunities for parental choice when planning the provision of schools in their areas. In addition, LAs are under a specific duty to respond to representations from parents about the provision of schools,

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<sup>1</sup> References throughout this document to the LSC only apply up to April 2010. The Apprenticeships, Skills, Children and Learning Act (ASCL) Act 2009 will transfer the responsibilities of the LSC in respect of 16-19 education and training to LAs, supported by the Young People's Learning Agency. This guidance will be revised by April 2010 to take account of these changes.

including requests to establish new schools or make changes to existing schools. The Government's aim is to secure a more diverse and dynamic schools system which is shaped by parents. The Decision Maker **should** take into account the extent to which the proposals are consistent with the new duties on LAs.

### **Standards (Paragraphs 4.19-4.20)**

4.19 The Government wishes to encourage changes to local school provision which will boost standards and opportunities for young people, whilst matching school place supply as closely as possible to pupils' and parents' needs and wishes.

4.20 Decision Makers **should** be satisfied that proposals for prescribed alterations will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They **should** pay particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

### **Diversity (Paragraphs 4.21-4.23)**

4.21 Decision Makers **should** be satisfied that when proposals lead to children (who attend provision recognised by the LA as being reserved for pupils with special educational needs) being displaced, any alternative provision will meet the statutory SEN improvement test (see paragraphs 4.55 - 4.59).

4.22 The Government's aim is to transform our school system so that every child receives an excellent education – whatever their background and wherever they live. A vital part of the Government's vision is to create a more diverse school system offering excellence and choice, where each school has a strong ethos and sense of mission and acts as a centre of excellence or specialist provision.

4.23 Decision Makers **should** consider how proposals will contribute to local diversity. They **should** consider the range of schools in the relevant area of the LA and whether the alteration to the school will meet the aspirations of parents, help raise local standards and narrow attainment gaps.

### **Every Child Matters (Paragraph 4.24-4.25)**

4.24 The Decision Maker **should** consider how proposals will help every child and young person achieve their potential in accordance with "Every Child Matters" principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being.

4.25 This **should** include considering how the school will provide a wide range of extended services, opportunities for personal development, access to academic and applied learning training, measures to address barriers to participation and support for children and young people with particular needs, e.g. looked after children or children with special educational needs (SEN) and disabilities.

## **SCHOOL CHARACTERISTICS**

### **Boarding Provision (Paragraphs 4.26-4.29)**

4.26 In making a decision on proposals that make changes to boarding provision, the Decision Maker **should** consider whether or not there would be a detrimental effect on the sustainability of boarding at another state maintained boarding school within one hour's travelling distance of the proposed school.

4.27 In making a decision on proposals to introduce new boarding places the

Decision Maker **should** consider:-

- a. the extent to which boarding places are over subscribed at any state maintained boarding school within an hour's travelling distance of the school;
- b. the extent to which the accommodation at the school can provide the new boarding places;
- c. the extent to which the expansion of boarding places will help placements of pupils with an identified boarding need; and
- d. the impact of the expansion on a state maintained boarding school within one hour's travelling distance from the school which may be undersubscribed.

4.28 In making a decision on proposals to remove boarding provision, the Decision Maker **should** consider whether there is a state maintained boarding school within one hour's travelling distance from the school. The Decision Maker **should** consider whether there are satisfactory alternative boarding arrangements for those currently in the school and those who may need boarding places in the foreseeable future, including the children of service families.

4.29 In making a decision on proposals for expansion of boarding places the Decision Maker **should** consider:-

- a. the extent to which boarding places are over subscribed at the school and any state maintained boarding school within an hour's travelling distance of the school at which the expansion is proposed;
- b. the extent to which the accommodation at the school can provide additional boarding places;
- c. any recommendations made in the previous CSCI/Ofsted reports which would suggest that existing boarding provision in the school failed significantly to meet the National Minimum Standards for Boarding Schools;
- d. the extent to which the school has made appropriate provision to admit other categories of pupils other than those for which it currently caters (e.g. taking pupils of the opposite sex or sixth formers) if they form part of the expansion;
- e. any impact of the expansion on the continuity of education of boarders currently in the school;
- f. the extent to which the expansion of boarding places will help placements of pupils with an identified boarding need; and
- g. the impact of the expansion on a state maintained boarding school within one hour's travelling distance from the school which may be undersubscribed.

#### **Equal Opportunity Issues (Paragraph 4.30)**

1. 4.30 The Decision Maker **should** consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there needs to be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

#### **NEED FOR PLACES**

### **Provision for Displaced Pupils (Paragraph 4.31)**

4.31 Where proposals will remove provision, the Decision Maker **should** be satisfied that there is sufficient capacity to accommodate displaced pupils in the area, taking into account the overall supply and likely future demand for places. The Decision Maker **should** consider the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for those schools.

### **Creating Additional Places (Paragraphs 4.32-4.34)**

4.32 Where proposals will increase provision, the Decision Maker **should** consider whether there is a need for the expansion and **should** consider the evidence presented for the expansion such as planned housing development or demand for provision. The Decision Maker **should** take into account not only the existence of spare capacity in neighbouring schools, but also the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for places in the school proposed for expansion. The existence of surplus capacity in neighbouring less popular or successful schools **should not** in itself prevent the addition of new places.

4.33 Where the school has a religious character, or follows a particular philosophy, the Decision Maker **should** be satisfied that there is satisfactory evidence of sufficient demand for places for the expanded school to be sustainable.

4.34 Where proposals will add to surplus capacity but there is a strong case for approval on parental preference and standards grounds, the presumption **should** be for approval. The LA in these cases will need to consider parallel action to remove the surplus capacity thereby created.

### **Travel and Accessibility for All (Paragraphs 4.35-4.36)**

4.35 In considering proposals for the reorganisation of schools, Decision Makers **should** satisfy themselves that accessibility planning has been properly taken into account. Facilities are to be accessible by those concerned, by being located close to those who will use them, and the proposed changes **should not** adversely impact on disadvantaged groups.

4.36 In deciding statutory proposals, the Decision Maker **should** bear in mind that proposals **should not** have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. The EIA 2006 provides extended free transport rights for low income groups – see Home to School Travel and Transport Guidance re 00373 – 2007BKT-EN at [www.teachernet.gov.uk/publications](http://www.teachernet.gov.uk/publications). Proposals **should** also be considered on the basis of how they will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

### **16-19 Provision (Paragraphs 4.37-4.39)**

4.37 The pattern of 16-19 provision differs across the country. Many different configurations of school and college provision deliver effective 14-19 education and training. An effective 14-19 organisation has a number of key features:

- standards and quality: the provision available **should** be of a high standard – as demonstrated by high levels of achievement and good completion rates;
- progression: there **should** be good progression routes for all learners in the area, so that every young person has a choice of the full range of

options within the 14-19 entitlement, with institutions collaborating as necessary to make this offer. All routes **should** make provision for the pastoral, management and learning needs of the 14-19 age group;

- participation: there are high levels of participation in the local area; and,
- learner satisfaction: young people consider that there is provision for their varied needs, aspirations and aptitudes in a range of settings across the area.

4.38 Where standards and participation rates are variable, or where there is little choice, meaning that opportunity at 16 relies on where a young person went to school, the case for reorganisation, or allowing high quality providers to expand, is strong.

4.39 Where standards and participation rates are consistently high, collaboration is strong and learners express satisfaction that they have sufficient choice, the case for a different pattern of provision is less strong. The Decision Maker therefore will need to take account of the pattern of 16-19 provision in the area and the implications of approving new provision.

#### **Conflicting Sixth Form Reorganisation Proposals (Paragraph 4.40)**

4.40 Where the implementation of reorganisation proposals by the LSC<sup>2</sup> conflict with other published proposals put to the Decision Maker for decision, the Decision Maker is prevented (by the School Organisation Proposals by the LSC for England Regulations 2003) from making a decision on the “related” proposals until the Secretary of State has decided the LSC proposals (see paragraphs 4.13 to 4.14 above).

#### **LSC<sup>4</sup> Proposals to Remove Inadequate School Sixth Forms (Paragraph 4.41)**

4.41 The Learning and Skills Act 2000 (as amended by the Education Act 2005) gives the LSC powers to propose the closure of a school sixth form which has been judged to require Significant Improvement in two consecutive Ofsted inspections. Where a school sixth form is proposed for closure in such circumstances there **should** be a presumption to approve the proposals, subject to evidence being provided that the development will have a positive impact on standards.

### **SCHOOL CATEGORY CHANGES**

#### **Change school category to VA (Paragraph 4.42)**

4.42 If a school proposes to change category to voluntary aided, the Decision Maker **must** be satisfied that the governing body are able and willing to meet their financial responsibilities for building work. The Decision Maker may wish to consider whether the governing body has access to sufficient funds to enable it to meet 10% of its overall liabilities for at least 5 years from the date of implementation, taking into account anticipated building projects.

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<sup>2</sup> References throughout this document to the LSC only apply up to April 2010. The ASCL Act 2009 will transfer the responsibilities of the LSC in respect of 16-19 education and training to LAs, supported by the Young People's Learning Agency. This guidance will be revised by April 2010 to take account of these changes.

## FUNDING AND LAND

### Capital (Paragraphs 4.43-4.45)

4.43 The Decision Maker **should** be satisfied that any land, premises or capital required to implement the proposals will be available. Normally, this will be some form of written confirmation from the source of funding on which the promoters rely (e.g. the LA, DCSF, or LSC). In the case of an LA, this **should** be from an authorised person within the LA, and provide detailed information on the funding, provision of land and premises etc.

4.44 Where proposers are relying on DCSF as a source of capital funding, there can be no assumption that the approval of proposals will trigger the release of capital funds from the Department, unless the Department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposals **should** be rejected, or consideration of them deferred until it is clear that the capital necessary to implement the proposals will be provided.

4.45 Proposals **should not** be approved conditionally upon funding being made available, subject to the following specific exceptions: For proposals being funded under the Private Finance Initiative (PFI) or through the BSF programme, the Decision Maker **should** be satisfied that funding has been agreed 'in principle', but the proposals **should** be approved conditionally on the entering into of the necessary agreements and the release of funding. A conditional approval will protect proposers so that they are not under a statutory duty to implement the proposals until the relevant contracts have been signed and/or funding is finally released.

### Capital Receipts (Paragraphs 4.46-4.48)

4.46 Where the implementation of proposals may depend on capital receipts from the disposal of land used for the purposes of a school (i.e. including one proposed for closure in "related" proposals) the Decision Maker **should** confirm whether consent to the disposal of land is required, or an agreement is needed, for disposal of the land. Current requirements are:

- a. Community Schools – the Secretary of State's consent is required under paragraph 2 of Schedule 35A to the Education Act 1996 and, in the case of playing field land, under section 77 of the Schools Standards and Framework Act 1998 (SSFA 1998). (Details are given in DfES Guidance 1017-2004 "The Protection of School Playing Fields and Land for Academies" published in November 2004) - <http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=spectrum&ProductId=DfE-1017-2004&>.
- b. Foundation (including Trust) and Voluntary Schools:
  - i. playing field land – the governing body, foundation body or trustees will require the Secretary of State's consent, under section 77 of the SSFA 1998, to dispose, or change the use of any playing field land that has been acquired and/or enhanced at public expense.
  - ii. non-playing field land or school buildings – the governing body, foundation body or trustees no longer require the Secretary of State's consent to dispose of surplus non-playing field land or school buildings which have been acquired or enhanced in value by public funding. They will be required to notify the LA and seek local agreement of their proposals. Where there is no local agreement, the matter **should** be referred to the School Adjudicator to determine. (Details of the new

arrangements can be found in the Department's guidance "The Transfer and Disposal of School Land in England: A General Guide for Schools, Local Authorities and the Adjudicator" - [http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=spectrum&ProductId=DfE-1017-2004&](http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=spectrum&ProductId=DfE-1017-2004& ) ).

4.47 Where prescribed alteration proposals are dependent upon capital receipts of a discontinuing foundation or voluntary school the governing body is required to apply to the Secretary of State to exercise his various powers in respect of land held by them for the purposes of the school. Normally he would direct that the land be returned to the LA but he could direct that the land be transferred to the governing body of another maintained school (or the temporary governing body of a new school). Where the governing body fails to make such an application to the Secretary of State, and the school subsequently closes, all land held by them for the purposes of the discontinued school will, on dissolution of the governing body, transfer to the LA unless the Secretary of State has directed otherwise before the date of dissolution.

4.48 Where consent to the disposal of land is required, but has not been obtained, the Decision Maker **should** consider issuing a conditional approval for the statutory proposals so that the proposals gain full approval automatically when consent to the disposal is obtained (see paragraph 4.63).

#### **New Site or Playing Fields (Paragraph 4.49)**

4.49 Proposals dependent on the acquisition of an additional site or playing field may not receive full approval but **should** be approved conditionally upon the acquisition of a site or playing field.

#### **Land Tenure Arrangements (Paragraph 4.50)**

4.50 For the expansion of voluntary or foundation schools it is desirable that a trust, or the governing body if there is no foundation, holds the freehold interest in any additional site that is required for the expansion. Where the trustees of the voluntary or foundation school hold, or will hold, a leasehold interest in the additional site, the Decision Maker will need to be assured that the arrangements provide sufficient security for the school. In particular the leasehold interest **should** be for a substantial period – normally at least 50 years – and avoid clauses which would allow the leaseholder to evict the school before the termination of the lease. The Decision Maker **should** also be satisfied that a lease does not contain provisions which would obstruct the governing body or the headteacher in the exercise of their functions under the Education Acts, or place indirect pressures upon the funding bodies.

#### **School Playing Fields (Paragraphs 4.51-4.52)**

4.51 The Education (School Premises) Regulations 1999 set out the standards for school premises, including minimum areas of team game playing fields to which schools **should** have access. The Decision Maker will need to be satisfied that either:

- a. the premises will meet minimum requirements of The Education (School Premises) Regulations 1999; or
- b. if the premises do not meet those requirements, the proposers have secured the Secretary of State's agreement in principle to grant a relaxation.

4.52 Where the Secretary of State has given 'in principle' agreement as at paragraph 4.46(b) above, the Decision Maker **should** consider issuing conditional approval so that when the Secretary of State gives his agreement, the proposals will automatically gain full approval.

## SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION

### Initial Considerations (Paragraphs 4.53-4.54)

4.53 SEN provision, in the context of School Organisation legislation and this guidance, is provision recognised by the LA as specifically reserved for pupils with special educational needs. When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change, LAs **should** aim for a flexible range of provision and support that can respond to the special educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories of provision according to special educational need or disability. There are a number of initial considerations for LAs to take account of in relation to proposals for change. They **should** ensure that local proposals:

- a. take account of parental preferences for particular styles of provision or education settings;
- b. offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise ) and regional and sub-regional provision; out of LA day and residential special provision;
- c. are consistent with the LA's Children and Young People's Plan;
- d. take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, including the National Curriculum, within a learning environment in which children can be healthy and stay safe;
- e. support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people;
- f. provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community;
- g. ensure appropriate provision for 14-19 year-olds, taking account of the role of local LSC funded institutions and their admissions policies; and
- h. ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs will require amendment and all parental rights **must** be ensured. Other interested partners, such as the Health Authority **should** be involved.

4.54 Taking account of the considerations, as set out above, will provide assurance to local communities, children and parents that any reorganisation of SEN provision in their area is designed to improve on existing arrangements and enable all children to achieve the five Every Child Matters outcomes.

### The Special Educational Needs Improvement Test (Paragraph 4.55)

4.55 When considering any reorganisation of provision that would be recognised by the LA as reserved for pupils with special educational needs, including that which might lead to some children being displaced through closures or alterations, LAs, and all other proposers for new schools or new provision, will need to demonstrate to parents, the local community and Decision Makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational



provision for children with special educational needs. All consultation documents and reorganisation plans that LAs publish and all relevant documentation LAs and other proposers submit to Decision Makers **should** show how the key factors set out in paragraphs 4.59 to 4.62 below have been taken into account by applying the SEN improvement test. Proposals which do not credibly meet these requirements **should not** be approved and Decision Makers **should** take proper account of parental or independent representations which question the LA's own assessment in this regard.

### **Key Factors (Paragraphs 4.56-4.59)**

4.56 When LAs are planning changes to their existing SEN provision, and in order to meet the requirement to demonstrate likely improvements in provision, they **should**:

- a. identify the details of the specific educational benefits that will flow from the proposals in terms of:
  - i. improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy;
  - ii. improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
  - iii. improved access to suitable accommodation; and
  - iv. improved supply of suitable places.
- b. LAs **should** also:
  - i. obtain a written statement that offers the opportunity for all providers of existing and proposed provision to set out their views on the changing pattern of provision seeking agreement where possible;
  - ii. clearly state arrangements for alternative provision. A 'hope' or 'intention' to find places elsewhere is not acceptable. Wherever possible, the host or alternative schools **should** confirm in writing that they are willing to receive pupils, and have or will have all the facilities necessary to provide an appropriate curriculum;
  - iii. specify the transport arrangements that will support appropriate access to the premises by reference to the LA's transport policy for SEN and disabled children; and
  - iv. specify how the proposals will be funded and the planned staffing arrangements that will be put in place.

4.57 It is to be noted that any pupils displaced as a result of the closure of a BESD school (difficulties with behavioural, emotional and social development) **should not** be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need. PRUs are intended primarily for pupils who have been excluded, although LAs can and do use PRU provision for pupils out of school for other reasons such as illness and teenage pregnancies. There may of course be pupils who have statements identifying that they have BESD who have been placed appropriately in a PRU because they have been excluded; in such cases the statement **must** be amended to name the PRU, but PRUs **should not** be seen as an alternative long-term provision to special schools.

4.58 The requirement to demonstrate improvements and identify the specific educational benefits that flow from proposals for new or altered provision as set out in the

key factors are for all those who bring forward proposals for new special schools or for special provision in mainstream schools including governors of foundation schools and foundation special schools. The proposer needs to consider all the factors listed above.

4.59 Decision Makers will need to be satisfied that the evidence with which they are provided shows that LAs and/or other proposers have taken account of the initial considerations and all the key factors in their planning and commissioning in order to meet the requirement to demonstrate that the reorganisation or new provision is likely to result in improvements to SEN provision.

## **OTHER ISSUES**

### **Views of Interested Parties (Paragraph 4.60)**

4.60 The Decision Maker **should** consider the views of all those affected by the proposals or who have an interest in them including: pupils; families of pupils; staff; other schools and colleges; local residents; diocesan bodies and other providers; LAs; the LSC (where proposals affect 14-19 provision) and the Early Years Development and Childcare Partnership if one exists, or any local partnership or group that exists in place of an EYDCP (where proposals affect early years and/or childcare provision). This includes statutory objections and comments submitted during the representation period. The Decision Maker **should not** simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead the Decision Maker **should** give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals.

### **Types of Decision (Paragraph 4.61)**

4.61 In considering prescribed alteration proposals, the Decision Maker can decide to:

reject the proposals;

approve the proposals;

approve the proposals with a modification (e.g. the implementation date); or

approve the proposals subject to them meeting a specific condition (see paragraph 4.64).

### **Conditional Approval (Paragraphs 4.62-4.63)**

4.62 The regulations provide for a conditional approval to be given where the Decision Maker is otherwise satisfied that the proposals can be approved, and approval can automatically follow an outstanding event. Conditional approval can only be granted in the limited circumstances specified in the regulations i.e. as follows:

- a. the grant of planning permission under Part 3 of the Town and Country Planning Act 1990;
- b. the acquisition of the site required for the implementation of the proposals;
- c. the acquisition of playing fields required for the implementation of the proposals;
- d. the securing of any necessary access to a site referred to in sub-paragraph (b) or playing fields referred to in sub-paragraph (c);
- e. the private finance credit approval given by the DCSF following the entering into a private finance contract by an LA;

- f. the entering into an agreement for any necessary building project supported by the DCSF in connection with the BSF programme;
- g. the agreement to any change to the admission arrangements specified in the approval, relating to the school or any other school or schools (*this allows the approval of proposals to enlarge the premises of a school to be conditional on the decision of adjudicators to approve any related change in admission numbers*);
- h. the making of any scheme relating to any charity connected with the school;
- i. the formation of any federation (within the meaning of section 24(2) of the 2002 Act) of which it is intended that the proposed school should form part, or the fulfilling of any other condition relating to the school forming part of a federation;
- j. the Secretary of State giving approval under regulation 5(4) of the Education (Foundation Body) (England) Regulations 2000 to a proposal that a foundation body must be established and that the school must form part of a group for which a foundation must act;
- k. the Secretary of State making a declaration under regulation 22(3) of the Education (Foundation Body) (England) Regulations 2000 that the school should form part of a group for which a foundation body acts;
- ka. where the proposals are to alter the upper age limit of the school, the decision of the Secretary of State to establish a new FE college under s16 of the Further and Higher Education Act 1992;
- l. where the proposals in question depend upon any of the events specified in paragraphs (a) to (ka) occurring by a specified date in relation to proposals relating to any other school or proposed school, the occurrence of such an event; and
- m. where proposals are related to proposals for the establishment of new schools or discontinuance of schools, and those proposals depend on the occurrence of events specified in regulation 20 of the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007(3) the occurrence of such an event.

4.63 The Decision Maker **must** set a date by which the condition **must** be met, but will be able to modify the date if the proposers confirm (preferably before the date expires), that the condition will be met later than originally thought. The condition-to-be-met-by date **must** be before the proposed implementation date of the proposal (which can also be modified if necessary). Therefore care **should** be taken when setting condition-to-be-met-by dates, particularly if proposals are “related” e.g. if a school is proposed to add a sixth form on 1<sup>st</sup> September one year, and enlarge on 1<sup>st</sup> September the following year, and the enlargement requires planning permission, the condition set **must** be met before the addition of a sixth form can be implemented (the earlier proposal). This is because as “related” proposals, they **should** both have the same decision, which in this case, would have been approval conditional upon planning permission being met. The proposer **should** inform the Decision Maker and the Department (SOCU, DCSF, Mowden Hall, Darlington DL3 9BG or by email to [school.organisation@dcsf.gsi.gov.uk](mailto:school.organisation@dcsf.gsi.gov.uk)) of the date when a condition is modified or met in order for the Department’s records, and those of Edubase to be kept up to date. If a condition is not met by the date specified, the proposals **must** be referred back to the Decision Maker for fresh consideration.

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(<sup>3</sup>) S.I. 2007/1288.

## **Decisions (Paragraphs 4.64-4.66)**

4.64 All decisions **must** give reasons for the decision, irrespective of whether the proposals were rejected or approved, indicating the main factors/criteria for the decision.

4.65 A copy of all decisions **must** be forwarded to:

the LA or governing body who published the proposals;

the trustees of the school (if any);

the Secretary of State (via the School Organisation & Competitions Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by email to [school.organisation@dcsf.gsi.gov.uk](mailto:school.organisation@dcsf.gsi.gov.uk));

where the school includes provision for 14-16 education or sixth form education, the LSC;

the local CofE diocese;

the bishop of the RC diocese;

each objector except where a petition has been received. Where a petition is received a decision letter **must** be sent to the person who submitted the petition, or where this is unknown, the signatory whose name appears first on the petition; and

where the school is a special school, the relevant primary care trust an NHS trust or NHS foundation trust.

4.66 In addition, where proposals are decided by the LA, a copy of the decision **must** be sent to the Office of the Schools Adjudicator, Mowden Hall, Darlington DL3 9BG. Where proposals are decided by the schools adjudicator, a copy of the decision **must** be sent to the LA that it is proposed should maintain the school.

## **Can proposals be withdrawn? (Paragraph 4.67)**

4.67 Proposals can be withdrawn at any point before a decision is taken. Written notice **must** be given to the LA, or governing body, if the proposals were published by the LA. Written notice **must** also be sent to the schools adjudicator (if proposals have been sent to him) and the Secretary of State – i.e. via the School Organisation & Competitions Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by email to [school.organisation@dcsf.gsi.gov.uk](mailto:school.organisation@dcsf.gsi.gov.uk) . Written notice **must** also be placed at the main entrance to the school, or all the entrances if there are more than one.

## PROPOSALS FOR PRESCRIBED ALTERATIONS OTHER THAN FOUNDATION PROPOSALS: Information to be included in a complete proposal

### **Extract of Part 1 of Schedule 3 and ~~Part 1 of Schedule 5~~ to The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended):**

#### **In respect of a Governing Body Proposal: School and governing body's details**

1. The name, address and category of the school for which the governing body are publishing the proposals.

Preston Manor High School (DFE No. 304 5410), Carlton Avenue East, Wembley, HA9 8NA  
Category: Foundation school.

#### **In respect of an ~~LEA Proposal:~~ School and local education authority details**

~~1. The name, address and category of the school.~~

#### **Implementation and any proposed stages for implementation**

2. The date on which the proposals are planned to be implemented, and if they are to be implemented in stages, a description of what is planned for each stage, and the number of stages intended and the dates of each stage.

If this proposal were accepted, Preston Manor would offer two form of entry permanent primary provision from September 2011 through yearly progression.

This would mean that the school would admit two form of entry (60 students) in the proposed temporary Reception classes from January 2011 and this cohort would progress to Year 6 by September 2016, at which point the primary provision at the school would commence operating at full capacity in all Year Groups.

#### **Objections and comments**

3. A statement explaining the procedure for making representations, including —

- (a) the date prescribed in accordance with paragraph 29 of Schedule 3 (GB proposals)/~~Schedule 5 (LA proposals)~~ of The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended), by which objections or comments should be sent to the local education authority; and
- (b) the address of the authority to which objections or comments should be sent.

Within six weeks from the date of publication of this proposal i.e. by 16 December 2010, any person may object to or make comments on the proposal in writing by sending them to Nitin Parshotam, Head of Assets Management, Children and Families, London Borough of Brent, 4th Floor Chesterfield House, 9 Park Lane, Wembley, Middlesex, HA9 7RW. Email: Consultations.schoolorganisation@brent.gov.uk

#### **Alteration description**

4. A description of the proposed alteration and in the case of special school proposals, a description of the current special needs provision.

The Governing Body of Preston Manor High School with Local Authority support is proposing to expand the school by creating a new two form of entry permanent primary provision from September 2011, subject to planning permission. This would mean that the school would lower its age limit by offering permanent provision and as a result will provide 60 new Reception places alongside the 252 existing Year 7 places. The enlarged school will continue to provide non-denominational places for both boys and girls. The current age range is 11-19 and the new age range will be 4-19.

#### **School capacity**

5.—(1) Where the alteration is an alteration falling within any of paragraphs 1 to 4, 8, 9 and 12-14 of Schedule 2 (GB proposals)/~~paragraphs 1-4, 7, 8, 18, 19 and 21 of Schedule 4 (LA proposals)~~ to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended), the proposals must also include —

- (a) details of the current capacity of the school and, where the proposals will alter the capacity of the school, the proposed capacity of the school after the alteration;

The current admission number for the school is 252. The current secondary capacity of the school is 1260 places for Year 7 to Year 11. It is currently offering 300 Sixth Form places, which will remain unchanged. As a result of the proposed change of the age range to 4-19, the school will be offering 420 Reception to Year 6 places from September 2011. The proposed admission number for age 11-15 will remain as 252 until the Year 6 class is filled up in September 2016 after which the admission number for Year 7 external intake would be 192. The admission number for the proposed additional primary provision age 4-10 will be 60 from 05 September 2011.

- (b) details of the current number of pupils admitted to the school in each relevant age group, and where this number is to change, the proposed number of pupils to be admitted in each relevant age group in the first school year in which the proposals will have been implemented;

Student numbers on roll at the school in the academic year 2009-10 are given below:

Number on Roll*	Y7	Y8	Y9	Y10	Y11	Sixth Form	Total
Preston Manor High School	251	250	223	231	228	298	1481

\*January 2010 Census Data

New primary capacity offering 60 additional places in Reception and each of the year groups up to Year 6 is proposed to be offered if the proposal is accepted. This means that Preston Manor would admit 60 Reception aged children from 05 September 2011 and the cohort would progress each year to Year 6.

The admissions number\* for Reception class will be 60 places and for Year 7 class will be 192 places; Year 6 pupils at the school would not need to apply as they will already be on the roll of the school. If fewer pupils transfer from Year 6, the academy will admit over the admission number to provide a total of 252 Year 7 places in accordance with the schools oversubscription criteria. \*The admission number applies only to those being admitted from outside the school.

- (c) where it is intended that proposals should be implemented in stages, the number of pupils to be admitted to the school in the first school year in which each stage will have been implemented;

The school is planning to take in two 'bulge' Reception classes from January 2011. If this proposal were accepted, the temporary Reception cohorts consisting of 60 places would move into Year 1 of the permanent primary school in September 2011, subject to new permanent buildings being erected by September 2011, and the school will be able to admit further 60 Reception pupils in the same year. Under this proposal, the school would commence operating at full capacity in all Year Groups by September 2016.

- (d) where the number of pupils in any relevant age group is lower than the indicated admission number for that relevant age group a statement to this effect and details of the indicated admission number in question.

Not Applicable.

(2) Where the alteration is an alteration falling within any of paragraphs 1, 2, 9, 12 and 13 of Schedule 2 (GB proposals) ~~paragraphs 1, 2, 8, 18 and s 19 of Schedule 4 (LA proposals)~~ to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended), a statement of the number of pupils at the school at the time of the publication of the proposals.

Student numbers on roll at the school in the academic year 2009-10 are given below:

Number on Roll*	Y7	Y8	Y9	Y10	Y11	Sixth Form	Total
Preston Manor High School	251	250	223	231	228	298	1481

\*January 2010 Census Data

Student numbers on roll at the school approximately at time of publication of proposal in the academic year 2010-11 are given below:

Number on Roll**	Y7	Y8	Y9	Y10	Y11	Sixth Form	Total
Preston Manor High School	240	252	251	226	231	293	1493

\*\*October 2010 Census Data (Provisional)

### Implementation

6. Where the proposals relate to a foundation or voluntary controlled school a statement as to whether the proposals are to be implemented by the local education authority or by the governing body, and, if the proposals are to be implemented by both, a statement as to the extent to which they are to be implemented by each body.

Governing Body of Preston Manor High School intends to make a prescribed alteration to Preston Manor High School (DFE No. 304 5410), Foundation School, Carlton Avenue East, Wembley, HA9 8NA. from 5 September 2011.

The Local Authority (Brent Council) is supporting this proposal and is working with the Governing Body to ensure that if the proposal were to be accepted then the proposal would be implemented on time and provide much needed additional school places. Brent Council will allocate funds for the scheme to provide new permanent buildings and structures at the current school site for a primary provision.

### Additional Site

7.—(1) A statement as to whether any new or additional site will be required if proposals are implemented and if so the location of the site if the school is to occupy a split site.

The expansion proposal for providing primary provision would utilise existing unused land alongside the playing fields. A new site would not be required.

(2) Where proposals relate to a foundation or voluntary school a statement as to who will provide any additional site required, together with details of the tenure (freehold or leasehold) on which the site of the school will be held, and if the site is to be held on a lease, details of the proposed lease.

Not Applicable.



**Changes in boarding arrangements**

8.—(1) Where the proposals are for the introduction or removal of boarding provision, or the alteration of existing boarding provision such as is mentioned in paragraph 8 or 21 of Schedule 2 (GB proposals)/7 or 14 of Schedule 4 to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended) —

- (a) the number of pupils for whom it is intended that boarding provision will be made if the proposals are approved;

Not Applicable. The school does not offer boarding provision and the proposal does not include introduction of boarding provision.

- (b) the arrangements for safeguarding the welfare of children at the school;

Not Applicable.

- (c) the current number of pupils for whom boarding provision can be made and a description of the boarding provision; and

Not Applicable.

- (d) except where the proposals are to introduce boarding provision, a description of the existing boarding provision.

Not Applicable.

(2) Where the proposals are for the removal of boarding provisions or an alteration to reduce boarding provision such as is mentioned in paragraph 8 or 21 of Schedule 2 (GB proposals)/7 or 14 of Schedule 4 (LA proposals) to The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended) —

- (a) the number of pupils for whom boarding provision will be removed if the proposals are approved; and

Not Applicable.

- (b) a statement as to the use to which the former boarding accommodation will be put if the proposals are approved.

Not Applicable.

**Transfer to new site**

9. Where the proposals are to transfer a school to a new site the following information—

- (a) the location of the proposed site (including details of whether the school is to occupy a single or split site), and including where appropriate the postal address;

Not Applicable. The expansion proposal for providing primary provision would utilise existing unused land alongside the playing fields. A new site would not be required.

- (b) the distance between the proposed and current site;

Not Applicable.

- (c) the reason for the choice of proposed site;

Not Applicable.

- (d) the accessibility of the proposed site or sites;

Not Applicable.

- (e) the proposed arrangements for transport of pupils to the school on its new site; and

Not Applicable.

- (f) a statement about other sustainable transport alternatives where pupils are not using transport provided, and how car use in the school area will be discouraged.

Not Applicable.

## Objectives

### 10. The objectives of the proposals.

To provide much needed primary school places in the borough.

The growth in Brent's population is reflected in the increasing demand for school places. Numbers of four year olds on school rolls are expected to rise strongly over the next three to four years.

#### Demand for Primary Places

In 2009-10, Brent Council analysed the increased demand for places and prudently added a further 68 Reception 'bulge' places, at Anson Primary School (7) Park Lane (30) Newfield (30) Avigdor Hirsch Torah Temimah (1), providing a total of 3428 Reception places. Despite adding new places, there remains a shortfall of Reception places in the borough. As at 29 July 2010, there were 164 primary aged children without a school place for the 2009/10 academic year.

For 2010-11, temporary and permanent provision of 135 additional Reception places has been added for September 2010 in the following schools; Brentfield (30) Wykeham (30) Braintcroft (30) Islamia (30) St Robert Southwell (15).

The demand for Reception places is significantly greater than the number of available places. As at 26 October 2010, 634 primary aged pupils remained without a school place, of which, 150 pupils are Reception aged children.

Brent is committed to delivering sustainable permanent school buildings and learning environments with an aim of improving the educational outcomes.

## Consultation

### 11. Evidence of the consultation before the proposals were published including—

- (a) a list of persons who were consulted;
- (b) minutes of all public consultation meetings;
- (c) the views of the persons consulted;
- (d) a statement to the effect that all applicable statutory requirements in relation to the proposals to consult were complied with; and
- (e) copies of all consultation documents and a statement on how these documents were made available.

All applicable statutory requirements to consult in relation to the proposal have been complied with.

The governing body of the Preston manor High School consulted with key interested parties on the alteration proposal. The documents for consultation and outcomes are attached.

Consultation documents were distributed to:

Preston Manor High School (parents, staff, student council)	Preston Manor's Extended School Groups
All maintained schools in Brent	The Welsh School
Westminster Diocesan Education Service	London Diocesan Board for Schools
London Borough of Ealing	London Borough of Barnet
London Borough of Camden	London Borough of Harrow
London Borough of Hammersmith and Fulham	London Borough of Westminster
Royal Borough of Kensington and Chelsea	Local Residents Association
Trade Unions	Local Councillors
Brent local MPs	Brent Council
Admissions Forum	Brent Governors Forum
4000 copies distributed to households located around Preston Manor High School	Copies distributed at i) a residents meeting held at the school and also at ii) the Wembley Area Consultative Forum.
Sports England	Local Early Years & Nurseries

Copies of consultation documents are attached as Appendix 1. The Consultation documents were distributed by email or internal/external post to the stakeholder listed above. The schools also distributed the consultation documents by hand to parents, pupils, staff and other interested parties. Residents were provided a copy through special local distribution.

Minutes of consultation meeting held at the school on 13 October 2010 is attached in Appendix 2.

Another meeting was held as part of the Wembley Area Consultative Forum, whereby the expansion proposal was included as an agenda item. At this forum minutes are not taken and only the action points arising from the discussions are captured. Views and issues discussed at the forum and throughout the consultation are summarised below.

The Governing body received 71 on time responses to the consultation. 37 consultees support the proposal and 29 consultees have expressed concerns, whilst

5 remain undecided. Summary of views of stakeholders consulted is as follows:

- I want Preston Manor to start reception classes from January 11. It not only provides extra spaces for children who are currently out of school but creating a two form entry is also very good idea as siblings of older kids, already attending PMHS can join them and it is very easy for parents to drop them off and collect them together.
- I support the proposed expansion of Preston Manor. It's convenient for parents, less time consuming and safe for children.
- The area needs more provision for this age group and PMHS has the grounds and is well located to provide this. It also has the ability to oversee the project successfully with its current infrastructure.
- I agreed for the school to expand by creating Primary School because is good for parents like me have already a child in this school they can bring the other one here too, and both kids can be taken in the morning and pick up at same time. Saves me a lot travel to pick up both my kids. Very good idea.
- If there is a shortfall of primary school places in the borough, then it is only right to consider having a permanent primary school at this site. My concerns are, however, that this school provides primary education for children local to the school in the first instance. Secondly, if there is a shortfall of school places in the South of Brent, is primary school provision being made there? Finally will this primary school mean that there will be 60 or so fewer places available to children in the borough/secondary school at the time of secondary school transfer?
- Preston Manor High School is the best in the L.B.Brent. It offers good education, good facilities, encourages communities to use the facilities for their functions.
- It will be good use of Council resources. It will be sustainable and manageable. I hope the ethos of the secondary school will inform and lead the decision establishing the primary school. I hope a centralised library will be in the vision of the primary school from its onset – to conceive of deliberate, planned use of resources in collaborative curriculum.
- I support the proposal to expand Preston Manor High School by creating a permanent primary provision in September because of the following reasons – There is a shortage of schools in the Brent area. Preston Manor will become an all through school which means children can start from the age of 4 to 19.
- It does not affect me in anyway and may prove good for the development of education.
- The shortage of primary school places is concerning and I feel that all schools (Primary or Secondary) have a moral obligation to help provide places.
- The proposal seems to be necessary in order to ensure there are sufficient school places in the borough. The proposal does not appear to negatively impact on the students and staff.
- We don't have to move from primary school to high school. Its close to our house. It's easier to drop both my children in the same school, otherwise we'll have to walk to different schools – one primary and the other to high school.
- I have worked in the Borough of Brent for the past eighteen years and have been aware of the shortage of school places both in the Primary and Secondary schools. With the growing demand for Primary places, I

congratulate and give full support to the Governing Body of Preston Manor High School for the proposal of creating primary provision for the many hundreds of children who are currently awaiting these places. Let's go for it!!!

- I support this proposal as the lack of school places and nursery places are actually affecting my own children.
  - Primary children would not have to travel far if you expand this school
  - It being difficult to travel long distances to drop off and pick up kids during winter. Further traffic increase cause additional time waste. Financial conditions is deteriorating day by day. So I think its a wise decision to go ahead with Expansion of Preston Manor High School.
  - It is our duty to look after next generation students. I support the development of school premises to accommodate extra students. Resident 218 Carlton Avenue East.
  - There are serious shortage of primary places for children in Brent particularly in this area. All children have fundamental right to education and deserve to go to school at the age of 5. Hence everything should be done to facilitate schooling for young children. Thus I not only support the idea I also congratulate it. Thank you.
  - Reception age learning is an integral part of Primary Schooling. The greater number of reception pupils will feed into the school making a smooth transition into Year 1. This is essential for continuity. Early years studies show children are less likely to fail etc if exposed to Nursery and early years provision.
  - Although my partner and I do not have children of our own, we both believe it is very important that all children have the opportunity to go to a school near where they live.
- 
- The area will become crowded. The children will not have a big field anymore.
  - A lot of the green field will be taken away which I do not agree with. Preston Manor is doing well the way it is and should carry on that way. I do not see why Preston Manor needs to expand when a new school has already been built, not so far away (Ark Academy). Also Wembley Primary has just been built better.
  - I work at Preston Park Primary School which is very close to the proposed school and as a member of staff I know that we still have spaces in almost all years. That's why I think that there is no need for any new school places.
  - I work at Preston Park Primary School which is 5 minutes away from the proposed school and we still have spaces in all years. We are a popular school so I wonder why ether is this need in this part of Brent. I also worry what will happen to the local schools when this 'bulge' is no longer there.
  - Whilst I understand that there is a current Brent shortage of Receptions provision, the LA should be considering the long term effects of this proposal. There is already traffic congestion in the areas around school, the recently built Ark school is partially empty, there are several good primary schools in the area, there will be an effect in Y5 and Y6 of local schools eventually as parents try to ensure places at Preston Manor for Y7.
  - I believe education stands may drop having one Head managing both the High School and the Primary School. I have based this on the Heads role of carrying out 'shared' Head of both Preston Manor High School and Copeland School during last years term.

- The school has not dealt with the problem of litter in the street.
  - Authority needs to plan on how they will provide school places for the children in the 1,300 new homes to be built by Quintain's on their Wembley site.
  - The Local authority should have undertaken the consultation instead of the governing body of Preston Manor High School running the consultation.
  - Consultation not distributed to local residents.
  - Primary schools were not requested to expand.
  - Equalities Impact Assessment has not been undertaken.
  - Lack of supporting data for greatest need for school places in the area.
  - Adverse effect on the rolls of local primary school.
  - No history of through schools in this country.
  - Funding may not be available for the scheme.
  - Reduction of the playing fields at the secondary school.
- I am unable to state whether I support or do not support this proposal until I have confirmation that this would not affect the plans for Alperton Community School had under the previous BSF scheme to establish a 2FE Primary School. If the LA could be asked to clarify and confirm this is not the case, I would be happy to support the proposals.

Responses issued to various stakeholders are attached in Appendix 3.

Following the close of consultation, the school's governing body voted on the next step. Majority voted in favour of publishing the statutory notice and proposal. Copy of the Statutory Notice is attached in Appendix 4.

### **Project costs**

**12.** A statement of the estimated total capital cost of the proposals and the breakdown of the costs that are to be met by the governing body, the local education authority, and any other party.

The capital costs of the expansion project is estimated at approximately £7m, which is being funded by the local authority from the Basic Needs Safety Valve funding.

**13.** A copy of confirmation from the Secretary of State, local education authority and the Learning and Skills Council for England (as the case may be) that funds will be made available (including costs to cover any necessary site purchase).

Confirmation from DCSF on allocation of the BNSV funding (Brent Council allocated £14,766,000 ) is available at the following link:

<http://www.teachernet.gov.uk/docbank/index.cfm?id=14690>

Letter dated 30 November 2009 from DCSF: "I am writing to inform you that we are allocating you £14,766,000 of capital grant in response to your application for funding to support the provision of additional permanent primary places by 2011. We have allocated a total of £271 million to 34 authorities. Full details of the allocations are included at the end of this letter."

### Age range

14. Where the proposals relate to a change in age range, the current age range for the school.

The current age range is 11-19 and the new age range will be 4-19.

### Early years provision

15. Where the proposals are to alter the lower age limit of a mainstream school so that it provides for pupils aged between 2 and 5—

- (a) details of the early years provision, including the number of full-time and part-time pupils, the number and length of sessions in each week, and the services for disabled children that will be offered;

Not strictly applicable. The current proposal includes full time Reception provision but does not include nursery provision.

- (b) how the school will integrate the early years provision with childcare services and how the proposals are consistent with the integration of early years provision for childcare;

Not applicable.

- (c) evidence of parental demand for additional provision of early years provision;

Not applicable.

- (d) assessment of capacity, quality and sustainability of provision in schools and in establishments other than schools who deliver the Early Years Foundation Stage within 3 miles of the school; and

Not applicable.



- (e) reasons why such schools and establishments who have spare capacity cannot make provision for any forecast increase in the number of such provision.

Not applicable.

### Changes to sixth form provision

**16.** (a) Where the proposals are to alter the upper age limit of the school so that the school provides sixth form education or additional sixth form education, a statement of how the proposals will—

- (i) improve the educational or training achievements;
- (ii) increase participation in education or training; and
- (iii) expand the range of educational or training opportunities for 16-19 year olds in the area;

Not applicable. The proposal does not propose changes to existing Sixth Form provision.

- (b) A statement as to how the new places will fit within the 16-19 organisation in an area;

Not applicable.

- (c) Evidence —

- (i) of the local collaboration in drawing up the proposals; and
- (ii) that the proposals are likely to lead to higher standards and better progression at the school;

Not applicable.

- (d) The proposed number of sixth form places to be provided.

Not applicable.

**17.** Where the proposals are to alter the upper age limit of the school so that the school ceases to provide sixth form education, a statement of the effect on the supply of 16-19 places in the area.

Not applicable.

### Special educational needs

18. Where the proposals are to establish or change provision for special educational needs—

- (a) a description of the proposed types of learning difficulties in respect of which education will be provided and, where provision for special educational needs already exists, the current type of provision;

No change to the existing SEN provision at the secondary part of the school is being proposed.

The proposal will comply with the standards, quality and range of educational provision for children with special educational needs in the proposed primary provision. The primary provision will fully meet the requirements of the SEN Code of Practice and the accessibility standards.

A range of special education needs is expected within the primary regular intake including students with language and communication needs, behavioural emotional and social needs and children on the autistic spectrum.

A borough wide SEN 'unit' or additionally resourced provision is not proposed under this proposal.

- (b) any additional specialist features will be provided;

Additional specialist SEN provision at the school is not proposed.

- (c) the proposed numbers of pupils for which the provision is to be made;

Not applicable.

- (d) details of how the provision will be funded;

Not applicable. Please see answer to question 12 above.

- (e) a statement as to whether the education will be provided for children with special educational needs who are not registered pupils at the school to which the proposals relate;

Not applicable.

- (f) a statement as to whether the expenses of the provision will be met from the school's delegated budget;

Not applicable.

- (g) the location of the provision if it is not to be established on the existing site of the school;

Not applicable.

- (h) where the provision will replace existing educational provision for children with special educational needs, a statement as to how the local education authority believes that the new provision is likely to lead to improvement in the standard, quality and range of the educational provision for such children; and

Not applicable.

- (i) the number of places reserved for children with special educational needs, and where this number is to change, the proposed number of such places.

Not applicable.

**19. Where the proposals are to discontinue provision for special educational needs—**

- (a) details of alternative provision for pupils for whom the provision is currently made;

Not applicable.

- (b) details of the number of pupils for whom provision is made that is recognised by the local education authority as reserved for children with special educational needs during each of the 4 school years preceding the current school year;

Not applicable.

- (c) details of provision made outside the area of the local education authority for pupils whose needs will not be able to be met in the area of the authority as a result of the discontinuance of the provision; and

Not applicable.

- (d) a statement as to how the proposer believes that the proposals are likely to lead to improvement in the standard, quality and range of the educational provision for such children.

Not applicable.

**20.** Where the proposals will lead to alternative provision for children with special educational needs, as a result of the establishment, alteration or discontinuance of existing provision, the specific educational benefits that will flow from the proposals in terms of—

- (a) improved access to education and associated services including the curriculum, wider school activities, facilities and equipment with reference to the local education authority's Accessibility Strategy;
- (b) improved access to specialist staff, both educational and other professionals, including any external support and outreach services;
- (c) improved access to suitable accommodation; and
- (d) improved supply of suitable places.

Not applicable.

### **Sex of pupils**

**21.** Where the proposals are to make an alteration to provide that a school which was an establishment which admitted pupils of one sex only becomes an establishment which admits pupils of both sexes—

- (a) details of the likely effect which the alteration will have on the balance of the provision of single sex-education in the area;

Not Applicable.

Preston Manor High School (DFE No. 304 5410) is a Foundation school using the admission arrangements set by the Governing Body. It offers non-denominational mixed gender places for students aged 11-19 years.

If the proposal is accepted, the school will offer non-denominational mixed gender places for students aged 4-19 years.

(b) evidence of local demand for single-sex education; and

Not Applicable.

(c) details of any transitional period which the body making the proposals wishes specified in a transitional exemption order (within the meaning of section 27 of the Sex Discrimination Act 1975).

Not Applicable.

**22.** Where the proposals are to make an alteration to a school to provide that a school which was an establishment which admitted pupils of both sexes becomes an establishment which admits pupils of one sex only—

(a) details of the likely effect which the alteration will have on the balance of the provision of single-sex education in the area; and

Not Applicable.

(b) evidence of local demand for single-sex education.

Not Applicable.

### **Extended services**

**23.** If the proposed alterations affect the provision of the school's extended services, details of the current extended services the school is offering and details of any proposed change as a result of the alterations.

Not Applicable. The existing buildings and offerings of the school will remain unchanged by the proposal.

**Need or demand for additional places**

**24. If the proposals involve adding places—**

- (a) a statement and supporting evidence of the need or demand for the particular places in the area;

Brent has significant increase in the rate of growth in demand for reception places and its impact on year-on-year progression to Y1, Y2 and Y3, Y4, Y5 & Y6. The annual growth forecast based on year-on-year progression and other important factors, such as, demand from new house building & regeneration activities, migration of large families into the borough seeking casual admissions for all year groups highlights an acute shortage of primary school places across the borough. Due to the exceptional demand for primary places, Brent Council has been selected for the special basic needs safety valve funding.

This is evidenced by Brent schools struggle to keep up with the number of parents seeking a place for their child in the Reception class with as many as 150\* reception aged children remaining without a place at the time of this proposal (\*the number of unplaced pupils fluctuates on a regular basis).

- (b) where the school has a religious character, a statement and supporting evidence of the demand in the area for education in accordance with the tenets of the religion or religious denomination;

Not Applicable.

- (c) where the school adheres to a particular philosophy, evidence of the demand for education in accordance with the philosophy in question and any associated change to the admission arrangements for the school.

Not Applicable.

**25. If the proposals involve removing places—**

- (a) a statement and supporting evidence of the reasons for the removal, including an assessment of the impact on parental choice; and

Not Applicable.

(b) a statement on the local capacity to accommodate displaced pupils.

Not Applicable.

### **Expansion of successful and popular schools**

**25A.** (1) Proposals must include a statement of whether the proposer considers that the presumption for the expansion of successful and popular schools should apply, and where the governing body consider the presumption applies, evidence to support this.

(2) Sub-paragraph (1) applies to expansion proposals in respect of primary and secondary schools, (except for grammar schools), i.e. falling within:

(a) (for proposals published by the governing body) paragraph 1 of Part 1 to Schedule 2 or paragraph 12 of Part 2 to Schedule 2;

(b) (for proposals published by the LA) paragraph 1 of Part 1 to Schedule 4 or 18 of Part 4 to Schedule 4

of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 (as amended).

Please refer to Question 10 for the main drivers to expand Preston Manor High School.

# Proposed Expansion of Preston Manor High School

## Consultation on the Expansion of Preston Manor High School

Carlton Avenue East, Wembley, HA9 8NA

### 1. Introduction

The growth in Brent's population is reflected in the increasing demand for school places. Numbers of four year olds on school rolls are expected to rise strongly over the next three to four years.

#### Demand for Primary Places

In 2009-10, Brent Council analysed the increased demand for places and prudently added a further 68 Reception 'bulge' places, at Anson Primary School (7) Park Lane (30) Newfield (30) Avigdor Hirsch Torah Temimah (1), providing a total of 3428 Reception places. Despite adding new places, there remains a shortfall of Reception places in the borough. As at 29 July 2010, there were 164 primary aged children without a school place for the 2009/10 academic year.

For 2010-11, temporary provision of 135 additional Reception places has been added for September 2010 in the following schools; Brentfield (30) Wykeham (30) Braintcroft (30) Islamia (30) St Robert Southwell (15).

#### Preston Manor High School

Preston Manor High School (DFE No. 304 5410) is a Foundation school using the admission arrangements set by the Governing Body. It offers non-denominational mixed gender places for students aged 11-19 years. The school currently offers 252 Year 7 places and operates a Sixth Form.

Student numbers on roll at the school in the academic year 2009-10 are given below:

Number on Roll*	Y7	Y8	Y9	Y10	Y11	Sixth Form	Total
Preston Manor High School	251	250	223	231	228	298	1481

\*January 2010 Census Data

### 2. The Proposal

The Local Authority (LA) has asked the Governing Body of Preston Manor High School to consider the proposal to expand the school by creating a new two form of entry permanent primary provision from September 2011. This would mean that the school would lower its age limit by offering an 'all-through' permanent provision with 60 new Reception places alongside the 252 existing Year 7 places.

The LA consulted with primary schools in the borough to explore the possibility of increasing the number of school places. It has been evident that the demand for Reception places would be greater than the number of available places. This assessment was based on the number of



<p>on-time and ad hoc applications received by LA, the current forecast of student numbers and local factors such as feedback from schools.</p> <p>Subsequently, the LA reviewed capacity constraints at all primary schools and identified the maximum need for school places in the local areas. Discussions took place with schools which were suitable and willing for expansion. This was followed by an initial feasibility assessment.</p> <p>Preston Manor High School has agreed to accommodate two Reception classes (60 places) on a temporary basis from January 2011 until the end of the academic year. The temporary accommodation will be sited adjacent to Ashley Gardens.</p> <p>The Governing Body has also agreed to commence the statutory consultation on the proposal for permanent expansion by creating a new two form of entry permanent primary provision from September 2011 which would make Preston Manor an 'all-through' school.</p> <p>The LA has completed a feasibility study which confirms that the provision of a two form of entry primary provision is possible.</p> <p>The proposed accommodation for the two form of entry primary provision would be of a permanent high quality modular construction situated at the north end of the school site with its own dedicated access from Carlton Avenue East. The proposed position is on land currently unused by the school and no additional land would be required under this expansion proposal.</p> <p>If this proposal were accepted, Preston Manor would offer two form of entry permanent primary provision from September 2011 through yearly progression. This would mean that the school would admit two form of entry (60 students) in the Reception year from January 2011 and this cohort would progress to Year 6 by September 2016, at which point the primary provision at the school would commence operating at full capacity in all Year Groups.</p>
<p><b>3. Why propose the expansion of Preston Manor High School?</b></p> <p>On time applications for Reception places are up on last year with 3817 on-time applications for 2010-11 compared to 3583 on-time applications for 2009-10. Since the closing date, a further 295 applications have been received, making a total of 4112 applications. More applications will have come in during the summer break and since the start of the academic year.</p> <p>As of 15 September 2010, after the additional 135 temporary places are taken into account, 208 Reception children are still unplaced, with 40 vacancies overall in schools; this leaves a net shortage of 168 Reception places in the current academic.</p> <p>New arrivals to Brent continue to seek Reception places. Many out-borough residents secure places in faith schools in Brent.</p> <p>There is a mismatch between where the vacancies exist and where unplaced children live. Most parents seek a local school for primary aged children. During 2009-2010 in some cases the LA has had to offer places up to 5 kilometres away from where children live as this was the nearest offer that could be made.</p> <p>The Governing Body of Preston Manor High School have agreed to consult on the proposal to expand the school by creating a new two form of entry permanent primary provision as this could help provide school places for the local community in an area of growing demand.</p>

<p><b>4.</b></p>	<p><b>What would happen to the Students currently attending the Preston Manor High School?</b></p> <p>The students on roll at the Preston Manor High School would continue in their respective year groups and their attendance would not be affected. Students from the temporary Reception intake in January 2011 would progress to Year 1 in permanent accommodation. Subject to the provision of permanent primary classes, a new batch of pupils will be admitted in the Reception class in September 2011.</p>										
<p><b>5.</b></p>	<p><b>What would happen to the Staff of Preston Manor High School?</b></p> <p>This proposal is for expansion of Preston Manor to make it an 'all-through' school with a new two form of entry primary provision on a permanent basis. It would not affect the school's arrangements with its existing staff and all current terms and conditions of employment would be retained. Additional staff would need to be recruited for the permanent primary provision if the proposal were accepted.</p>										
<p><b>6.</b></p>	<p><b>The Role of the Local Authority</b></p> <p>The school's Governing Body is putting forward this proposal in consultation with the Local Authority (LA). The LA is supportive of the proposal, particularly in relation to its statutory duties to ensure that there are sufficient school places, to promote high educational standards; to ensure fair access to educational opportunity; to promote the fulfilment of every child's educational potential and to promote diversity and increased parental choice. The LA believe that offering permanent places at Preston Manor High School would be popular with parents, would contribute to raising standards and would be a significant community resource.</p>										
<p><b>7.</b></p>	<p><b>What Happens Next?</b></p> <p>Preston Manor High School's Governing Body is consulting all interested parties on this proposal, including parents and staff at the school, all other schools in Brent, Brent Council and neighbouring boroughs.</p> <p>Preston Manor's Governing Body (GB) would welcome all views in order to make a properly informed decision whether or not to proceed with the proposed expansion of the school.</p> <p>The timetable for the process is planned to be:</p> <table border="0" data-bbox="164 1749 1310 2076"> <tr> <td>Consultation commences on</td> <td>20 Sep 2010</td> </tr> <tr> <td>Consultation closes on</td> <td>25 Oct 2010</td> </tr> <tr> <td>GB consider publication of statutory notice by*</td> <td>1 Nov 2010</td> </tr> <tr> <td>Statutory Notice published by</td> <td>5 Nov 2010</td> </tr> <tr> <td>Representation Period ends by</td> <td>17 Dec 2010</td> </tr> </table>	Consultation commences on	20 Sep 2010	Consultation closes on	25 Oct 2010	GB consider publication of statutory notice by*	1 Nov 2010	Statutory Notice published by	5 Nov 2010	Representation Period ends by	17 Dec 2010
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Statutory Notice published by	5 Nov 2010										
Representation Period ends by	17 Dec 2010										

Executive makes final decision following Statutory Notice period Jan 2011

\*If the Governing Body decides to proceed with the expansion then a statutory notice will be published. There then follows a six weeks formal consultation period when objections or comments can be made. The outcome is then reported to Brent Executive who will determine the proposal.

## 8. Consultees

This document has been sent to:

Preston Manor High School (parents, staff, student council)	Preston Manor's Extended School Groups
All maintained schools in Brent	The Welsh School
Westminster Diocesan Education Service	London Diocesan Board for Schools
London Borough of Ealing	London Borough of Barnet
London Borough of Camden	London Borough of Harrow
London Borough of Hammersmith and Fulham	London Borough of Westminster
Royal Borough of Kensington and Chelsea	Local Residents Association
Trade Unions	Local Councillors
Brent local MPs	Brent Council
Admissions Forum	Brent Governors Forum

## 9. Community Languages

The Local Authority is committed to providing translation and interpreting services. If you would like any part of this document translated into your own language please telephone **020 8937 3224**.

یہ معلومات انگریزی کے علاوہ اگر آپ کو کسی دیگر زبان میں درکار ہوں، یا اس معلومات کو سمجھنے کے لیے ترجمان (انٹرپرائزر) کی خدمات حاصل کرنا چاہیں تو براہ مہربانی ہم سے رابطہ کریں۔

Urdu

Haddii aad u baahantahay macluumaad ku daabacan luqad kale ama cid kuu tarjunta macluumaadka si aad u fahamto macluumaadka halkan ku lifaaqan, fadlan nagala soo xidhiidh.

Somali

إذا رغبت في الحصول على هذه المعلومات مترجمة إلى لغة أخرى أو إن كنت بحاجة لمترجم يقوم بالترجمة لك، لیتسنى لك، بواسطة فهم المعلومات المرفقة فيرجى الاتصال بنا.

Arabic

**Proposed Expansion of Preston Manor High School  
Consultation Response Slip**

**I support / do not support\* the proposal to expand Preston Manor High School by creating a new two form of entry permanent primary provision from September 2011.**

*(\*Delete as appropriate)*

**Please give reasons for your view to enable the Governing Body to make a properly informed decision whether or not to proceed with the proposal.**

*(Please use the back of this form if you require more space)*

**Signed .....**

**Parent / member of staff / governor / student of Preston Manor High School / other -  
please specify on the line below**

.....

**Thank you very much for taking part in this consultation.**

**Please return and send your completed form by 25 October 2010 to:**

Matthew Lantos, Head Teacher

Preston Manor High School, Carlton Avenue East, Wembley, HA9 8NA.

**Or email:** clerk\_to\_governors@pmanor.brent.sch.uk

PRESTON MANOR HIGH SCHOOL

**Residents Meeting  
13 October 2010 at 5pm**

**Present:**

Preston Manor High School: Matthew Lantos (Head), Christine Collins (Chair of Governors) Steve Rigby (Deputy Head)

Brent Council: Carmen Coffey (Director of Communication and Support), Mustafa Salih MS (Assistant Director - Finance), Faira Elks and Kate Bevington (School Improvement Service), Rajesh Sinha (Pupil Placement Planning Officer),

HLM Watts: Cullum Alexander, Paul Turpin, Rob Staton, Nic Coke  
Judith Bijlani (consultant Head)

Residents: P M Schepens, G D Shah, Norman Kent, Martin Francis, Allen Hadlow, Pete Herson, Melvyn Singer, Eileen Hall, Ann Hadlow, Rik Thomas, J L Gordon, K Bajina

Clerk: Elaine Georghiades

- Mr Lantos thanked those present for coming and welcomed them to Preston Manor High School.
- Mr Lantos explained that this was a Stage 1 consultation and a decision had not yet been made by the governors of the school whether to agree to proceed to a statutory notice period prior to a six week period during which objections to the proposal could be made. HLM Watts had prepared some initial thoughts on what the school might look like.
- Residents complained that the consultation document had not been distributed to all houses surrounding the school and therefore these residents had not had the opportunity to attend the meeting. Mr Sinha explained that the consultation document had been distributed in accordance with the guidelines which was through residents groups and there had also been an advert in the paper. It would also be discussed at the forum on 20 October.
- Residents felt that people living on either side of Princes Avenue should be visited personally so that it could be discussed with them. Lots of houses had not received the document. Mr Sinha said he was sure something could be arranged and residents wanted to ensure that all houses on the boundary of the school received a consultation document including Elmstead Avenue and the whole of Carlton Avenue East. Traffic was a major concern.
- Mr Gordon raised a concern that although the next meeting, the forum, was at 7pm it was not easy for local residents to get to. Mr Sinha said the idea was to give people an alternative venue. Residents asked that further meetings be arranged at Preston Manor and that the forum on 20 October should be moved to Preston Manor. Mr Lantos explained that this would not be possible as the proposed expansion was only one item for discussion at the forum.
- A statutory notice would be published and then there would be a further six week period to make

concerns known. Following this period a report would be made to the executive.

- It was felt that a report could have gone to the Wembley Observer.
- A resident asked for a list of all the Local Authority employees at the meeting and their contact details to be given to them. This was agreed to.
- Mr Lantos said he felt the problem was not about the building of a school or residents but the fact that 160 school age children were without a place. In his role as a public servant he felt duty bound to consider the proposal. He had been prepared at short notice to speak to the governors who had also been concerned that the Local Authority were asking at such a late date. The most crucial factor is the children without a school.
- He acknowledged that there may be some issues surrounding congestion, extra litter and a disturbance to residents but personally he felt it his moral duty to explore the project as the school had a larger than normal site.
- The school being proposed would be a two form of entry primary school with sixty children in each year from reception to Year 6 by 2016.
- There were two separate phases to this project. Two temporary classrooms would be placed on the site adjacent to the Ashley Garden site and would house sixty reception age children from January. Should the new primary school be agreed these sixty children would transfer to the new school to Year 1 in September 2011 and an additional sixty children would start in Reception.
- Residents asked where the children without places were living. Ms Coffey explained that there were three clusters where children were without a school place in Brent and these were in Wembley, Willesden and Harlesden/Stonebridge areas.
- Residents asked why this had not been planned for as these children had been around for four years. Why was it only now that the problem had been discovered? Wembley Primary had been rebuilt with four forms of entry which by primary standards is already a large school. In 2007 and 2008 Preston Park had taken a bulge class but the governors of the school had declined the opportunity to increase the size of the school.
- Ms Coffey was asked what area the Wembley area covered. This was from Preston Road to East Lane and across to Wembley Central. It was felt that this was some distance from Preston Manor for primary school children to travel.
- Mr Sinha was asked again why it had only just been discovered that places were short. Mr Sinha said that Brent was facing a fairly high birth rate but that statistics were not available quickly. The GMA London birth rate was rising but three months previously it had been reported that it was not. Mr Lantos agreed that this seemed strange but reiterated his point that there were a significant number of four year olds without places. He did not feel it was the job of Preston Manor to discuss how this situation had arisen.
- Mr Francis introduced himself as the Chair of Chalkhill Primary school. He had alerted the council to the problem when he was Head at Park Lane Primary school. He was now concerned about the effect this new primary school would have on Chalkhill Primary School. There had been talk of the effect of benefit cuts to ability of people in the area to afford housing. There would also be a huge amount of housing around the stadium and Quintain were supposed to have set aside a sum of money to build a new primary school. He asked what was happening with this.
- It was suggested by residents that it would be more expensive to build on the green field site of Preston Manor rather than a brown field site. The site had previously had a pavilion which burnt down more than ten years ago. Residents felt that the pavilion had been small compared to the size of the proposed school. The site is currently overgrown and just disused land. Residents remembered that the pavilion had been used as a dance studio and classroom.
- One advantage to the school would be that currently there was concern about the distance of the furthest fence and the fact that some students used it to exit the school and disturb

neighbours. A resident thought the school were trying to wash its hands of a troublesome area. Mr Lantos pointed out that the school would still have a joint management team and a joint governing body so would be responsible for all areas of the site, however there would be clear delineation of the teaching staff and supervised areas.

- There had been a plan to build a housing estate and it is preferable to consider the building of a school.
- It was easy to get bogged down in the details but Mr Lantos wanted the architects to be able to show the residents the different proposals. The height of the building was important and they would need more information as part of their feasibility work. The Architects had looked at different issues and considered four different positions on the site. A PowerPoint presentation was shown to illustrate the different positions and elevations.
- Mr Turpin showed that currently there were 198 children without a reception place and 72 were in the Preston Manor area with a further 29 without places in Year 1. Ms Coffey was asked what the Preston Manor area covered. She said this was the HA9 and HA0 area which residents thought was a very wide area.
- There was a concern about cars and the safety of students. Another concern was the transient Eastern European population which may mean demand in the area reduces. All local boroughs are affected by the same problem with transient populations.
- Mr Hadlow felt that schools could enlarge the size of classes as was done during the war when schools were bombed.
- The architects had been looking at the practicality of the site and the top end of the field already had an access road. Ashley Gardens access was considered too narrow but residents felt that applied to Carlton Avenue East too when there was parking on both sides. Mr Lantos said this may need to change and residents said it would affect the school staff parking in the street.
- Mr Gordon addressed the meeting and said the one group which had not been consulted was the police. He said that there was a link between the size of a school and gangs. Mr Lantos pointed out that although it would be an increase in total numbers the additional 420 students would not be of secondary age.
- Residents felt that security measures would need to be put in place to keep these students safe.
- Mr Gordon mentioned that there are already students hanging around on Preston Road and other issues that the police had not been willing to discuss with him. Mr Lantos clarified that the students came from a number of local schools. Preston Manor would engage with the police and that he would be working at Wembley Police Station on 20 October which was why he would not be able to attend the forum. Mr Lantos said he would be interested to know what Mr Gordon felt the police were alluding to as he was not sure.
- It was statutory to have a traffic plan and consult with the police, the fire brigade and possibly the ambulance service too.
- Residents were concerned that people who make the decision do not live in the area.
- The BREEAM points system would be used which was not statutory but takes into account environmental and safety issues.
- Residents referred to the previous proposal to build on the site which was Barclay homes. They thought the plan had failed as the access road at Princes Avenue was too narrow and would this not still be the case. Mr Rigby said the project was by St Georges and a requirement of the planning department to reduce the number of homes had meant they had not considered it commercially viable and had withdrawn.
- The architects had to look at how there was a link between secondary schools and outside learning. There would be no loss of sports provision although some may have to be re-sited. They also look at environmental planning.
- They had concentrated on developing four options over the process. Focussing on one end of the site as schools should be at the heart of a community and visible from the road. They had

considered two plans for two storey buildings and three for single storey. They had considered the issues of overlooking and this was reflected in the way the buildings would face. Residents asked for distances between various parts of the plans and the nearest houses. These ranged from 30 meters in some areas to about seven meters in others. Architects explained that the row of trees was a design option.

- The plans showed an optional nursery which may or may not be included. There would be a feasibility study and this could be introduced at a later date.
- The subject of the residents who were not invited was raised again but Mr Lantos said it was not possible to comment further about those who had not been invited.
- The architects would have a lot of issues to work on.
- If the governors agree to the proposal a statutory six week consultations period would start. Following that period a report would be submitted to the council Executive which is made up of elected members of the council who examine reports at their monthly meetings.
- Mr Lantos welcomed parents who were arriving for the Parent Council meeting which would follow the residents meeting.
- One resident wanted assurance that the security provision would be put in place. The architects assured him that they were looking at different stages of the day and segregation of school children.
- The funding of £14.7m is now in Brent Council's bank account but would be reclaimed if the funding was not spent in time. Mr Lantos felt it was a good idea to spend it on provision in Brent rather than lose it.
- Mr Francis referred to the first slide where the site is furthest away from public transport. Mr Lantos was able to reassure him that it was close to Preston Road underground station and bus stops but that these were not shown on the plan.
- Mr Lantos thanked residents for coming and invited them to make any further comments on post it notes which were available at the meeting. He made a commitment to pass those comments on to governors.
- Residents reminded Mr Sinha that they wanted the consultation document delivered to all houses missed out.
- Mr Gordon will be sent a copy of the minutes for distribution.
- Ms Collins thanked the residents for coming to the meeting. Ms Collins told the meeting that governors have not made up their mind about the project and it had been really helpful to hear residents' concerns and these will be discussed.
- Mr Gordon said that future meetings would need more time and a microphone. He also asked whether subsequent meetings would be at the school. Mr Lantos agreed to arrange this but said there would not be any further meetings after the forum on 20 October until the statutory notice period.
- Consultation documents and leaflets giving further information from the architects were available at the meeting.

#### **Comments made on post it notes at meeting**

- As the architects mentioned the build of the primary school will be energy efficient I would whole heartedly vouch for SKANSKA UK Plc to tender this construction as there are the largest Green Company in England Winner of the Daily Telegraph award and many many more. Mr K Bajina
- I think this is a great idea – it has been my own experience in a school and continuity is very important. There is enough land for 2 schools – providing access including cars is well researched. Eileen Hall
- A single storey a good distance from back gardens please. P. M. Schepens



### Appendix 3

#### Responses on various views expressed during the consultation period

#### Response to the Teachers Panel submission on the Consultation on the Expansion of Preston Manor High School.

Sl. No.	Question	Response
1.	<p>Failure to adopt a proper consultation process. Before the proposal for expanding Preston Manor School by including primary classes on its site was made by Brent, full consultation should have been conducted with the teachers unions. In this consultation the teachers unions would have asked if Brent had suggested to other schools that they consider taking primary school children onto their sites and may have made the case for any such sitings to be elsewhere in the Borough. Specifically, was Copland school approached to take primary school classes onto its site? If not, why not? If so, what was the response?</p>	<p>The Council is following the guidelines for carrying out statutory consultation for school expansion.</p> <p>All schools have been aware that the demand for school places has been increasing and several primary aged children were without a school place during the last academic year. This year, currently 152 Reception aged children are without a school place.</p> <p>Primary schools in the borough were specifically requested by the Director of Children and Families to submit expression of interests to expand provision immediately - even where this involved providing places in temporary accommodation – and for the 2010 and 2011 admissions rounds vide Circular 3782: Reception places needed - invitation to Expand on 28 May 2009. A similar request was made in 2007 vide Circular 2614: Strategy to Develop School Places - Invitation to Expand Primary Schools on 06 June 2007.</p> <p>The is only the first stage of the consultation process. A Final decision has not been taken. Once the initial Stage 1 Consultation of the Statutory Proposal closes on 25 October 2010, the Governing Body of Preston Manor High School will deliberate the results from the consultation and decide whether to proceed to the next stage of publishing the Statutory Notice in the local newspapers, copies of which will be posted at main school entrances and one of the local area libraries and/or community centre and/or post offices. The publishing of the Notice would be followed by a further six weeks of statutory representation period, during which the stakeholders will get a further opportunity to express their objections and concerns. Once the Representation period ends, Brent Council will prepare</p>

		<p>a report for the Executive Committee. The Executive will make the final decision on the proposal. The Brent Executive's decision on the proposal could be challenged by the local Church of England diocese, the bishop of the local Roman Catholic diocese, the LSC where the school provides education for pupils aged 14 and over and the governors and trustees of a foundation (including Trust) or voluntary school that is subject to the proposals. Such appeals must be made within 4 weeks of the LA decision to the schools adjudicator.</p> <p>If the Governing Body agrees to publish a Statutory Notice, the School and Brent Council have agreed to hold another meeting with the residents in November 2010 during the six week Representation period.</p> <p>Apart from the statutory proposal on the school expansion, there will be further opportunity for local residents and other stakeholders to participate in the consultation process of the planning application. The Brent executive decision on school expansion will be subject to planning application approval.</p> <p>Copland Community School has not been specifically requested to expand and take on primary school classes on its site.</p>
2.	<p>Failure to recognise a conflict of interest. Preston Manor should not be conducting this 'consultation', Brent should be. Preston Manor clearly has an interest in this process and an independent body is the only one that is appropriate. Why is Brent Council supporting this proposal? (without prior consultation with all interested parties) instead of conducting it?</p>	<p>Preston Manor High School is a Foundation school and as per the legislation the consultation is being conducted by the Governing Body of Preston Manor High School. As explained above, the final decision on the proposal will be made by Brent Council's Executive committee.</p>
3.	<p>An Equalities Impact Assessment has not been carried out. An equalities impact assessment has to be carried out prior to proposals being formulated in order to ascertain</p>	<p>An Equality Impact Assessment will be completed and this will form part of the reporting to Brent Executive for decision making.</p>

	<p>where the need for primary places actually is (north or south of Brent) and the impact of siting extra provision in one part of the Borough on another part of the Borough.</p>	
<p>4.</p>	<p><u>Lack of supporting data.</u> There is no data to show where the greatest geographical need for primary places actually is, i.e a map showing ward by ward the demand for 3/4 year old places.</p>	<p>Demand for school places is not restricted to one or two wards. It is spread across Brent. There are many factors which are required to be reviewed e.g. site feasibility, demand for school places, school's willingness to expand.</p> <p>The Council is under immense pressure to provide primary school places, especially in the lower age groups – Reception and Year 1 classes. According to GLA's projection, the demand for Reception places will continue to steeply rise in the borough over the next three years.</p> <p>As on 19 October 2010, in the area of Preston Manor High School 60 Reception aged children and 48 Y1 aged children remain without a school place.</p> <p>The Local Authority has a statutory duty to provide sufficient school places in the borough. 152 Reception aged children are currently without a school place.</p> <p>Most London authorities are facing increased demand for Reception school places and are resorting to provide temporary accommodation where possible. As an example, London Borough of Lewisham has opened 18 Reception classes this year and is still receiving more applications. Similarly, Hounslow has added 345 Reception places of which 6 form of entries are on a temporary basis. Enfield Council has provided 7 additional Reception classes and is planning to deliver 4 additional classes during the current academic year.</p>
<p>5.</p>	<p><u>Adverse effect on local primary schools.</u> Should there be an adverse effect on the roll of local primary schools, how will these be addressed by the Council now and in the long term?</p>	<p>In the near to medium term, the forecast and applications for admission suggest that the demand for primary school places will continue to increase. The Council will monitor the demand and supply of school places and it will review the forecast periodically to achieve a balance.</p> <p>The waiting list as on 20 October 2010, the waiting lists for primary places in nearby schools were as follows:</p>

<b>School</b>	<b>Reception</b>	<b>Year 1</b>	<b>Year 2</b>
Preston Park	61	11	1
Wembley Primary	57	15	7
Chalkhill	2	8	4
Ark Academy	96	16	4

**This response has been prepared on behalf of Preston Manor High School to address the objections received from Chair of Governors, Chalkhill Primary School on the Consultation on the Expansion of Preston Manor High School.**

Sl. No.	Objection / Concern	Response
1.	<p>Formal consultation by the Local Authority with primary school governing bodies is actually carried out. Paragraph 2 in Section 2 of the Preston Manor Consultation paper says this has been done. The Governing Body of Chalkhill Primary School has not been formally consulted on this issue.</p> <p>The paper is factually incorrect and therefore the consultation should not go ahead until the issue has been rectified.</p> <p>In Section 2. <i>The Proposal</i>, second paragraph, it states that 'The LA consulted with primary schools in the borough to explore the possibility of increasing the number of school places'. The governing Body of Chalkhill primary School has <u>not</u> been formally consulted on this matter.</p>	<p>The Director of Children and Families invited the Heads of schools along with their Governors to submit expression of interests to expand provision immediately - even where this involves providing places in temporary accommodation – and for the 2010 and 2011 admissions rounds vide Circular 3782: Reception places needed - invitation to Expand on 28 May 2009.</p> <p>A similar request was made in 2007 vide Circular 2614: Strategy to Develop School Places - Invitation to Expand Primary Schools on 06 June 2007. Copies of both circulars are attached in Appendix 1 &amp; 2.</p> <p>The requirement for primary school places has also been discussed at various meetings and forums. One such meeting was held by the Director of C&amp;F with the Primary Heads on 18 May 2010.</p>
2.	<p>Full data is provided on the current shortage of reception places by ward/postcode and future projections on the same basis. This information is needed to assess both the demand for places in the area and the possible impact on the rolls of neighbouring primary schools.</p> <p>Chalkhill Primary, 10 minutes walk from Preston Manor High School, is on a large site and a one storey building, so would have the capacity to expand.</p>	<p>Brent Council has already provided 135 additional places for September 2010. As of 06 October 2010, there are 198 children without a Reception place in the borough.</p> <p>In the immediate local area of Preston Manor High School 72 Reception aged children and 29 Y1 aged children remain without a school place. This situation is worsened by the fact that schools in this area are working to full capacity:</p>

- Wembley Primary which had expanded in 2008 to 4FE has no Reception vacancies.
- Ark Academy opened its door to primary pupils in September 2008 is full in Reception, Year 1 and Year 2 classes.
- Wykham Primary School is full and is operating a 'Bulge' Reception class consisting of 30 places in the current academic year.
- Preston Park School took in a 'bulge' Reception class in 2007-08 and 2008-09; however their Governing Body declined to expand the school permanently in 2009-10.
- Chalkhill Primary School currently has 2 vacancies in the Reception class, which are more than likely to be taken up in the near future. It is operating at full capacity in Year 1, Year 2, Year 3 and Year 6. The school has 3 vacancies in Year 4 and 18 Vacancies in Year 5. However, the vacancies in the later years are not correlated to the annual increase in demand for Reception places over the last three years.

A map of the currently unplaced Reception aged children in the borough is attached in Appendix 3.

According to GLA's projection, the demand for Reception places will continue to steeply rise in the borough over the next three years. This is without taking into account GLA's recent analysis that the birth rate across London is increasing more than expected, which could further impact on the rising demand.

<p><b>3.</b></p>	<p>The proposal for 60 temporary places at Preston Manor in January 2011 has not been subject to consultation and has the potential to make an impact on Chalkhill's roll half way through the academic year. The school already has the ARK Academy, only 5 minutes walk away, offering primary places.</p>	<p>The Local Authority has a statutory duty to provide sufficient school places in the borough. As stated above, 72 Reception aged and 29 Year 1 aged children are currently without a school place. Where permanent expansion is not feasible or whilst waiting for such an expansion to be completed, it is necessary to provide temporary places to ensure that all children in the borough are allocated a school place. Borough wide consultation on such schemes is not always feasible due to the urgent need associated with such additional provision, however, an agreement with the expanding school and its governing body is always sought. This includes the schools which have an Academy, Foundation or voluntary aided status.</p> <p>Most London authorities are facing increased demand for Reception school places and are resorting to provide temporary accommodation where possible. As an example, London Borough of Lewisham has opened 18 Reception classes this year and is still receiving more applications. Similarly, Hounslow has added 345 Reception places of which 6 form of entries are on a temporary basis. Enfield Council has provided 7 additional Reception classes and is planning to deliver 4 additional classes during the current academic year.</p>
<p><b>4.</b></p>	<p>The closing date for the current consultation is very early for a proposal that was only considered by the full Preston Manor Governing Body at this month's meeting and which only emerged during the summer holiday in August in a paper for the Executive. Many primary schools will not have a governing body</p>	<p>Due to the nature and magnitude of the problem facing London authorities and schools, of which Brent is not an exception, in order to plan and deliver much needed school places in the borough, the timeline for consultation, planning and implementation of such</p>

	<p>meeting scheduled before the closing date of October 25th. The next meeting of the Chalkhill Governing Body is on November 16th.</p>	<p>projects has been streamlined within the statutory guidelines.</p> <p>Preston Manor High School has Foundation status and as such the consultation is being undertaken by the school's Governing Body with Local Authority support.</p> <p>On reviewing the response from the consultation if the Governing Body decides to proceed with the expansion then a Statutory Notice will be published. It will be followed by a further six weeks representation period when objections or comments could be made. The outcome will then be reported to Brent Executive who will determine the proposal.</p>
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***(Archived) Circular 3782: Reception places needed - invitatio...***

**Title**

Reception places needed - invitation to expand

<p><b>Service</b> Children and Families Department / Director of Children &amp; Families</p> <p><b>From</b> John Christie <b>Email</b> <a href="mailto:John.Christie@brent.gov.uk">John.Christie@brent.gov.uk</a></p>	<p><b>Address</b> Chesterfield House, 9 Park Lane, Wembley, Middx, HA9 7RW</p> <p><b>Telephone</b> 020 8937 3191</p> <p><b>Fax</b> 020 8937 3023</p>
<p><b>Type</b> Information</p> <p><b>Date of issue</b> 28/05/2009</p>	<p><b>To</b> Primary schools</p> <p><b>Suggested circulation</b> Headteachers, Governors, Finance officers, Administrators</p>



## Summary

At the recent primary heads meeting on 19th May Carmen Coffey advised Headteachers of the shortfall of reception places for September 2009. Headteacher colleagues will know that since 2007 200+ reception places have been provided through expansion, new builds and increases in admission numbers. The additional places were sufficient for the 2008 admission round, but we are again facing a significant shortfall in places for reception in September 2009 and further shortfalls for September 2010 and 2011.

We have been aware that we would be short of places for some time and Councillor Bob Wharton, Lead Member for Children and Families is leading a strategy group to steer work on the development of additional places, the group has representation from Primary and Secondary Headteachers, Sylvie Libson and Terry Malloy.

Currently we have a maximum of 3360 reception places across community, VA and foundation schools. For September 2009 we have received 3780 applications in total. 3296 from Brent residents and 484 from out borough residents. On offer day in April there were 50 Brent resident children who we were not able to offer a place to. Since offer day a further 150+ applications have come in. From this I anticipate that we will need at least an additional two classes for September 2009.

At the moment we have 273 unplaced pupils and 159 vacancies, a net shortage of 114 places. There will be some drop outs and also more late applications. We know that with acceptances and declines this is not the final number for September, but nevertheless this is a serious situation, which is mirrored in our neighbouring boroughs and across all 32 London boroughs, who are also seeing a rise in pupil numbers.

Pupil projections for September 2010 show a likely shortfall of 108 places or 4 classes of 30 pupils, and for 2011 a shortfall of 240 places or 8 classes.

I am writing to ask for expressions of interest from schools who would want to expand provision immediately - even where this involves providing places in temporary accommodation – and for the 2010 and 2011 admissions rounds. This is an urgent request, and I would ask all Headteachers to consider, along with their Governors if they could expand, even where in the past you may not have felt that this is something you would want to do.

If you would like to have a preliminary discussion on expanding provision please contact Carmen Coffey on 020 8937 3033.

## Attachment(s)

- none -

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## Deadline / Attention date(s)

12/06/2009

*(Archived) Circular 2614: Strategy to Develop School Places)*

**Title**

Strategy to Develop School Places - Invitation to Expand Primary Schools

<b>Service</b> Children and Families Department / Director of Children & Families  <b>From</b> John Christie <b>Email</b> <a href="mailto:John.Christie@brent.gov.uk">John.Christie@brent.gov.uk</a>	<b>Address</b> Chesterfield House, 9 Park Lane, Wembley, Middx, HA9 7RW <b>Telephone</b> 020 8937 3191 <b>Fax</b> 020 8937 3023
<b>Type</b> Consultation  <b>Date of issue</b> 06/06/2007	<b>To</b> Community Primary, Foundation Primary, V/A Primary <b>Suggested circulation</b> Headteachers and Chairs of Governing Bodies

**Summary**

You will have seen the report from Nitin Parshotam issued under School Circular 2278 in November 06 which sets out the Council's proposed strategy for the development of additional school places.

Since then the council has received substantially more applications for reception places than expected for September 2007. The number of applications from Brent residents stands at 3166 with an additional 438 applications from non Brent residents, totalling 3604. Late applications are arriving at the rate of 3 – 5 per day. Currently we have a maximum of 3202 reception places across community, VA and foundation schools which leave us with a shortfall of places.

As of today we have 230 reception children who are Brent residents without a place for September 07. We know that with acceptances and declines this is not the final number for September, but nevertheless this is a serious situation for the council. We also know that forecasts indicate that substantially more places will be needed by 2016.

I am writing to ask for expressions of interest from schools who would want to expand provision immediately - even where this involves setting up temporary accommodation – and in the near future. Councillor Bob Wharton, Lead Member for Children and Families will lead a member level strategy group to steer work on the development of additional places. We will be seeking primary and secondary Headteacher representation for the group too.

If you would like to have a preliminary discussion on expanding provision please contact Carmen Coffey on 020 8937 3033 or Nitin Parshotam on 020 8937 3080.

### Response to the Consultation on the Expansion of Preston Manor High School.

Sl. No.	Question	Response																				
1.	<p>Consultation</p> <ul style="list-style-type: none"> <li>Residents claim that consultation has been poor and that many people living nearby the school have not received letters directly informing them of the plans. Journalist want to know how many letters have been sent out to residents? What streets have been informed on the proposals? What future consultation is pending?</li> <li>Has a final decision been taken yet on whether to incorporate these primary school classes at Preston manor? If not, when is this final decision due to</li> </ul>	<p>This consultation is being conducted by the Governing Body of Preston Manor High School with Local Authority support.</p> <p>As per the guidelines the consultation document has been distributed to:</p> <table border="1"> <thead> <tr> <th><b>Preston Manor High School (parents, staff, student council)</b></th> <th><b>Preston Manor's Extended School Groups</b></th> </tr> </thead> <tbody> <tr> <td>All maintained schools in Brent</td> <td>The Welsh School</td> </tr> <tr> <td>Westminster Diocesan Education Service</td> <td>London Diocesan Board for Schools</td> </tr> <tr> <td>London Borough of Ealing</td> <td>London Borough of Barnet</td> </tr> <tr> <td>London Borough of Camden</td> <td>London Borough of Harrow</td> </tr> <tr> <td>London Borough of Hammersmith and Fulham</td> <td>London Borough of Westminster</td> </tr> <tr> <td>Royal Borough of Kensington and Chelsea</td> <td>Local Residents Association</td> </tr> <tr> <td>Trade Unions</td> <td>Local Councillors</td> </tr> <tr> <td>Brent local MPs</td> <td>Brent Council</td> </tr> <tr> <td>Admissions Forum</td> <td>Brent Governors Forum</td> </tr> </tbody> </table> <p>Two meetings with the local residents have been organised: 13 October 2010 (at Preston Manor High School) and 20 October 2010 (at Wembley Area Consultative Forum).</p> <p>Copies of the Consultation document have been made available via the Council's website:</p>	<b>Preston Manor High School (parents, staff, student council)</b>	<b>Preston Manor's Extended School Groups</b>	All maintained schools in Brent	The Welsh School	Westminster Diocesan Education Service	London Diocesan Board for Schools	London Borough of Ealing	London Borough of Barnet	London Borough of Camden	London Borough of Harrow	London Borough of Hammersmith and Fulham	London Borough of Westminster	Royal Borough of Kensington and Chelsea	Local Residents Association	Trade Unions	Local Councillors	Brent local MPs	Brent Council	Admissions Forum	Brent Governors Forum
<b>Preston Manor High School (parents, staff, student council)</b>	<b>Preston Manor's Extended School Groups</b>																					
All maintained schools in Brent	The Welsh School																					
Westminster Diocesan Education Service	London Diocesan Board for Schools																					
London Borough of Ealing	London Borough of Barnet																					
London Borough of Camden	London Borough of Harrow																					
London Borough of Hammersmith and Fulham	London Borough of Westminster																					
Royal Borough of Kensington and Chelsea	Local Residents Association																					
Trade Unions	Local Councillors																					
Brent local MPs	Brent Council																					
Admissions Forum	Brent Governors Forum																					

be made, and by whom?

[http://www.bmgresearch.co.uk/brent/KMS/dmart.aspx?NoIP=1&strTab=PublicDMart&filter\\_Status=1](http://www.bmgresearch.co.uk/brent/KMS/dmart.aspx?NoIP=1&strTab=PublicDMart&filter_Status=1)

Similarly, information about this consultation could also be accessed on the school's website:  
<http://www.pmanor.brent.sch.uk/>

Copies of the consultation document are being provided to interested parties which may not have been included in the list above. As an example, the Forty Farm Residents Association attended the residents meeting held on 13 October 2010 was not listed in our original distribution list but the Local Authority is in the process of arranging delivery of approx. 4000 copies of the consultation document to the local residents. The distribution radius for this additional distribution is approximately half a mile.

Final decision has not been taken. Once the initial Stage 1 Consultation of the Statutory Proposal closes on 25 October 2010, the Governing Body of Preston Manor High School will deliberate the results from the consultation and decide whether to proceed to the next stage of publishing the Statutory Notice in the local newspapers, copies of which will be posted at main school entrances and one of the local area libraries and/or community centre and/or post offices. The publishing of the Notice would be followed by a further six weeks of statutory representation period, during which the stakeholders will get a further opportunity to express their objections and concerns. Once the Representation period ends, Brent Council will prepare a report for the Executive Committee. The Executive will make the final decision on the proposal. The Brent Executive's decision on the proposal could be challenged by the local Church of England diocese, the bishop of the local Roman Catholic diocese, the LSC where the school provides education for pupils aged 14 and over and the governors and trustees of a foundation (including Trust) or voluntary school that is subject to the proposals. Such appeals must be made within 4 weeks of the LA decision to the schools adjudicator.

If the Governing Body agrees to publish a Statutory Notice, the School and Brent Council have agreed to hold another meeting with the residents in November 2010 during the six week Representation period.

Apart from the statutory proposal on the school expansion, there will be further opportunity for local

		residents and other stakeholders to participate in the consultation process of the planning application. The Brent executive decision on school expansion will be subject to planning application approval.
2.	<p>About the plans</p> <ul style="list-style-type: none"> <li>• How many extra students will this be in the first year? In total (ie when all the extra classes are added)?</li> </ul>	<p>Preston Manor High School has agreed to site Ashley Garden Early Learning Centre in January 2011, which would provide 60 temporary places predominantly for Reception aged children.</p> <p>By September 2016, 420 permanent places for Reception to Year 6 pupils will be provided if the statutory proposal and supporting planning application is approved.</p>
3.	<ul style="list-style-type: none"> <li>• Will this turn Preston Manor into a permanent all through school, or is it intended to only be a temporary measure while the shortage of primary school places exists?</li> </ul>	<p>The 60 temporary places will be in place until September 2011. If the permanent expansion proposal is agreed, then the school will provide 420 permanent primary places from September 2011.</p>
4.	<ul style="list-style-type: none"> <li>• What buildings will the students be taught in?</li> </ul>	<p>Subject to provision of new accommodation, the pupils will be taught in temporary buildings for the current academic year. Next year (2011-12) the pupils are expected to be taught in new permanent buildings.</p>
5.	<ul style="list-style-type: none"> <li>• Where will they eat? Play? Will this be at the same time as the elder children?</li> </ul>	<p>During the temporary provision in the current academic year, the pupils would eat in designated space in the temporary building. They will play in a designated secured area adjacent to the temporary buildings.</p> <p>Once the permanent buildings have been delivered, the pupils will eat in designated space in the new permanent building and will play in a secured playground. Decisions about the break times will be made appropriately if the expansion proposal is accepted.</p>
6.	<ul style="list-style-type: none"> <li>• What provision has been made to ensure bus routes and parking</li> </ul>	<p>As part of the site design process and the planning application stages, the design team and relevant stakeholders will address issues relating to parking and access including bus routes.</p>

	spaces aren't overloaded if the extra classes get the go ahead?	
7.	<p>About future strategy</p> <ul style="list-style-type: none"> <li>• What are the council's future plans to expend primary school places?</li> <li>• How many children from this year's intake are yet to be given a primary school place?</li> </ul>	<p>The Council is under immense pressure to provide primary school places, especially in the lower age groups – Reception and Year 1 classes. According to GLA's projection, the demand for Reception places will continue to steeply rise in the borough over the next three years. At the current rate of demand, the Authority may need to provide over 250 additional primary places over the next couple academic years.</p> <p>The Local Authority has a statutory duty to provide sufficient school places in the borough. 152 Reception aged children are currently without a school place.</p> <p>Most London authorities are facing increased demand for Reception school places and are resorting to provide temporary accommodation where possible. As an example, London Borough of Lewisham has opened 18 Reception classes this year and is still receiving more applications. Similarly, Hounslow has added 345 Reception places of which 6 form of entries are on a temporary basis. Enfield Council has provided 7 additional Reception classes and is planning to deliver 4 additional classes during the current academic year.</p>

**Response to the governing body of Chalkhill Primary School's submission on the consultation for the Expansion of Preston Manor High School.**

Sl. No.	Question	Response
1.	<p>The proposal is not based on strategic or democratic principles. The provision of additional primary places needs to be based on a long-term borough-wide strategy informed by accurate and detailed data and subject to full consultation with headteachers, governing bodies, professional associations and trades unions and residents. Instead primary place expansion has been carried out on a short-term ad hoc basis with a failure to see the wider picture and to win the support of the educational and wider community through effective consultation.</p>	<p>Local authorities have a statutory duty to ensure sufficient school places are available to meet local needs. Under sections 13 and 14 of the Education Act 1996, as amended by the Education and Inspections Act 2006, a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area.</p> <p>Preston Manor High School's governing body agreed to undertake a proposal to expand the school. All schools have been aware that the demand for school places has been increasing and several primary aged children were without a school place during the last academic year.</p> <p>Primary schools in the borough were specifically requested by the Director of Children and Families to submit expression of interests to expand provision immediately - even where this involved providing places in temporary accommodation – and for the 2010 and 2011 admissions rounds vide Circular 3782: Reception places needed - invitation to Expand on 28 May 2009. A similar request was made in 2007 vide Circular 2614: Strategy to Develop School Places - Invitation to Expand Primary Schools on 06 June 2007. The requirement for primary school places has also been discussed at various meetings and forums. One such meeting was held by the Director of C&amp;F with the Primary Heads on 18 May 2010.</p>
2.	<p>The information provided is incomplete and lacks clarity, which means that the case for expansion has not been made.</p>	
	<p>i. The consultation paper refers to 'all-through' permanent provision but the glossy leaflet</p>	<p>Preston Manor High School is a Foundation school and as per the legislation the consultation has been conducted by the Governing Body of Preston Manor High School. The final decision on the proposal will be made by Brent Council's Executive</p>

	<p>distributed at the residents' consultation meeting refers to the addition of a 'feeder primary school'. These are two different forms of organisation so it is not clear which the governing body is actually consulting about.</p>	<p>committee.</p> <p>The school's governing body has proposed to expand the school by providing primary places. The proposed admissions number for Reception class will be 60 places and for Year 7 class will remain at 252 places; Year 6 pupils at the school would be prioritised for a place in year 7 within the schools oversubscription criteria.</p>
	<p>ii. The authority's response to the Chalkhill Chair of Governor's call for a suspension of the consultation states that there are 72 unplaced reception aged children in the 'immediate local area of Preston Manor High School'. When asked for clarification of what was meant by the 'immediate local area', Carmen Coffey stated at the residents' meeting that this was the HAO and HA9 postal codes. Clearly this is a much wider local area. If we define the 'immediate local area' as the streets around the school the authority's own map shows very few unplaced children there. The majority north of the North Circular are in the Wembley Central area, some considerable walking distance from Preston Manor for young</p>	<p>The number of unplaced pupils could fluctuate at any given time and is partly dependent upon the number of places offered and accepted.</p> <p>Authorities are under a duty to provide every school age child with a place, but they are not obliged to provide a place in a particular or nearest school. In the case of pupils aged up to 8 years, 2 miles is the statutory maximum walking distance (3 miles for over 8s). The recommended journey time for primary age pupils is up to 45 minutes, but this is at the local authority's discretion.</p> <p>In Brent community schools, the distance is measured in a straight line or by the shortest walking route from the front door of the child's home address (including flats) to the main entrance of the school, (using the local authority's computerised measuring system) with those living closer to the school receiving the higher priority.</p> <p>Demand for school places is not restricted to one or two wards. It is spread across Brent. There are many factors which are required to be reviewed e.g. site feasibility, demand for school places, school's willingness to expand.</p> <p>Preston Manor High School is within the demand area for primary places and is deemed suitable for expansion in time for next year's intake, subject to the outcome of the proposal. In many instances parents living near to Preston Manor have to accept places further away due to the mismatch in demand and supply.</p> <p>Copland Community School has not been specifically requested to expand and take on</p>



	<p>children. Given the geographical location of unplaced children it would appear that the expansion of Copland High School should have been considered.</p>	<p>primary school classes on its site. The school was part of the BSF priority one schools and it may be included under the area regeneration plans, such as the Wembley Link. The local authority will endeavour to maximise the use of educational space in core demand areas.</p>
	<p>iii. There is no information on the proposed catchment area of the new primary school, subsequent changes to the catchment areas of neighbouring schools, admissions arrangements, and arrangements for transfer from the primary to the secondary school/departments. If preference for admission to the secondary school were given to pupils from the Preston Manor Primary School this would have an impact on the chances of children from other primary schools in the area getting into Preston Manor High School. It would also mean that informed parents planning for their children to attend the High School would be likely to enrol their children in the Primary</p>	<p>As stated above, for pupils aged up to 8 years, 2 miles is the statutory maximum walking distance (3 miles for over 8s). The recommended journey time for primary age pupils is up to 45 minutes, but this is at the local authority's discretion.</p> <p>In Brent schools, the distance is measured in a straight line or by the shortest walking route from the front door of the child's home address (including flats) to the main entrance of the school, (using the local authority's computerised measuring system) with those living closer to the school receiving the higher priority.</p> <p>Preston Manor High School's governing body would be responsible for deciding the admission and oversubscription criteria for the primary provision in accordance with the national recommendation.</p>

	School with a subsequent impact on the rolls of other local primary schools.									
	iv. In the consultation paper no attempt is made to address the educational and social pros and cons of 'all through schools'. With the ARK Academy developing as an all-through school and Preston Manor and Capital City Academy proposing primary provision it is imperative that this issue is fully discussed and debated before becoming council policy.	The consultation stage and the representation period allow stakeholders to provide their view on the proposal for providing primary provision through expansion of a secondary school. Once the Representation period ends, Brent Council will prepare a report for the Executive Committee. The Executive will make the final decision on the proposal. The Brent Executive's decision on the proposal could be challenged by the local Church of England diocese, the bishop of the local Roman Catholic diocese, the LSC where the school provides education for pupils aged 14 and over and the governors and trustees of a foundation (including Trust) or voluntary school that is subject to the proposals. Such appeals must be made within 4 weeks of the LA decision to the schools adjudicator.								
3.	We are concerned about the impact of primary provision at ARK and Preston Manor on the future of Chalkhill Primary School. There is already limited provision at ARK, which has had an impact on Chalkhill's roll, and we currently have vacancies in both Nursery and Reception classes. Despite the claim that so many pupils are out of school we have none on our waiting list. As these schools develop their primary provision it is likely to increase pupil turnover at Chalkhill and re-introduce instability after the	<p>Currently, The local authority is allocating places wherever there are vacancies and keeping in line with the admission criteria. A place allocated by the LA may not necessarily be accepted by a parent.</p> <p>In the near to medium term, the forecast and applications for admission suggest that the demand for primary school places will continue to increase. The Council will monitor the demand and supply of school places and it will review the forecast periodically to achieve a balance.</p> <p>The waiting list as on 20 October 2010 for primary places in nearby schools were as follows:</p> <table border="1"> <thead> <tr> <th>School</th> <th>Reception</th> <th>Year 1</th> <th>Year 2</th> </tr> </thead> <tbody> <tr> <td>Preston Park</td> <td>61</td> <td>11</td> <td>1</td> </tr> </tbody> </table>	School	Reception	Year 1	Year 2	Preston Park	61	11	1
School	Reception	Year 1	Year 2							
Preston Park	61	11	1							

	tremendous and successful efforts by staff and governors to stabilise the school and improve pupil performance after a period spent in Special Measures.	<table border="0"> <tr> <td>Wembley Primary</td> <td>57</td> <td>15</td> <td>7</td> </tr> <tr> <td>Chalkhill</td> <td>2</td> <td>8</td> <td>4</td> </tr> <tr> <td>Ark Academy</td> <td>96</td> <td>16</td> <td>4</td> </tr> </table> <p>The local authority has always supported improving the performance of Brent schools and is committed to improving learning outcomes.</p>	Wembley Primary	57	15	7	Chalkhill	2	8	4	Ark Academy	96	16	4
Wembley Primary	57	15	7											
Chalkhill	2	8	4											
Ark Academy	96	16	4											
4.	We will seek assurances from the authority that if this proposal goes ahead that the budget of Chalkhill Primary be protected against the impact of reduced pupil numbers and/or increased pupil turnover at the school in the short and long term.	<p>According to GLA's projection, the demand for Reception places will continue to steeply rise in the borough over the next three years. This is without taking into account GLA's recent analysis that the birth rate across London is increasing more than expected, which could further impact on the rising demand.</p> <p>The Local Authority would discuss school budgets issues with individual schools as and when required.</p>												
5.	Martin Cheesman, Brent's senior housing officer, has warned that due to the cap on housing benefits, much local rented housing will become unaffordable for local claimants with a risk that they will have to move out of the area. As these families are likely to have young children there could be an impact on future school demand. An assessment of this should form part of any borough-wide strategy alongside an assessment of whether there will be an intake of	<p>The local authority would periodically seek updates to the forecast on demand for school places. Impact on the demand for school places arising from decisions made by the government are difficult to ascertain, however the demand for school places in the short to medium term is expected to be increase. New housing and regeneration could offset the risk of families moving out of the area.</p> <p>Since there is significant shortage of primary school places in Brent, the current monies allocated by the government for this purpose should be spent for the local authority to meet its statutory duty. The LA will continue to seek additional funding to provide places in areas of short supply.</p>												

	<p>housing benefit claimant families from inner city boroughs such as Westminster. In addition the Authority needs to plan on how they will provide school places for the children in the 1,300 new homes to be built by Quintain's on their Wembley site. We were told at the consultation meeting that Section 106 monies contributing to the building of a new primary school in the area could be drawn down only <u>after</u> the houses had been built.</p>	
6.	<p>The provision of primary places is not as simple as fitting those needing a place into existing vacancies or new provision. Parents will sometimes reject a school place because their other children are at another primary school or because they are not willing to travel a long distance. We are aware of some parents who have children at several schools and as a result spend a long time dropping them all off and collecting them. This often results in poor attendance and punctuality. Other parents faced with this inconvenience will keep their children at home until a more convenient place comes up. These considerations should be taken into</p>	<p>The authority would like to provide parental choice where ever possible. This would include admissions to Chalkhill primary school and the proposed intake at Preston Manor High School. However, due the significant number of children without a school place, it is essential that sufficient amount of places are provided within the borough in areas of demand and within acceptable travel distances.</p>

	account when assessing whether the reception places at the Preston Manor Primary School will be fully taken up if the project goes ahead.	
7.	Residents in the area of Preston Manor have made us aware of their concerns about increased traffic congestion if the new primary school were to go ahead. There were already concerns about the traffic generated by the Ark Academy, which will increase over the next few years as the school fills up its remaining year groups. The information contained in the map of children without school places provided by the Authority suggests that pupils will be travelling from Wembley Central and further afield.	A traffic impact assessment will be carried out as part of the planning application process. The design team is considering measures to avoid congestion wherever possible.

## STATUTORY NOTICE

### Alterations to Preston Manor High School

Notice is given in accordance with section 19(3) and 21(2) (e) of the Education and Inspections Act 2006 that Governing Body of Preston Manor High School intends to make a prescribed alteration to Preston Manor High School (DFE No. 304 5410), Foundation School, Carlton Avenue East, Wembley, HA9 8NA. from 5 September 2011.

The Governing Body of Preston Manor High School with Local Authority support is proposing to expand the school by creating a new two form of entry permanent primary provision from September 2011. This would mean that the school would lower its age limit by offering permanent provision and as a result will provide 60 new Reception places alongside the 252 existing Year 7 places. The enlarged school will continue to provide non-denominational places for both boys and girls. The current age range is 11-19 and the new age range will be 4-19.

If this proposal were accepted, Preston Manor would offer two form of entry permanent primary provision from September 2011 through yearly progression. This would mean that the school would admit two form of entry (60 students) in the proposed temporary Reception classes from January 2011 and this cohort would progress to Year 6 by September 2016, at which point the primary provision at the school would commence operating at full capacity in all Year Groups.

The current admission number for the school is 252. The proposed admission number for age 11-15 will remain as 252 and the admission number for the proposed additional primary provision age 4-10 will be 60. Based on admission capacity of 252, the current secondary capacity of the school is 1260 places for Year 7 to Year 11. It is currently offering 300 Sixth Form places, which will remain unchanged. As a result of the proposed change of the age range to 4-19, the school will be offering 420 Reception to Year 6 places from September 2011. The Year 7 and Sixth Form places will remain unchanged as 252 and 300, respectively. Hence the total proposed capacity of Preston Manor will be 1980 places.

The school is planning to take in two 'bulge' Reception classes from January 2011. If this proposal were accepted, the temporary Reception cohorts consisting of 60 places would move into Year 1 of the permanent primary school in September 2011, subject to new permanent buildings being erected by September 2011, and the school will be able to admit further 60 Reception pupils in the same year. Under this proposal, the school would commence operating at full capacity in all Year Groups by September 2016. The admissions number for Reception class will be 60 places and for Year 7 class will be 252 places; Year 6 pupils at the school would be prioritised for a place in year 7 within the schools oversubscription criteria.

Under this Notice, there are two proposals being published: 1) lowering the age limit of the school and as a result, 2) enlargement of the premises of the school which would increase the physical capacity of the school. Both proposals would need to be approved simultaneously. If either proposal is

rejected then the other proposal will not proceed. The LA has completed a feasibility study which confirms that the provision of a two form of entry primary provision is possible within the current school site. All applicable statutory requirements to consult in relation to these proposals have been complied with.

The proposal will be implemented by the Governing Body of Preston Manor High School with Local Authority support. It is intended that the expansion of the school due to the alteration of the age group to 4-19 will be delivered by 5 September 2011, subject to planning permission. The capital funding for providing the new permanent primary places will be provided by Brent Council. The Local Authority is supportive of the proposal, particularly in relation to its statutory duties to ensure that there are sufficient school places, to promote high educational standards; to ensure fair access to educational opportunity; to promote the fulfilment of every child's educational potential and to promote diversity and increased parental choice. The Local Authority believes that offering permanent places at Preston Manor High School would be popular with parents, would contribute to raising standards and would be a significant community resource.

This Notice is an extract from the complete proposal. Copies of the complete proposal can be obtained from: Nitin Parshotam, Head of Assets Management, Children and Families, London Borough of Brent, 4th Floor Chesterfield House, 9 Park Lane, Wembley, Middlesex, HA9 7RW.

Within six weeks from the date of publication of this proposal i.e. by 16 December 2010, any person may object to or make comments on the proposal in writing by sending them to Nitin Parshotam, Head of Assets Management, Children and Families, London Borough of Brent, 4th Floor Chesterfield House, 9 Park Lane, Wembley, Middlesex, HA9 7RW. Email: [Consultations.schoolorganisation@brent.gov.uk](mailto:Consultations.schoolorganisation@brent.gov.uk)

Signed: **Chair of Governors, Preston Manor High School**

Publication Date: **04 November 2010**

### **Explanatory Notes**

The proposed accommodation for the two form of entry primary provision would be of a permanent high quality modular construction situated at the north end of the school site with its own dedicated access from Carlton Avenue East. The proposed position is on land currently unused by the school and no additional land would be required under this expansion proposal. The students on roll at the Preston Manor High School would continue in their respective year groups and their attendance would not be affected. Students from the temporary Reception intake in the spring term 2011 would progress to Year 1 in permanent accommodation. Subject to the provision of permanent primary classes, a new batch of pupils will be admitted in the Reception classes in September 2011.

## **ADDENDUM**

### **PRESTON MANOR HIGH SCHOOL**

This is an addendum to the Statutory Notice published in accordance with section 19(3) and 21(2) (e) of the Education and Inspections Act 2006 on 04 November 2010 by the Chair of Governors of Preston Manor High School with an intention to make a prescribed alteration to Preston Manor High School (DFE No. 304 5410), Foundation School, Carlton Avenue East, Wembley, HA9 8NA from 5 September 2011.

The original notice stated that "The proposed admission number for age 11-15 will remain as 252 and the admission number for the proposed additional primary provision age 4-10 will be 60" and "The admissions number for Reception class will be 60 places and for Year 7 class will be 252 places; Year 6 pupils at the school would be prioritised for a place in year 7 within the schools oversubscription criteria."

This addendum is to clarify that the admission number (external intake by the school) for Year 7 would change from 252 to 192 from September 2016. This means that 60 pupils from the proposed temporary Reception class from January 2011 would progress to Year 7 in September 2017. Similarly the proposed permanent Reception intake of 60 pupils from September 2011 would progress to Year 7 in September 2018. Hence, out of the total of 252 places in Year 7, 60 places would be available for Year 6 pupils already on the roll of the school. If fewer pupils transfer from Year 6, the school will admit over the admission number to provide a total of 252 Year 7 places in accordance with the schools oversubscription criteria.

The representation period of the statutory notice remains unchanged. Within six weeks from the date of the original publication of the Statutory Notice on 04 November 2010 i.e. by 16 December 2010, any person may object to or make comments on the proposal in writing by sending them to Nitin Parshotam, Head of Assets Management, Children and Families, London Borough of Brent, 4th Floor Chesterfield House, 9 Park Lane, Wembley, Middlesex, HA9 7RW. Email: [Consultations.schoolorganisation@brent.gov.uk](mailto:Consultations.schoolorganisation@brent.gov.uk)

Signed: **Chair of Governors, Preston Manor High School**



### Representations received for the Statutory Proposals to alter Preston Manor High School

(Representations have been truncated where in appropriate messages have been submitted and/or to comply with the data protection act).

No.	Objection/Concern/Issue	Council's view for Executive consideration	Representation Type
1.  Page 87	<p><b>Resident/Association: Email received on 1.12.10:</b> For £14.7m Brent Council pressure is sufficient to ignore all criticism. They do not care if the temporary buildings are mud huts with insufficient toilets nor if the residents have to climb over the gridlocked cars to get to their homes.</p>	<p>The statutory proposal is for expanding Preston Manor High School to provide a permanent 2FE primary provision. It does not relate to the temporary classes planned to be provided for the current academic year on another part of Preston Manor High School site.</p> <p>Temporary buildings are not made of mud, but are robust structures that if maintained properly are expected to last 20 -25years. Additionally they conform to current building regulations, including Part L2A which deals with the heating and cooling of the building, and also comply with such guidance as BB93 which deals with the noise attenuation and suppression for Education Buildings. Transport surveys have been completed as part of the planning application. Planning applications for both the permanent and temporary accommodation can be seen on-line on Brent website:</p> <p>Permanent: <a href="http://www.brent.gov.uk/servlet/ep.ext?extId=101150&amp;reference=102993&amp;st=PL">http://www.brent.gov.uk/servlet/ep.ext?extId=101150&amp;reference=102993&amp;st=PL</a></p> <p>Temporary: <a href="http://www.brent.gov.uk/servlet/ep.ext?extId=101150&amp;reference=102498&amp;st=PL">http://www.brent.gov.uk/servlet/ep.ext?extId=101150&amp;reference=102498&amp;st=PL</a></p>	Temporary accommodation
2.	<p><b>Resident/Association: Email received on 1.12.10:</b> The pdf below represents your letter as thoughtfully read to the meeting at its conclusion by Mr Lantos the Head Teacher. The meeting was ostensibly about the permanent primary</p>	<p>Traffic surveys are mandatory for planning applications that include an increase of traffic whether it be pedestrian, or vehicular to a site. In both the application for the temporary buildings, and for the permanent primary school, transportation assessments have been requested and included in the planning applications.</p>	Traffic Congestion

	<p>school buildings but it emerged we, the residents, are going to have a high price to pay in the ultra congestion in Carlton Avenue East for the forecasting errors of Mr Christie. Congestion and gridlock for both vehicle traffic and pedestrian traffic but bizarrely no survey is envisaged for the latter it seems. Nobody mentioned the possibility of the Preston Manor High School Governors anticipating the coming environmental disasters and saying No to the new Director of Children's Services, Krutika Pau. That there is a nuisance involved by hundreds of children making their journey to the bus stops, unsupervised, in human waves seemed to be a new concept to Messrs Lantos and Mr Rigby . The former was engaged in conversation ,at the end, with Mr Silverman of 116 Preston Road who earlier broached the topic of the inability of the school to control the behaviour of increasing pupil numbers of which this application is merely the latest. One hopes this was the Damascene conversion moment for Mr Lantos . Earlier in the meeting he had had no answer to this problem and seemed embarrassed.A new and welcome Residents'Association emerged from Elstead Avenue .It gave a good account of itself but I failed to be granted a contact number or address so far. Other subsidiary roads' residents attended. Some,I am pleased, to say as the result of my personal door knocking a few days ago. No Preston Ward Councillor seemed to be present although I invited them. As Woody Allen quipped ,years ago,at the conclusion of his stand up act. "I have no positive message for you. Will you accept two negative ones instead?".</p>	<p>The transport assessment noted that Preston Manor High school has reduced car journeys and continue to do so with its green travel plan.</p> <p>The primary school at Preston Manor will be closer to the underground station, and since it has a separate entrance will mitigate any congestion that may occur.</p> <p>The Transport assessment has for example also taken into account the possibility of children from the same family going to both the primary school and the high school which might reduce the numbers of cars.</p> <p>At present, parking is not oversubscribed, meaning that currently cars find a parking space when dropping off children for the High School, and at the time of the survey there was no double parking or abnormal congestion.</p> <p>Parking during peak times, if it coincides with the High School, may cause slight congestion at this time, however it is expected that with implementation of the travel plan, this will be reduced. The travel plan provides detail of schemes that the school can implement to push people on to modes of transport other than car: such as highlighting the nearness of public transport; organising walking escorts; cycle training; providing showers at the school for cyclists; etc.</p> <p>This statutory proposal does not include temporary classes planned to be provided for the ongoing academic year (2010-11).</p>	
3.	<p><b>Resident/Association: Email received on 24.11.10:</b> Why should we residents suffer the</p>	<p>The Council is under immense pressure to provide primary school places,</p>	<p>Sudden</p>

prospect of ordeal by living with an over enlarged school. Infant Schools were not built when they should have been. Agreed? Where did the system fail? Will we learn this from the meeting on the 29th November at Preston Manor High School? No, maybe not. The diplomatic Mr Lantos has said, correctly, it was not him to tell us why this unpleasant solution has been sprung on us. Today. 245 bus route at 3.30 pm. Minus face identification at suggestion of Preston police that evening. I was unable to cover the surge on the 79 and 204 Route before dusk fell. I assure you it exists. No adults. They prudently keep away at that time.

especially in the lower age groups – Reception and Year 1 classes. According to GLA’s projection, the demand for Reception places will continue to steeply rise in the borough over the next three years.

The Local Authority has a statutory duty to provide sufficient school places in the borough.

According to the government data, the birth rate in England reversed a long period of decline in 2001, and has shown growth in every year since. This growth is not uniform, and in addition to local variation, some areas are seeing changes in demographic and other factors which have resulted in a sharp increase in reception age pupil numbers in 2008, and projections that there will be further cumulative increases for at least the next few years.

Most London authorities are facing increased demand for Reception school places and are resorting to provide temporary accommodation where possible. As an example, London Borough of Lewisham has opened 18 Reception classes this year and is still receiving more applications. Similarly, Hounslow has added 345 Reception places of which 6 form of entries are on a temporary basis. Enfield Council has provided 7 additional Reception classes and is planning to deliver 4 additional classes during the current academic year.

Like other London Authorities, both land and capital resources are limited in Brent and it is a challenge to find premises for a new primary school within the timeline required to provide the school places in the vicinity of the demand.

Traffic surveys are mandatory for planning applications that include an increase of traffic whether it be pedestrian, or vehicular to a site. In both the application for the temporary buildings, and for the permanent primary school, transportation assessments have been requested and included in the planning applications.

increase in demand and short supply of primary places. Delayed planning by the Authority. Traffic Congestion.

<p>4.</p>	<p><b>Resident/Association: Email received on 21.11.10:</b> The Consultation was inadequately designed. The main problem is the narrow entrance at Ashley Gardens. This proposal is the first stage of that for a permanent infants' school which will, in time, inflate the already grossly overlarge 1481 secondary school pupil school to nearly 2000. The latter figure will make life in the surrounding roads unpleasant not only from the transport problems but the problems resulting from the failure to provide adequate cafeteria places for the pupils. There is no Prefect system for supervision and the Police are insufficient for the numbers involved. "As the site is located within an urban area the school anticipates that all homes in the school catchment area will be within walking distance." Capita Travel Plan This is questionable. We have not been told specifically the ages of the proposed intake and the figure of 50% coming by car could be a wild under-assessment if the intake is skewed towards 5 year olds rather than older children.</p> <p>Toilets: A two toilets per class is acceptable for a class during the lesson but 30 pupils will be riot if there is only one toilet for each gender after they have a break. The same for the second class. Why does the plan show a toilet inside Classroom 2?</p> <p>Staff Toilet: Is one enough for 6 teachers particularly if there is more than one gender?</p> <p>Heating: Electric points but no Central Heating Boiler. We have a winter ahead of us. Are the points strong enough to take adequate heaters? Where is the assessment.</p> <p>Catering: "Prescribed Areas" will be used claim Preston Manor High School, treading water. A Kitchen range or microwave capacity? For neither solution does the plan shows any space labelled as</p>	<p>This is relating to the temporary provision at Preston manor High School for 2 classrooms in the current academic year. The temporary provision has been agreed with the school governors and is a measure being taken by the Council to meet the immediate needs of its residents who do not have a school place in the 2010-11 academic year. It is not related to the permanent 2fe provision being planned at the Preston Manor High School and does not form part of the statutory process which is required for permanent expansion proposals.</p> <p>For the permanent school a full kitchen which will be designed in conjunction with catering consultants. Children and staff that need to wash their hands will do so in the toilets. Noise from lunchtime will not impact on the classrooms as no formal teaching will be done during meals, however acoustic valuations will be undertaken as part of the design to minimize noise from the halls at all times.</p> <p>Both the temporary classrooms (off Ashley Gardens), and the permanent primary school (off Carlton Ave East) have been designed in line with guidelines as set out in Building Bulletin 99: Briefing Framework for Primary School Projects. BB99 considers space, toilets requirements, staff requirements, catering needs, and educational requirements. Additionally considerable consultation on the designs has been undertaken with both the High school staff and governors, as well as a recently retired Brent primary head teacher who has advised and approved the requirements for both buildings. Consultation under the planning application has been duly taken place.</p> <p>As stated, the temporary buildings are designed to meet current Building Regulations, in particular Part L2A which deals with the heating and cooling of the building and calculation are made used SBEM (Simplified Building Energy Model). This is a software tool that provides an analysis of a building's energy consumption in order to meet Building Regulations. Heating and cooling are provided by split fan units providing the temperature needed for comfortable teaching.</p>	<p>Temporary accommodation</p>
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	<p>such. Catering involves washing hands, before and afterwards. Where are the basins? Catering involves noise . Where is the assessment on how it impinges on the classrooms?</p> <p>Cleaning: Yes, there is a cupboard for the cleaner but no basin unless this in the staff or infants' toilets</p>		
5.	<p><u>Resident/Association: Email received on 24.11.10:</u> The Brent Executive's decision on the proposal could be challenged by the local Church of England diocese, the bishop of the local Roman Catholic diocese, the LSC where the school provides education for pupils aged 14 and over and the governors and trustees of a foundation (including Trust) or voluntary school that is subject to the proposals. Such appeals must be made within 4 weeks of the LA decision to the schools adjudicator.</p>	Noted.	Comment
Page 91	<p><b>Resident/Association: Email received on 10.11.10:</b>On reflection the proposed details are even more ill-considered than I revealed yesterday. If the school is going to have catering for 60 pupils then the noise report that the Contractors supplied on 22 October, fatally for its credibility, omits this source of noise. The extra db of noise may or may not break through the background noise to the outside but internally the sound of kitchen machinery and washing up could disturb the classroom tuition. The catering will have to be well away from the classroom . Nobody seems to have given any thought to this. The plans,I repeat, are misleading and must be amended My neighbour Mr Desai at 59 Carlton Avenue East has made a point that Carlton Avenue East is too narrow to take several hundred extra cars delivering and collecting children at peak hours. Admittedly that will start as up as a maximum of an extra 60 but will build over the next seven years or so. Where is the expert</p>	<p>Traffic surveys are mandatory for planning applications that include an increase of traffic whether it be pedestrian, or vehicular to a site. In both the application for the temporary buildings, and for the permanent primary school, transportation assessments have been requested and included in the planning applications.</p> <p>The transport assessment noted that Preston Manor High school has reduced car journeys and continue to do so with its green travel plan.</p> <p>The primary school at Preston Manor will be closer to the underground station, and since it has a separate entrance will mitigate any congestion that may occur.</p> <p>The Transport assessment has for example also taken into account the possibility of children from the same family going to both the primary school and the high school which might reduce the numbers of cars.</p>	Traffic Congestion

	<p>survey that should have been on the website? The two consultations I attended could not answer these points. How can we say 'Yes' or 'No' to this school on the basis of such vague proposals? These consultations are a sham.</p>	<p>At present, parking is not oversubscribed, meaning that currently cars find a parking space when dropping off children for the High School, and at the time of the survey there was no double parking or abnormal congestion.</p> <p>Parking during peak times, if it coincides with the High School, may cause slight congestion at this time, however it is expected that with implementation of the travel plan, this will be reduced. The travel plan provides detail of schemes that the school can implement to push people on to modes of transport other than car: such as highlighting the nearness of public transport; organising walking escorts; cycle training; providing showers at the school for cyclists; etc.</p>	
<p>7. Page 92</p>	<p><u>Resident/Association: Email received on 9.11.10:</u> Two days after discussion of the substantial catering arrangements necessary for this proposal with the builders,Watts, (on 20th October at the Patidar House Consultation), the Design and Access Statement was submitted by them omitting this in the proposed design. This erroneous version is now online on the Brent Council website. Therefore the accompanying elevations, plan and roof diagrams are wrong. I view this failure as gross negligence. Why did not Children and Families Department notice this? They were there.</p>	<p>This is relating to the temporary provision at Preston manor High School for 2 classrooms in the current academic year. The temporary provision has been agreed with the school governors and is a measure being taken by the Council to meet the immediate needs of its residents who do not have a school place in the 2010-11 academic year. It is not related to the permanent 2fe provision being planned at the Preston Manor High School and does not form part of the statutory process which is required for permanent expansion proposals.</p> <p>Watts are not the builders but the project managers and technical advisors to Brent Council on both the permanent and temporary schemes.</p> <p>The permanent scheme has been designed by architects that have considerable experience award – winning awards such as ‘Best PFI Operational Project’ for Barnsley Schools in 2008, and Project of the Year 2010 for Newport High school. All accommodation has been designed in line with guidelines as set out in Building Bulletin 99: Briefing Framework for Primary School Projects and with considerable consultation with the High school staff and governors, as well as a recently retired Brent primary head teacher who has advised on the requirements for both schools. Contractors (builders) have not been procured for the scheme as yet.</p>	<p>Temporary accommodation</p>

		<p>Catering for the temporary classrooms is being met by the High School. The meals (which will not be needed for all children as some of them bring their own), will then be reheated at the temporary school. The design &amp; access statement did not originally include this detail but was revised on 25th November 2010. This report is available to view online. This has also been reviewed by a catering consultant who considers that the High school has the space needed to accommodate this requirement.</p> <p>For the permanent school a full kitchen which will be designed in conjunction with catering consultants. Children and staff that need to wash their hands will do so in the toilets. Noise from lunchtime will not impact on the classrooms as no formal teaching will be done during meals, however acoustic valuations will be undertaken as part of the design to minimise noise from the halls at all times.</p>	
<p>8. Page 93</p>	<p><b><u>Resident/Association: Email received on 7.11.10:</u></b> If this recommendation was carried out for education as well it does not seem to have worked. For the last five years I have found the same rather remote attitude has hindered the treatment of the planning scandals at 67 and 82 Carlton Avenue East and also 19 Brook Avenue. There was no time to build new schools from scratch so existing schools were invited or "invited" to help. Which version depends on one's cynicism. Preston Manor High School is not an ideal choice. The first two pages of the enclosed PDF show the decision of the Preston Manor High School. Governors to install a primary school so that the existing 1481 will become 1981 pupils. The former figure was achieved rather slyly with practically no consultation two years ago. They are already a really bloated school with only 350 capacity for lunch time with the rest of the pupils relying on fast eaten in while walking back to in phalanxes dangerous to oncoming pedestrians. Another potential 500 eaters on the way?The delivery and</p>	<p>Local authorities have a statutory duty to ensure sufficient school places are available to meet local needs. Under sections 13 and 14 of the Education Act 1996, as amended by the Education and Inspections Act 2006, a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area.</p> <p>Both land and capital resources are limited and it is a challenge to find premises for a new primary school within the timeline required to provide the school places in the vicinity of the demand.</p> <p>A priority list for expansion of school has been drawn based on the following criteria:</p> <ul style="list-style-type: none"> <li>• shortage of school places in a local area;</li> <li>• physical expansion of a school deemed to be feasible;</li> <li>• availability of funding to expand the school in accordance with the initial feasibility study;</li> <li>• risk associated with the expansion of the specific schools, likelihood of planning consent;</li> </ul>	<p>Delayed planning by the Authority. Traffic Congestion.</p>

collection of many of the 1981 by car will lead to gridlocks when the crazy siting of the 1600 pupil Ark school is taken into consideration. Andrew Gilligan in the Evening Standard will probably map Brent's descent to Tower Hamlet's level. It's starting I assure you. Another Residents consultation is offered this time at the sensible time of 7pm instead of the 5pm of the 13 October. The date by which written complaints or comments will be accepted is 16 December. Then on Page three comes Brent's Planning Department letter of November 4th apparently unaware that there was a parallel consultation already held on the 13th and 20th October. It is ignorant of the failure so far to decide which of the five different plans submitted in an ordeal by Powerpoint should be chosen. Nor do they seem aware that catering facilities are involved and for which two different methods were in the running. Their idea of a consultation deadline is November 25th. If this is the show of the Governors of Preston Manor High School what is Brent Planning doing starting a rival? Is this consultation still on ?

- expression of interest and/or agreement by the school to expand its capacity on a permanent basis.

Primary schools in the borough were specifically requested by the Director of Children and Families to submit expression of interests to expand provision immediately - even where this involved providing places in temporary accommodation – and for the 2010 and 2011 admissions rounds vide Circular 3782: Reception places needed - invitation to Expand on 28 May 2009. A similar request was made in 2007 vide Circular 2614: Strategy to Develop School Places - Invitation to Expand Primary Schools on 06 June 2007. The requirement for primary school places has also been discussed at various meetings and forums. One such meeting was held by the Director of C&F with the Primary Heads on 18 May 2010.

Preston Manor High School's governing body agreed to undertake a proposal to expand the school. All schools have been aware that the demand for school places has been increasing and several primary aged children were without a school place during the last academic year.

The capacity of the secondary school will remain unchanged. The admission number (external intake by the school) for Year 7 would change from 252 to 192 from September 2016. This means that 60 pupils from the proposed temporary Reception class from January 2011 would progress to Year 7 in September 2017. Similarly the proposed permanent Reception intake of 60 pupils from September 2011 would progress to Year 7 in September 2018. Hence, out of the total of 252 places in Year 7, 60 places would be available for Year 6 pupils already on the roll of the school. If fewer pupils transfer from Year 6, the school will admit over the admission number to provide a total of 252 Year 7 places in accordance with the schools oversubscription criteria.

The consultation carried out as part of the statutory proposal to alter Preston Manor High School is altogether different from the consultation carried out as



		part of the planning application process. This has been clarified at the various meetings held for the residents as part of the educational proposals.	
9.	<p><b>Resident/Association: Email received on 14.11.10:</b> My apologies to those of you who were not present at the site meeting and unaware of the incident I am describing. The site was locked but we we formed a crowd outside. The local residents mounted a spirit and knowledgeable attack on the siting of the two temporary classrooms and the end of this the visiting members may well have thought that they now knew enough. They drifted back to their bus just as I was pointing out that no copy of the actual plans had been produced. Fortunately I had the alert attention of Councillor Harshadbhai Patel and someone on my right who I took to be your Chairman. My concern is that the plans had made no provision for Heating and as of the date of this email Ms Wright , "Senior Planning Officer" had made no reply to my repeated requests on this score. No provision had been made for catering until my enquiry last month and the solution of diverting Preston Manor High School supplies poses the question will these foods be suitable for five year olds? Where do the cleaners wash their mops etc? Staff and pupil wash basins/Is there really a male toilet in the middle of Classroom 2? There are male and female WCs for the pupils but the six or eight teachers share one unisex and have to admit both pupils and visitors(source :the builders). The is a rather North Korean slavish obeying of guidelines . Here is another unanswered question to Ms Wright which derives from the provision of two toilets for the two classes. I quote my email to her. "My ex teacher friend Ms Schepens made the point that a single wc could cope with occurrences during the lesson it could not cope with a rush after</p>	<p>This is relating to the temporary provision at Preston manor High School for 2 classrooms in the current academic year. The temporary provision has been agreed with the school governors and is a measure being taken by the Council to meet the immediate needs of its residents who do not have a school place in the 2010-11 academic year. It is not related to the permanent 2fe provision being planned at the Preston Manor High School and does not form part of the statutory process which is required for permanent expansion proposals.</p> <p>Both the temporary classrooms (off Ashley Gardens), and the permanent primary school (off Carlton Ave East) have been designed in line with guidelines as set out in Building Bulletin 99: Briefing Framework for Primary School Projects. BB99 considers space, toilets requirements, staff requirements, catering needs, and educational requirements. Additionally considerable consultation on the designs has been undertaken with the High school staff and governors, as well as a recently retired Brent primary head teacher who has advised and approved the requirements for both buildings. Consultation under the planning application has been duly taken place.</p>	Temporary accommodation

<p style="text-align: center;">Page 96</p>	<p>the lesson ended. The guidelines are cruel. Must they be followed? What can you remember about your own childhood?" As the site is located within an urban area the school anticipates that all homes in the school catchment area will be within walking distance." Capita Travel Plan Mr Martin Francis exploded this assumption at the residents consultation meetings on the 13th and 20th October. The 60 children will come from the HA9 and HA0 areas and not within a shouting distance of the two schools . Even if they did the modern parent does not risk a five year old with a busy road,bigger children and real or imagined paedophile risks for daily journeys. The proposal should not be rejected merely on the grounds presented by the residents but on the mistaken assumptions in the Capita report on passenger car deliveries by parents and the poor quality of the plans shown on the Brent Council website.</p>		
<p style="text-align: center;">196</p>	<p><b>Resident: Email received on 6.12.10:</b>  <b>Finance:</b> It is noted that the capital funding is to be provided by Brent Council. As we understand it there is a sum of £14.7 million available which has to be 'spoken for' by April 2011. Under the current Comprehensive Review Programme (CSR) period (2008 -2011) Brent Council was allocated £11.687 million for the Primary Capital Programme. Assuming that none of this money hs been used, which is hard to believe, some £3 million pounds has to be found from the Councils coffers. Since Brent Council is always pleading poverty, it would be interesting to know where this money is coming from. Partnership for Schools have informed us that after the current period the CSR will be subject to review. Bearing this in mind will there be enough funds to complete the proposed expansion or will it become a white elephant like The College of North West London in Priory Park Road, Kilburn. Has any</p>	<p>The funding for the proposed scheme is from a special government grant Basic Need Safety Valve Fund. Confirmation from DCSF on allocation of the BNSV funding (Brent Council allocated £14,766,000 ) is available at the following link: <a href="http://www.teachernet.gov.uk/docbank/index.cfm?id=14690">http://www.teachernet.gov.uk/docbank/index.cfm?id=14690</a></p> <p>Letter dated 30 November 2009 from DCSF: "I am writing to inform you that we are allocating you £14,766,000 of capital grant in response to your application for funding to support the provision of additional permanent primary places by 2011. We have allocated a total of £271 million to 34 authorities. Full details of the allocations are included at the end of this letter."</p> <p>The scheme is not being funded from the £11.6m grant received previously and is being spent on other schemes.</p> <p>The expansion of pupil numbers at the school will result in increased revenue</p>	<p>Funding, Lack of Local Demand, Traffic Congestion</p>

consideration been given to using this as a primary school and using the available funds for other purposes? There is also the question of ongoing costs such as teachers and administration staffs salaries and general running costs, which for a school must be enormous. Again, in the current economic situation, where Councils are having to cut services, staff etc., where will the money come from. Not by increasing Council Tax we hope!

**Necessity:** It has been established that the shortage of primary school places is not in the immediate vicinity of Preston Manor High School, where there are already newly built primary schools such as Wembley Primary and The Ark, and established schools such as Preston Park Primary and Mount Stewart Primary, but in the Wembley Central and south of the Borough. Surely it makes sense to build a new school where there is most need or to extend existing schools in those areas. Perhaps the libraries, which Brent intends closing, could be used as satellite class rooms!

**Local Community:** In the Statutory Notice it is stated that Brent Council believes that the proposed school will be 'a significant community resource'. We don't think so! For a start if you refer to the minutes of the Wembley Area Consultative Forum held on 20th October you will see that there was no support at all for the proposed expansion of the School, in fact, quite the opposite. It was made very obvious that residents will not be happy to have during the school run periods:-

1. Increased traffic adding to the gridlock that already occurs during those times.
2. Cars parked across drives by parents waiting to pick up children after school
3. Vehicles using the pavement as a road. This is due to incompetent drivers of which there are many during the school run period.

costs for staffing and associated teaching costs. These increased costs will be met from the school's budget which will increase proportionately based on the formulaic allocation from the DFE.

Local authorities have a statutory duty to ensure sufficient school places are available to meet local needs. A priority list for expansion of school has been drawn based on the following criteria:

- shortage of school places in a local area;
- physical expansion of a school deemed to be feasible;
- availability of funding to expand the school in accordance with the initial feasibility study;
- risk associated with the expansion of the specific schools, likelihood of planning consent;
- expression of interest and/or agreement by the school to expand its capacity on a permanent basis.

The College of North West London in Priory Park Road, Kilburn has not been considered under the current expansion of school places in the borough. It is a challenge within the time constraint to provide the school places and only schemes that fit the above criteria have been considered.

In the local area (HA9 and HA0) of Preston Manor High School (as on 06 October 2010) 72 Reception aged children and 29 Y1 aged children remained without a school place. The number of unplaced children is constantly fluctuating but this situation is worsened by the fact that schools in this area around 6 October 2010 were working to full capacity:

- Wembley Primary which had expanded in 2008 to 4FE had no Reception vacancies.
- Ark Academy opened its door to primary pupils in September 2008 was full in Reception, Year 1 and Year 2 classes.

4. Car fumes polluting the area because waiting drivers leave their engines running in the winter to warm up their cars and in the summer to keep air con going. The proposed school may be carbon neutral, but the surrounding area will have increased pollution.

5. Hordes of children and parents blocking the pavement. They never give way, if Preston Park School is anything to go by.

6. Being unable to use the public transport when children are arriving at and leaving the school due to overcrowding.

Local residents already have to put up with abusive behaviour from the pupils of Preston Manor High School, as well as the litter they generate and the risk of being knocked down by them cycling at excessive speeds on the pavement, etc. etc. This will only get worse as numbers increase. We think that the proposed expansion to Preston Manor School is to some degree 'empire building'. Big is not always best and we think, because of the site situation it will not be meeting the needs of the children who need a school place nearer the area they live in. It is hoped that the Executive will take note of and consider all the comments made. It is also hoped that the Preston Ward Councillors will support the residents in their fight against this proposed expansion. However, this we suspect is wishful thinking as so far they have been conspicuous by their absence at any of the meetings between the school and residents.

- Wykham Primary School was full and operating a 'Bulge' Reception class consisting of 30 places in the current academic year.
- Preston Park School took in a 'bulge' Reception class in 2007-08 and 2008-09; however their Governing Body declined to expand the school permanently in 2009-10.
- Chalkhill Primary School had only 2 vacancies in the Reception class. It is operating at full capacity in Year 1, Year 2, Year 3 and Year 6. The school had 3 vacancies in Year 4 and 18 Vacancies in Year 5. However, the vacancies in the later years are not correlated to the annual increase in demand for Reception places over the last three years.

The waiting list as on 20 October 2010 for primary places in nearby schools were as follows:

School	Reception	Year 1	Year 2
Preston Park	61	11	1
Wembley Primary	57	15	7
Chalkhill	2	8	4
Ark Academy	96	16	4

As at 26 October 2010, 634 primary aged pupils remained without a school place, of which, 150 pupils were Reception aged children. The number of unplaced children and vacancies in the system are constantly fluctuating but overall demand is exceeding supply in the lower year groups (reception to Year 2), which is correlated to the pattern of rising demand in the borough, and indeed across London, over the last three years.

According to GLA's projection, the demand for Reception places will continue to steeply rise in the borough over the next three years.

Like other London Authorities, both land and capital resources are limited in Brent and it is a challenge to find premises for a new primary school within the timeline required to provide the school places in the vicinity of the demand.

Traffic surveys are mandatory for planning applications that include an increase of traffic whether it be pedestrian, or vehicular to a site. In both the application for the temporary buildings, and for the permanent primary school, transportation assessments have been requested and included in the planning applications.

The transport assessment noted that Preston Manor High school has reduced car journeys and continue to do so with its green travel plan.

The primary school at Preston Manor will be closer to the underground station, and since it has a separate entrance will mitigate any congestion that may occur.

The Transport assessment has for example also taken into account the possibility of children from the same family going to both the primary school and the high school which might reduce the numbers of cars.

At present, parking is not oversubscribed, meaning that currently cars find a parking space when dropping off children for the High School, and at the time of the survey there was no double parking or abnormal congestion.

Parking during peak times, if it coincides with the High School, may cause slight congestion at this time, however it is expected that with implementation of the travel plan, this will be reduced. The travel plan provides detail of schemes that the school can implement to push people on to modes of transport other than car: such as highlighting the nearness of public transport; organising walking

		escorts; cycle training; providing showers at the school for cyclists; etc	
11.  Page 100	<p><b>Resident: Email received on 22.11.10:</b> Ashley Gardens is entirely inappropriate to convey traffic into and away from the proposed structure. It consists of a narrow approach road terminating in a cul-de-sac. Parking is already in situ on both kerbs of Ashley Gardens, making it impossible and hazardous to attempt to reverse out of the turning, which in any event would mean reversing into a main road (Preston Road) contrary to the Highway Code. It would require parking restrictions and the building of a roundabout on the playing fields to deal with parents dropping-off, and collecting very small children. This is an accident waiting to happen. I am also informed that Ashley Gardens already suffers from severe traffic and parking problems arising from attendees at other educational institutions. (Has a traffic survey been carried out, yet?). On the question of safety, the scheme is found wanting. How could fire appliances or ambulances gain access to the buildings, particularly with vehicles already parked in Ashley Gardens? Perhaps you intend to apply for parking restrictions to be put in place, but how would this affect the residents of Ashley Gardens and infringe upon their rights? The services appear to be seriously lacking. Insufficient toilets, no wash basins, and no details given of heating arrangements. Although the premises are planned for 60 children, there will obviously be an increased noise level, and a reduction in the quality of life of those living locally. There will also be an increase in garbage and waste, which will be very difficult to remove because of the restricted access described above. Catering arrangements have not been defined. Does this mean that all parents will</p>	<p>This is relating to the temporary provision at Preston manor High School for 2 classrooms in the current academic year. The temporary provision has been agreed with the school governors and is a measure being taken by the Council to meet the immediate needs of its residents who do not have a school place in the 2010-11 academic year. It is not related to the permanent 2fe provision being planned at the Preston Manor High School and does not form part of the statutory process which is required for permanent expansion proposals.</p> <p>Even though the concern has been raised for a temporary accommodation, the Transport assessment for the two temporary classrooms has demonstrated that the public transport options available are numerous and in close proximity. It is acknowledged that car trips are inevitable and using data from suitable travel data collection agencies it is envisaged that 19 vehicle trips to school will be made. In order to mitigate potential effects on residents it has been agreed with the Adult Education Centre that their car park can be used by parents to drive in, set down their children and leave meaning there will be no need to park in Ashley Gardens. Operational arrangements are being made with BACES to minimize the potential bottlenecks.</p>	Temporary Accommodation

	<p>require to provide packed lunches? There are insufficient parking places for staff. I must also add that the Consultation exercise was flawed in so many respects, that it lost all credibility.</p>						
12.	<p><b>Primary School Governor: Email received on 29.11.10:</b> There are currently many 4 and 5 year olds without school places in Brent and the borough has received 'safety valve' money to provide extra places. This money has to be spent by the end of August 2011 or it will be lost. As a result there are a number of schemes under-way to add extra classes to some primary schools and a proposal for a 2 form entry primary school at Preston Manor High School, creating an all-through 4-19 school of more than 2,000 pupils. It is the Preston Manor expansion scheme and associated secondary expansion schemes that concern me. The Preston Manor proposal for a 420 pupil primary provision only emerged during August and the consultation has been 'stream-lined' because of the need to spend the money by August 2011.</p> <p>The quality of the consultation has been affected by the need to meet the deadline but also by the impact of staffing cuts in the department concerned and the restructuring which has transferred the department from Children and Families to Regeneration and Major Projects.</p> <p>These factors have resulted in one consultation meeting for residents being held at a time when most residents were still at work; local residents only receiving consultation documents after vociferous protests; a 'consultation' at the Wembley Area Consultation Forum where after a PowerPoint presentation by seven project managers and council officers, only three questions from residents were allowed; and documentation that has already</p>	<p>A priority list for expansion of school has been drawn based on the following criteria:</p> <ul style="list-style-type: none"> <li>• shortage of school places in a local area;</li> <li>• physical expansion of a school deemed to be feasible;</li> <li>• availability of funding to expand the school in accordance with the initial feasibility study;</li> <li>• risk associated with the expansion of the specific schools, likelihood of planning consent;</li> <li>• expression of interest and/or agreement by the school to expand its capacity on a permanent basis.</li> </ul> <p>All applicable statutory requirements to consult in relation to the proposal have been complied with.</p> <p>The governing body of the Preston manor High School consulted with key interested parties on the alteration proposal. Approximately 6000 copies of the consultation document were distributed by email and/or internal/external post. The schools also distributed the consultation documents by hand to parents, pupils, staff and other interested parties. Out of the total, 4000 copies were distributed to the local residents through a special leaflet drop as agreed with the residents at the meeting held on 13 October 2010.</p> <p>Consultation documents were distributed to:</p> <table border="1" data-bbox="804 1262 1939 1382"> <tr> <td data-bbox="804 1262 1386 1337">Preston Manor High School (parents, staff, student council)</td> <td data-bbox="1386 1262 1939 1337">Preston Manor's Extended School Groups</td> </tr> <tr> <td data-bbox="804 1337 1386 1382">All maintained schools in Brent</td> <td data-bbox="1386 1337 1939 1382">The Welsh School</td> </tr> </table>	Preston Manor High School (parents, staff, student council)	Preston Manor's Extended School Groups	All maintained schools in Brent	The Welsh School	<p>Strategy for School Expansion, Impact on standalone primary schools</p>
Preston Manor High School (parents, staff, student council)	Preston Manor's Extended School Groups						
All maintained schools in Brent	The Welsh School						

had to be revised twice. A major weakness has been the lack of educational input into something that represents a major change in local education provision. Instead it has been seen as simply an exercise in creating extra classes or buildings to house children. The Ark Academy in Wembley will eventually provide 'all-through' education from 4-19. Preston Manor is five minutes away from the ARK and in competition with it and now consulting on offering the same range of provision. In addition, Alperton High School, Wembley High School and Capital City Academy have all expressed an interest in expanding to include primary provision and others may follow. Nowhere in the consultation has there been a thorough discussion of the benefits and drawbacks of such all-through schools which will each have a total pupil population of 1,600-2,000 or more. Nor has there been proper consideration of the impact of such provision on nearby 'stand alone' primary schools.

Preston Manor intends to give preference for admission to its secondary school to pupils who attend the primary school. This would represent 25% of their Year 7 intake. If you add preference given to siblings already at the High School this reduces the chance of children from stand alone primaries gaining admission to the High School significantly. Canny parents will want to send their children to the primary school in order to secure admission to the secondary school. In effect this means choosing your child's high school at the age of four. There is a real danger that stand alone primary schools will be destabilised as a result, losing pupils and experiencing high pupil turnover as they cater for an increasing proportion of pupils in shortterm transit through the borough. A major consideration should be how this will affect equal opportunity for access to quality secondary

Westminster Diocesan Education Service	London Diocesan Board for Schools
London Borough of Ealing	London Borough of Barnet
London Borough of Camden	London Borough of Harrow
London Borough of Hammersmith and Fulham	London Borough of Westminster
Royal Borough of Kensington and Chelsea	Local Residents Association
Trade Unions	Local Councillors
Brent local MPs	Brent Council
Admissions Forum	Brent Governors Forum
4000 copies distributed to households located around Preston Manor High School	Copies distributed at i) a residents meeting held at the school and also at ii) the Wembley Area Consultative Forum.
Sports England	Local Early Years & Nurseries

A consultation meeting with the residents was held at the school on 13 October 2010.

Another meeting was held on 20 October 2010 as part of the Wembley Area Consultative Forum, whereby the expansion proposal was included as an agenda item. There was additional time given to all attendees at the end of the meeting to discuss their views on the scheme and raise concerns.

Both the above meetings invites had been advertised in the local newspaper.

It was further agreed at the residents meeting held on 13 October 2010 that the school would hold another residents' meeting if the governing body of the school decided to publish the statutory notice for the proposals. This meeting was held on 29 November 2010 with the aim of providing those residents who could not attend either of the first two sessions a chance to raise their concerns



education in the borough. A further consideration is that the proposed expansions, with the exception of Capital City, are all in the North of the borough while much of the demand is in the South. The Harlesden/Stonebridge area lacks a community secondary school and there have been moves by parents to set up a 'free school' there. 'All through' schools in the north will reinforce that basic inequality and further shift the centre of gravity of the borough to Wembley.

To its credit the council has recognised that the rush to expand may affect the quality of the new provision. They should also recognise that the quality and viability of existing primary provision will be put at risk in the long-term if all-through schools become the norm. A further imponderable is the impact of the housing benefit cap on local families with the Council's own senior housing officer predicting that many may be forced to move out of the borough. Indeed there has already been an increase in evictions resulting in more families moving out of London or into short-term bed and breakfast accommodation. If that trend continues we may see a reduction in the number of pupils seeking school places. Many are in favour of genuine all-through schools which would be smaller and where the form of entry would be the same throughout.

Small schools where the head teacher and staff know all the pupils have huge advantages in terms of creating a caring, family and community centred ethos. Large schools may be able to offer a wider curriculum and more shared resources as well as economies of scale but lose a lot in the process and I question whether large institutions are good places in which to care for and educate young children. Brent used to offer a range of sizes of primary

as well as an opportunity to address previously raised issues. Residents were advised by the school that if their concerns remained unresolved after the meeting, they could submit issues in writing to the Council, which would in turn be reported to the Executive for decision making. The meeting was advertised in the local newspaper, schools and neighbourhood

The number of unplaced pupils could fluctuate at any given time and is partly dependent upon the number of places offered and accepted.

Authorities are under a duty to provide every school age child with a place, but they are not obliged to provide a place in a particular or nearest school. In the case of pupils aged up to 8 years, 2 miles is the statutory maximum walking distance (3 miles for over 8s). The recommended journey time for primary age pupils is up to 45 minutes, but this is at the local authority's discretion.

In Brent community schools, the distance is measured in a straight line or by the shortest walking route from the front door of the child's home address (including flats) to the main entrance of the school, (using the local authority's computerised measuring system) with those living closer to the school receiving the higher priority.

Demand for school places is not restricted to one or two wards. It is spread across Brent. There are many factors which are required to be reviewed e.g. site feasibility, demand for school places, school's willingness to expand.

Preston Manor High School is within the demand area for primary places and is deemed suitable for expansion in time for next year's intake, subject to the outcome of the proposal. In many instances parents living near to Preston Manor have to accept places further away due to the mismatch in demand and supply. Preston Manor High School's governing body would be responsible for deciding the admission and oversubscription criteria for the primary provision in

	<p>schools from one to three form entry but the number of one form entry schools (210 pupils from Reception to Year 6) has been reduced as a result of expansion plans and there are now some four form entry schools (840 pupils) which are bigger than many secondary schools. This process has been taking place over several years and there are legitimate arguments for and against which deserve a public airing before 'In Brent Big is Beautiful' becomes our borough slogan. It may be inconvenient to ask these questions but it is not a wrecking tactic. Important decisions are being made and parents, teacher, governors and residents deserve to be part of the discussion.</p>	<p>accordance with the national recommendation.</p> <p>The authority would like to provide parental choice where ever possible. This would include admissions to Chalkhill primary school and the proposed intake at Preston Manor High School. However, due the significant number of children without a school place, it is essential that sufficient amount of places are provided within the borough in areas of demand and within acceptable travel distances.</p> <p>In the near to medium term, the forecast and applications for admission suggest that the demand for primary school places will continue to increase. The Council will monitor the demand and supply of school places and it will review the forecast periodically to achieve a balance. The growth in demand in turn would even out the risk of standalone primary schools experiencing pupil turnover.</p> <p>It is widely recognised that in terms of very limited funding and lack of new land, Authorities are still required to meet their statutory duty to provide sufficient school places.</p>	
13.	<p><b>Elmstead Avenue Residents Association</b> (reprinted)</p> <p>11th November 2010</p> <p>Re: Proposed Expansion to Preston Manor High School</p> <p>On 20th October 2010 at around 3.00pm our residents had a Consultation Document pushed through our letter boxes advising us of the proposed expansion to Preston Manor</p>	<p>Traffic surveys are mandatory for planning applications that include an increase of traffic whether it be pedestrian, or vehicular to a site. In both the application for the temporary buildings, and for the permanent primary school, transportation assessments have been requested and included in the planning applications.</p> <p>The transport assessment noted that Preston Manor High school has reduced car journeys and continue to do so with its green travel plan.</p> <p>The primary school at Preston Manor will be closer to the underground station, and since it has a separate entrance will mitigate any congestion that may occur.</p>	<p>Traffic Congestion, Proposed Entrance, Delayed planning by the Authority</p>

High School by adding 60 reception places, thereby making it all through school' by 2016. That evening two of our committee members attended the Area Consultative Forum at which this matter was being discussed. We felt we should attend so that we could report back to our residents as this will directly affect us and we had no prior knowledge of it.

We were informed by a council officer and the architect at the meeting that the expansion was still in the planning stages and that Brent would not be undertaking this consultation as Preston Manor was a Foundation school, the school would do this themselves. We were shown the plans for the school and told that it would have its own entrance in Carlton Avenue East (opposite Princess Avenue), would originally be temporary structures from January 2011 that would eventually be permanent structures by September 2011.

The architect advised that the funding for the expansion had come from "central Government"

We were also told that nothing was yet set in stone. Statutory notices would be in the local paper "sometime in January" and a meeting would be held for the residents to raise

The Transport assessment has for example also taken into account the possibility of children from the same family going to both the primary school and the high school which might reduce the numbers of cars.

At present, parking is not oversubscribed, meaning that currently cars find a parking space when dropping off children for the High School, and at the time of the survey there was no double parking or abnormal congestion.

Parking during peak times, if it coincides with the High School, may cause slight congestion at this time, however it is expected that with implementation of the travel plan, this will be reduced. The travel plan provides detail of schemes that the school can implement to push people on to modes of transport other than car: such as highlighting the nearness of public transport; organising walking escorts; cycle training; providing showers at the school for cyclists; etc.

An analysis of all the locations around the school site was undertaken and the location off Carlton Ave East was deemed to be the most effective in terms of location when considering a number of factors including impact on playing fields, parking and other traffic issues, sustainability etc. It is envisaged that the Ashley Gardens entrance will serve the two temporary classrooms for the ongoing 2010-11 academic year and this is subject to a separate planning application.

The Council is under immense pressure to provide primary school places, especially in the lower age groups – Reception and Year 1 classes. According to GLA's projection, the demand for Reception places will continue to steeply rise in the borough over the next three years. Like other London Authorities, both land and capital resources are limited in Brent and it is a challenge to find premises for a new primary school within the timeline required to provide the school places in the vicinity of the demand. At this stage, there is no evidence that the demand for primary school places is going to decline.

issues, after which time we would have six weeks to formally object to the proposed plans.

We raised the question how did Brent plan to deal with the extra traffic and parking issues for the local residents (bearing in mind the situation at Preston Park which is chaotic to say the very least!), that would come with such a plan and were told that the residents would be consulted and further studies would be undertaken, including traffic studies before any decisions were made. We asked what the catchment area for the school would be, and were informed that this decision would, again, be made by the Board of Governors but that Brent's policy was (1) Looked after/Special Needs (2) Geographical (3) Sibling rules. Effectively my question was not answered.

Imagine our astonishment when we saw, in the local paper dated Thursday 4th November 2010, a statutory notice from the Chair of Governors of Preston Manor High School informing the reader of the plan to expand the school, and that they had until 19<sup>th</sup> December 2010 to formally object to the proposed plans. The Statutory Notice stated "the capital funding for providing the new permanent primary places will be provided by Brent Council"

As per the guidance, the consultation document had been sent to the following:

Preston Manor High School (parents, staff, student council)	Preston Manor's Extended School Groups
All maintained schools in Brent	The Welsh School
Westminster Diocesan Education Service	London Diocesan Board for Schools
London Borough of Ealing	London Borough of Barnet
London Borough of Camden	London Borough of Harrow
London Borough of Hammersmith and Fulham	London Borough of Westminster
Royal Borough of Kensington and Chelsea	Local Residents Association
Trade Unions	Local Councillors
Brent local MPs	Brent Council
Admissions Forum	Brent Governors Forum
Sports England	Copies distributed at i) a residents meeting held at the school and also at ii) the Wembley Area Consultative Forum.
Local Early Years & Nurseries	

A consultation meeting with the residents was held at the school on 13 October 2010.

Another meeting was held on 20 October 2010 as part of the Wembley Area Consultative Forum, whereby the expansion proposal was included as an agenda item. There was additional time given to all attendees at the end of the meeting to discuss their views on the scheme and raise concerns.

Both the above meetings invites had been advertised in the local newspaper.

We therefore object to the proposed plans to expand Preston Manor High School on the following basis:

1. The introduction of more parents in cars dropping children off to a SECOND location in Carlton Avenue East first thing in the morning and again in the afternoon, will impact detrimentally not just on Carlton Avenue East but also Princess Avenue and Elmstead Avenue which are already overused as a rat run through to Forty Lane, and by commuters not willing to pay to park in the station car park, and will further Brent Council's cause for introducing a Controlled Parking Zone into our roads, or worse still, making Carlton Avenue East and Elmstead Avenue opposing one way streets which we do not want.

2. There are a number of other options for entrances. Ashley Gardens is currently the entrance to the Brent Adult & Community Centre and this could be utilised for the parents, or alternatively the parents could use the current school entrance and a footpath be built from the High School to the Primary

At the meeting on 13 October 2010, the Council agreed to distribute 4000 copies to households located around Preston Manor High School.

It was further agreed at the residents meeting held on 13 October 2010 that the school would hold another residents' meeting if the governing body of the school decided to publish the statutory notice for the proposals. This meeting was held on 29 November 2010 with the aim of providing those residents who could not attend either of the first two sessions a chance to raise their concerns as well as an opportunity to address previously raised issues. Residents were advised by the school that if their concerns remained unresolved after the meeting, they could submit issues in writing to the Council, which would in turn be reported to the Executive for decision making.

The waiting list as on 20 October 2010 for primary places in nearby schools were as follows:

<b>School</b>	<b>Reception</b>	<b>Year 1</b>	<b>Year 2</b>
Preston Park	61	11	1
Wembley Primary	57	15	7
Chalkhill	2	8	4
Ark Academy	96	16	4

In the near to medium term, the forecast and applications for admission suggest that the demand for primary school places will continue to increase. The Council will monitor the demand and supply of school places and it will review the forecast periodically to achieve a balance. The growth in demand in turn would even out the risk of standalone primary schools experiencing pupil

school without giving local residents any more parking headaches. We cannot emphasise strongly enough that having a second school entrance in Carlton Avenue East will have an extremely detrimental effect on the traffic and parking situation for the taxpaying residents of both Carlton Avenue East AND Elmstead Avenue.

3. The children for whom these 60 places are being created for were not born yesterday. They were born 4 years ago and Brent Council should have made provision then for sufficient school places for those children.

4. The initial consultation should have included ALL residents in Carlton Avenue East and Elmstead Avenue and the area surrounding the school, as it will have an impact on all our streets. Our inclusion in the consultation should not have been left until FOUR hours before the meeting where the plans were introduced and discussed, leaving many of our residents unable to attend and put forth their opinions, which is unfair and grossly incompetent. Mr Lantos wrote to some residents on 7<sup>th</sup> October 2010 inviting them to a consultation at Preston Manor on

turnover.

The funding for the proposed scheme is from a special government grant Basic Need Safety Valve Fund. Confirmation from DCSF on allocation of the BNSV funding (Brent Council allocated £14,766,000 ) is available at the following link: <http://www.teachernet.gov.uk/docbank/index.cfm?id=14690>

Letter dated 30 November 2009 from DCSF: "I am writing to inform you that we are allocating you £14,766,000 of capital grant in response to your application for funding to support the provision of additional permanent primary places by 2011. We have allocated a total of £271 million to 34 authorities. Full details of the allocations are included at the end of this letter."

The scheme is not being funded from the £11.6m grant received previously and is being spent on other schemes.

Revenue funding is provided by the central government and is based on a formulaic allocation derived on basis of pupil numbers.

The school is performing at an acceptable level and is continuously striving to improve its standards and learning outcomes. The Governing Body of the school has not raised any specific risk arising from the proposed primary provision and its impact on the school's Ofsted rating.

The Council at the meeting held on 20 October 2010 at the Wembley Area Consultative Forum, provided the approximate planned dates mentioned in the Consultation Document, as follows:

GB consider publication of statutory notice by*	1 Nov 2010
Statutory Notice published by	5 Nov 2010

	<p>13th October, we have yet to find a resident who received this letter or attended the meeting, and can only assume that it was NOT delivered to residents of Elmstead Avenue and only a handful of those in Carlton Avenue East.</p> <p>5. Rose Ashton, the Head Teacher of Chalkhill Primary spoke at the meeting about her enthusiasm to expand her school and the fact that she currently has unutilised places in both the nursery and reception classes at her school that she would be more than happy to fill. She has plenty of space for new classrooms to be built and is within easy reach of the Preston Ward for those parents who live within the ward boundaries and need a school place for their child. We have been advised that there are a number of other schools in the Borough who have unutilised places and would be more than happy to take on more pupils and have the space to have additional buildings erected to accommodate those children.</p> <p>6. In view of the Governments recent announcements about cuts it is unbelievable that Brent has allocated such</p>	<p>Representation Period ends by 17 Dec 2010</p> <p>Executive makes final decision following Statutory Notice period Jan 2011          *If the Governing Body decides to proceed with the expansion then a statutory notice will be published. There then follows a six weeks formal consultation period when objections or comments can be made. The outcome is then reported to Brent Executive who will determine the proposal.</p> <p>Copies of the Consultation Document were made available to all attendees. It is statutorily required that whilst the consultation stage was being conducted by the governing body of Preston Manor High School, the representations following the publishing of the statutory notice must be submitted to Brent Council. Such representations would be compiled into a report for submission to Brent's Executive committee for decision making. The Statutory Representation period cannot be altered to take account of holidays.</p>	
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an enormous amount of money to build a school from scratch when we are sure that with a little forethought Brent could have already made places for those children who do not have a place at schools already built within the Borough.

7. Preston Manor's OFSTED rating was, in the past, outstanding. We have been informed that this has now been downgraded to "good". We are concerned that a school with a downgraded OFSTED rating is being expanded. Should the emphasis not be on raising the rating again?

8. We have reason to believe that the parents of pupils already at the school voted against the expansion.

9. We are concerned about the Government's Welfare and Housing reforms and with the proposed plans to build more housing at the Wembley Link. We feel that the proposals to expand Preston Manor will simply not be enough and maybe five, ten years down the line we will be going to battle again over plans to INCREASE the number of classes/ pupils. The people who



	<p>will be moving into the housing at the Wembley Link will need school places but they will also need doctors surgeries, parking for their cars, shops etc. Where will it stop?</p> <p>In closing we would like to add that Brent Council's officers mislead those who did attend the meeting by stating that the Statutory Notices would be placed in January, with a closing date in mid February, only for them to be placed in November, with a closing date a mere 6 days before the Christmas shutdown. This, coupled with the fact that a notice has been posted on the lamppost on the corner of Carlton Avenue East and Princess Avenue states that the closing date is 26<sup>th</sup> November 2010 and giving a different person to object to seems like a slightly shoddy attempt by Brent Council and Preston Manor School to push the plans through without sufficient consultation with the taxpaying residents and giving us the time to object.</p> <p>Please ensure that our objections are noted accordingly.</p>		
14.	<p><b>Email received on 15.12.10: Submission on the proposals for the alteration of Preston Manor High School to include Primary Provision by Chalkhill Primary School Governing Body.</b></p> <p>1. The last Ofsted Report on Chalkhill</p>	<p>Brent Council is supporting all the community schools with a view to continuously improve standards and learning outcomes. Chalkhill Primary School is one such school.</p> <p>Local authorities have a statutory duty to ensure sufficient school places are available to meet local needs. Under sections 13 and 14 of the Education Act 1996, as amended by the Education and Inspections Act 2006, a local</p>	<p>Local Demand, Strategy for School Expansion, Impact on standalone</p>

	<p>Primary School (July 2009) stated:  “Strong determined leadership from the headteacher, together with good support from the senior leadership team, has helped to drive forward the school’s improvement.”</p> <p><i>“Staff and governors share the vision and ambition to make this an outstanding school in the future. Staff morale is high and teamwork strong.”</i></p> <p>2. We have taken on the task of changing the negative image of Chalkhill Primary School and the Chalkhill Estate, which is long-standing. We have orientated ourselves towards the community, have won positive local press coverage for our achievements and have circulated positive publicity material about the school. Chalkhill Primary School now has one of the highest pupil progress scores in Brent. (1) Ms Rose Ashton, Chalkhill’s headteacher, has recently won a Merit Award from Brent Council’s Chief Executive for her work at the school.</p> <p>3. The progress and high morale reported by Ofsted is threatened by the potential destabilising impact of the expansion of Preston Manor High School into primary provision. Chalkhill is already facing</p>	<p>education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area.</p> <p>It is widely recognised that in terms of very limited funding and lack of new land, Authorities are still required to meet their statutory duty to provide sufficient school places.</p> <p>Preston Manor High School’s governing body agreed to undertake a proposal to expand the school. All schools have been aware that the demand for school places has been increasing and several primary aged children were without a school place during the last academic year.</p> <p>Primary schools in the borough were specifically requested by the Director of Children and Families to submit expression of interests to expand provision immediately - even where this involved providing places in temporary accommodation – and for the 2010 and 2011 admissions rounds vide Circular 3782: Reception places needed - invitation to Expand on 28 May 2009. A similar request was made in 2007 vide Circular 2614: Strategy to Develop School Places - Invitation to Expand Primary Schools on 06 June 2007. The requirement for primary school places has also been discussed at various meetings and forums. One such meeting was held by the Director of C&amp;F with the Primary Heads on 18 May 2010.</p> <p>The authority would like to provide parental choice where ever possible. This would include admissions to Chalkhill primary school and the proposed intake at Preston Manor High School. However, due the significant number of children without a school place, it is essential that sufficient amount of places are provided within the borough in areas of demand and within acceptable travel distances.</p> <p>The waiting list as on 20 October 2010 for primary places in nearby schools were as follows:</p>	primary schools
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competition from the nearby ARK nursery and primary school (2 FE) and primary provision at Preston Manor (2FE) and Wembley High (1 FE) all comparatively close, will present a formidable challenge,

4. Because all these developments would give preference to pupils attending their primary departments for entry into the attached sought-after secondary school, these all-through schools will have a built-in advantage over nearby primary schools. They will be attractive to parents, who are long-term residents in the area and are aware of the local school system, who will in effect be choosing their child's secondary school at the age of 4. There is a danger that this could create a two-tier system that would further disadvantage pupils from the south of the borough and therefore an Equalities Assessment of the long-term impact of this form of expansion should be undertaken.

5. Despite claims that there is a shortage of school places in the area, Chalkhill Primary has vacancies in Nursery, Reception, Year 3, and Year 5 and there is no waiting list for admission to the school. Mobility for 2008/9 was 77%. 2009/10 was 37%. Recently 21 pupils have moved out of the area. 12 have done so because of anticipated changes in

School	Reception	Year 1	Year 2
Preston Park	61	11	1
Wembley Primary	57	15	7
Chalkhill	2	8	4
Ark Academy	96	16	4

In the near to medium term, the forecast and applications for admission suggest that the demand for primary school places will continue to increase. The Council will monitor the demand and supply of school places and it will review the forecast periodically to achieve a balance. The growth in demand in turn would even out the risk of standalone primary schools experiencing pupil turnover.

A detailed review of the school assets portfolio will be undertaken in the next year to ensure that the limited Council resources are applied to areas of maximum need in order to meet the statutory duty to provide sufficient school places, improve the educational outcomes and achieve value for money on delivery of capital schemes.

the housing benefit cap. We are aware of 6 families, who have been served notice by private landlords, currently in temporary accommodation, (hostel or hotel), waiting to be re-housed. The map of children out of school provided by the Authority shows few children awaiting places in the immediate vicinity of Preston Manor, although there are significant clusters in Wembley Central, Neasden and Dollis Hill.

6. We understand that the Authority wishes to maintain spare capacity in some of its primary schools to cater for in-year admissions. Given that Chalkhill is still engaged in improving pupil achievement and moving the school from a category of 'Satisfactory' to 'Good' its use as a 'spare capacity' school would undermine these efforts. The school already suffers from high pupil mobility and this would be increased with the result that we could experience the 'unplugged running bath syndrome' where there is a constant loss of longer-term pupils as spaces become available at other schools, who are then replaced by newcomers to the area or the country, often at the beginning stages of learning English. We are of course committed to all pupils achieving but such conditions would increase the difficulty of our task.

7. Given all the above we want the Authority to support our efforts to overcome long-term problems but feel that it has not taken sufficient cognisance of the likely impact on Chalkhill Primary School and other nearby primaries of the Preston Manor and Wembley High expansion plans, coming on top of primary provision at the ARK Academy. This represents an additional 5 forms of entry (150 places minus 30 if the 50% Harlesden ARK intake is taken into account) in the vicinity of Chalkhill Primary School. It would be of no benefit to the authority if, in meeting the demand for additional school places, they undermined existing primary schools.

8. We welcome the Authority's recognition that the provision of additional primary places has had to be undertaken urgently to meet Safety Valve deadlines, resulting in a rather ad hoc approach. We are pleased that the Authority is now to undertake a borough wide review of primary and secondary provision and demand with a view to constructing a Strategic Plan. We believe that this review should also consider the educational issues involved in the provision of 'all-through' schools.

9. Meanwhile we will be seeking mitigating

action to safeguard the future of quality primary provision at Chalkhill Primary including:

- i. Possible feeder arrangements with Preston Manor High School so that our transferring Year 6 pupils are not placed at a disadvantage.
- ii. Financial cushioning arrangements to counteract any impact on the school roll of the new provision linked to mobility and any overall fall in roll.
- iii. Investment in the building and learning environment of the school.

## REFERENCES

(1) Contextual Value Added Scores  
(National Mean 100)

Subject	2008	
English CVA	101.1	
English percentile rank	16	
Maths CVA	100.1	
Maths percentile rank	50	
All subjects CVA	100.6	
All subjects percentile rank	27	

15. **Email Received on 16.12.10: Brent Green Party Submission on Preston Manor High School Expansion**

All applicable statutory requirements to consult in relation to the proposal have been complied with.

Strategy for School Expansion, Impact on standalone

1. The Preston Manor expansion scheme and associated secondary expansion schemes at Alperton and Wembley High give rise to a number of concerns. (A similar scheme at Capital City has encountered planning difficulties)
2. The Preston Manor proposal for a 420 pupil primary provision only emerged during August and the consultation has been 'stream-lined' because of the need to spend the money by August 2011. The quality of the consultation has been affected by the need to meet the deadline but also by the impact of staffing cuts in the department concerned and the restructuring which has transferred the department from Children and Families to Regeneration and Major Projects.
3. These factors have resulted in one consultation meeting for residents being held at a time when most residents were still at work; local residents only receiving consultation documents after vociferous protests; a 'consultation' at the Wembley Area Consultation Forum where, after a PowerPoint presentation by seven project managers and council officers,

The governing body of the Preston manor High School consulted with key interested parties on the alteration proposal. Approximately 6000 copies of the consultation document were distributed by email and/or internal/external post. The schools also distributed the consultation documents by hand to parents, pupils, staff and other interested parties. Out of the total, 4000 copies were distributed to the local residents through a special leaflet drop as agreed with the residents at the meeting held on 13 October 2010.

Consultation documents were distributed to:

Preston Manor High School (parents, staff, student council)	Preston Manor's Extended School Groups
All maintained schools in Brent	The Welsh School
Westminster Diocesan Education Service	London Diocesan Board for Schools
London Borough of Ealing	London Borough of Barnet
London Borough of Camden	London Borough of Harrow
London Borough of Hammersmith and Fulham	London Borough of Westminster
Royal Borough of Kensington and Chelsea	Local Residents Association
Trade Unions	Local Councillors
Brent local MPs	Brent Council
Admissions Forum	Brent Governors Forum
4000 copies distributed to households located around Preston Manor High School	Copies distributed at i) a residents meeting held at the school and also at ii) the Wembley Area Consultative Forum.
Sports England	Local Early Years & Nurseries

A consultation meeting with the residents was held at the school on 13 October

primary schools

	<p>only three questions from residents were allowed; and documentation that had to be revised twice during the consultation period.</p> <p>4. A major weakness has been the lack of educational input into something that represents a major change in local education provision. The Ark Academy in Wembley will eventually provide 'all-through' education from 4-19. Preston Manor is five minutes away from the ARK and in competition with it and now consulting on offering the same range of provision. In addition, Alperton High School, Wembley High School and Capital City Academy have all expressed an interest in expanding to include primary provision and others may follow. Nowhere in the consultation has there been a thorough discussion of the benefits and drawbacks of such large all-through schools (the Green Party would welcome smaller all-through community schools), which will each have a total pupil population of about 2,000.</p> <p>5. Nor has there been proper consideration of the impact of such provision on nearby 'stand</p>	<p>2010.</p> <p>Another meeting was held on 20 October 2010 as part of the Wembley Area Consultative Forum, whereby the expansion proposal was included as an agenda item. There was additional time given to all attendees at the end of the meeting to discuss their views on the scheme and raise concerns.</p> <p>Both the above meetings invites had been advertised in the local newspaper.</p> <p>It was further agreed at the residents meeting held on 13 October 2010 that the school would hold another residents' meeting if the governing body of the school decided to publish the statutory notice for the proposals. This meeting was held on 29 November 2010 with the aim of providing those residents who could not attend either of the first two sessions a chance to raise their concerns as well as an opportunity to address previously raised issues. Residents were advised by the school that if their concerns remained unresolved after the meeting, they could submit issues in writing to the Council, which would in turn be reported to the Executive for decision making. The meeting was advertised in the local newspaper, schools and neighbourhood.</p> <p>Local authorities have a statutory duty to ensure sufficient school places are available to meet local needs. Under sections 13 and 14 of the Education Act 1996, as amended by the Education and Inspections Act 2006, a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area.</p> <p>It is widely recognised that in terms of very limited funding and lack of new land, Authorities are still required to meet their statutory duty to provide sufficient school places.</p> <p>Authorities are under a duty to provide every school age child with a place, but they are not obliged to provide a place in a particular or nearest school. In the</p>	
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alone' primary schools. Preston Manor intends to give preference for admission to its secondary school to pupils who attend the primary school. This would represent 25% of their Year 7 intake. If you add preference given to siblings already at the High School this reduces the chance of children from stand alone primaries gaining admission to the High School significantly. Canny parents will want to send their children to the primary school in order to secure admission to the secondary school. In effect this means choosing your child's high school at the age of four. Eventually we could see ARK, Preston Manor, Wembley High and Alperton all offering the benefit of primary school places with automatic transfer to the secondary school. There is a real danger that stand-alone primary schools will be destabilised as a result, losing pupils and experiencing high pupil turnover as they cater for an increasing proportion of pupils in short-term transit through the borough. A major consideration should be how this will affect equal opportunity for access to quality secondary education in the borough,

case of pupils aged up to 8 years, 2 miles is the statutory maximum walking distance (3 miles for over 8s). The recommended journey time for primary age pupils is up to 45 minutes, but this is at the local authority's discretion.

In Brent community schools, the distance is measured in a straight line or by the shortest walking route from the front door of the child's home address (including flats) to the main entrance of the school, (using the local authority's computerised measuring system) with those living closer to the school receiving the higher priority.

Demand for school places is not restricted to one or two wards. It is spread across Brent. There are many factors which are required to be reviewed e.g. site feasibility, demand for school places, school's willingness to expand.

particularly for those children in the south of the borough.

6. All the proposed expansions, with the exception of Capital City which is on hold, are all in the North of the borough while much of the demand is in the South. The Harlesden/Stonebridge area lacks a community secondary school and there have been moves by parents to set up a 'free school' there. 'All through' schools in the north will reinforce that basic inequality and further shift the centre of gravity of the borough to Wembley. It is essential that an Equalities Assessment be carried out on this aspect of the proposal.
7. During the consultation officers gave figures for the demand for Reception places in the 'immediate vicinity' of Preston Manor High School. They later clarified 'immediate vicinity' as being the whole of the HA9 and HAO areas – a much wider area than implied. The map of demand provided by the authority during the consultation (and a later updated one) indicate clusters of need in Wembley Central and Neasden and in

the south of the borough, rather than in the area around Preston Manor. It is by no means certain that parents of 5 year olds will want to make the journey from Wembley Central or Neasden to Preston Road. There are already parents of pupils on the waiting list of schools who have kept them at home rather than make long or inconvenient journeys. We want primary places available within walking distance both as a means of creating community cohesion and a way of reducing traffic congestion and pollution.

8. To its credit the council has recognised that the rush to expand may affect the quality of the new provision. They should also recognise that the quality and viability of existing primary provision will be put at risk in the long-term if all-through schools become the norm.
9. A further imponderable is the impact of the housing benefit cap on local families with the Council's own senior housing officer predicting that many may be forced to move out of the borough. Indeed there has

	<p>already been an increase in evictions resulting in more families moving out of London or into short-term bed and breakfast accommodation. If that trend continues we may see a reduction in the number of pupils seeking school places.</p>		
16.	<p><b>Preston Manor High School - Resident Meeting Minutes: 29 November 2010 at 7pm</b></p>		
Page 122	<p><b>Present:</b>  Preston Manor High School: Matthew Lantos (Head), Steve Rigby (Deputy Head)  Brent Council: Rajesh Sinha (Pupil Placement Planning Officer),  HLM Watts: Nick Coke  Eileen Thomas (McDonald Planning)  Judith Bijlani (Consultant Head)  Caroline Waters – Preston Ward, Wembley Police Station,  Residents: Sagar Shah, S Arad, Morris Hoffman, R Hailes, Monica Patel and 3 representatives from Elmstead Avenue Residents Association, Nik Thomas, Jack Gordon,  Mary Foley (Governor)</p> <p><b>Apologies:</b> Christine Collins (Chair of Governors)</p> <p><b>Clerk:</b> Elaine Georghiades</p>		
	<ul style="list-style-type: none"> <li>• Mr Lantos thanked those present for coming and welcomed them to Preston Manor High School. Mr Lantos explained that a power cut in the local area was affecting parts of the school so it would not be possible to use the microphones or give the power point presentation plus the school's heating system was affected.</li> <li>• Mr Lantos explained that the meeting was not a public meeting but was being held in addition to the statutory requirement and remained a school meeting. He informed residents that he reserved the right to ask anyone to leave the meeting but hoped that it would be a constructive meeting. He also explained that the meeting was not about the temporary provision at Ashley Gardens.</li> <li>• Mr Lantos introduced Mr Steve Rigby (Deputy Head), Mr Nick Coke of HLM Watts and Ms Eileen Thomas of Mott McDonald Planning who would be making a record of the meeting to pass to Brent Executive to inform the decision.</li> </ul>		

- The police had been invited to the meeting as they would be likely to have to deal with any issues.
- Mr Lantos pointed out that if anyone wanted to raise an objection, it must be made to Mr Nitin Parshotam at Brent Council otherwise it would not be considered.
- Mr Lantos explained that the roving mike could not be used due to the power cut but asked residents to introduce themselves and identify the road they live in prior to asking a question.
- Due to the power failure Mr Coke was unable to make his presentation using the power point he had prepared.
- Mr Coke explained that traffic surveys would be taking place and would be at the Carlton Avenue and Elmstead Avenue junctions with Preston Road and Forty Avenue. It was not necessary to survey Princes Avenue as no traffic could reach it without using the other roads being surveyed. The survey would be from morning to evening over a couple of days to build up a picture of the traffic and then this data would be assessed.
- Parking beat survey would give a picture of how parking spaces are used. Sport England have to see the plans as the building will be on playing fields. Original discussions were about a single storey building but Sport England have advised that a two storey building would have a smaller carbon footprint. As it was not possible to show the cross section of the two storey building at the meeting it may be possible to show it on the Preston Manor website. The two storey building will have a change of level of three metres from east to west. An ambient noise survey will take place to assess the increase in noise. A habitat survey will also take place.
- Currently expectations are for this to be discussed by the Planning Committee on 13 December and this will be separate from the other consultation period.
- Catering arrangements include a kitchen in the temporary accommodation for staff to make hot drinks. Catering requirements for the permanent school will come from the secondary school kitchen with reheating facilities at the primary site. Parking will be one space per five members of staff making 10 spaces plus 10% disabled spaces and 10% for visitors. Other means of travel to school will be encouraged.
- In response to some recent factual inaccuracies in emails being sent, Mr Rigby clarified that since September 2008 all students in Years 7-11 have remained on site at lunchtime. Sixth Formers who are not of compulsory education age are allowed to leave the site.
- Violence would not be likely to increase as all the additional students will be from 4-11 years old. Admission numbers would be 252 of which 60 places would be allocated to the students in the primary school. Mr Rigby saw this as a great opportunity for creation of jobs and improvement to sporting opportunities for the community which is part of the requirement by Sport England.
- Mr Gordon (Carlton Avenue East) queried the number of students in the expanded school. The school clarified that currently there are 1481 students including the Sixth Form with two year groups still to increase to 252 in September 2011 and 2012. The total number in the expanded school will be 1960. Mr Gordon noted that it is younger children whose parents drive them to school by car.

- Mr Hofman (Meadow Way) asked whether the school would be filled gradually or with a big bang and whether it would give automatic entry to the secondary school. Mr Lantos answered that there would be a gradual filling of the school with the Reception students from the temporary accommodation transferring to the permanent school to create Year 1 to be joined by an intake of reception students and then each year a new reception class would be added.
- Mr Hofman felt that parents would choose the primary school with automatic entry to the very popular school which he felt may cause outrage from those who cannot get a place and may encourage parents to apply early to the primary school to get a secondary place.
- As a former governor at Wembley Primary Mr Hofman was aware that the Ark Academy has an extra two classes and that Wembley has an extra class. Mr Hofman asked for evidence for local demand and felt that if there was no evidence then the school could be in the wrong place and this would generate extra traffic. Building at stadium is taking place but not for children with families.
- It was reported that the Head at Chalkhill Primary says the school has spaces and opposes the expansion.
- It was confirmed that the maximum walking distance is a two mile radius round the school and that the demand is in this area.
- Residents asked why Chalkhill could not be expanded. It was explained that there is a sum of money to spend this year in order not to lose the funding. A feasibility study took place and identified the Preston Manor site.
- Mr Shah who has been a resident of Elmstead Avenue and currently Carlton Avenue East and an ex pupil of Preston Park and Preston Manor High School felt he might be able to bridge the views of all. He had seen the problems of the litter and parking and seen hard work of the teachers to address problems raised by residents. As the father of a two year old he would also be looking for a place at primary shortly. Mr Shah felt it was good for it to be two storeys to save the playing fields.
- Mr Shah asked if a family centre was being factored in or would it be possible to increase funding for this. Mr Coke responded that currently the funding will not meet the costs of a family centre but the school will be designed with capacity for one to be added in the future.
- There would be parking spaces of one for every five teachers. Labour government laws discourage teachers from driving to school. Mr Shah asked how many cycle and felt there may need to be more parking spaces to prevent staff parking in the road.
- A planning department requirement for the expansion was a Travel Plan. Preston Manor had to reduce the number of spaces on site and set up a car club. Numbers of students and staff cycling to school has increased. Dichotomy about providing spaces because there is a demand or not providing them to discourage cars.
- Residents held a variety of views on whether 4-11 year olds would be walking to school.
- It was noted that no one from the Brent Executive was at the meeting. Mr Lantos said a record of the meeting was being taken both by the Clerk to the Governors and Eileen Thomas from Mott MacDonald Planning and these would be shared with the residents associations. Mr Sinha was representing Brent Council at the meeting which was an additional meeting in excess of the statutory requirement.
- A resident felt it was a waste to spend money on a traffic survey which he felt Brent knew would give false results.
- Mr Silverman, a Preston Road resident was concerned that he had only known about the proposal from Mr Gordon and he had

been totally unaware that an additional 60 children per year would be admitted. He had complained previously about the behaviour of children who he felt were a disgrace and louts and thugs. Mr Lantos said he was expressing an opinion which was diametrically opposed to his own.

- Ms Patel, spokesperson for the Elmstead Avenue Residents Association, asked if the traffic survey would be carried out to include the times of the nursery. Mr Coke responded that the traffic survey would be all day and would take place over more than one day.
- One resident felt that this school, like the Ark Academy with fifty per cent of students coming from Harlesden and Stonebridge, would not be for local residents and would like to see the evidence for need in this area.
- A resident felt that the school should have to be outstanding and asked if it was wise in view of the drop in standards. Mr Lantos felt this was a point that had already been made. The Ofsted judgement during the pilot was wider than previously and the school had actually gone up in every category and the fall in prior attainment of the students entering the school was more of a factor.
- The number of secondary places for local residents would be reduced which they felt was reducing their choice of primary school as they would have to choose the new primary in order to secure a secondary place. Mr Lantos reiterated that if they live close enough to the school the proximity criteria would apply.
- One resident stated that Chalkhill have places available. Mr Sinha replied that the Council's feasibility study does not support this. All schools were surveyed but not all lend themselves to expansion. A variety of factors were considered and rated and a choice was made on the data but there will always be some people who feel it should have been a different school.
- One resident said that some of the local residents had lived in this area for up to 60 years and did not want another school imposed on them. Mr Coke said an impact assessment would be carried out as part of the process. He clarified that the areas where the traffic survey would take place were at the junctions of Carlton Avenue and Elmstead Avenue with Preston Road and Forty Avenue. It would not include Princes Avenue as no traffic could access Princes Avenue unless it had entered via Elmstead Avenue or Carlton Avenue East.
- A resident asked if they would also be looking at Highfield Avenue and Hollycroft Avenue. Mr Coke explained that there were no plans to access the primary school via these roads. It was felt that these narrow roads were already a problem with kitchen deliveries to the secondary school. If there are no kitchen facilities at the primary school the deliveries to the secondary school kitchen would increase. Residents would prefer more frequent deliveries in smaller vans as the large lorries damage the grass verges. Mr Lantos felt this could certainly be looked into but that the size of the van making deliveries was something beyond the school's control.
- Currently there are houses either side of the proposed entrance to the primary school which is an entrance that is not used much although before the Sports Pavilion was burnt down this entrance was in frequent use and was even used by funfairs and the BBC.
- Ms Castinetti, who was only told of the Area Forum at 3pm on the day, said a resident who lives on one side of the proposed entrance said he didn't want it. Times of special events would mean more traffic.
- Mr Hofman asked if the planning application was in and Mr Coke confirmed it was not. The Traffic plan will have to justify what

traffic there is and what the capacity is and make a judgement about where the students will be coming from.

- It is assumed that 19 out of the 60 will be coming by car and the rest will be walking.
- An environmental plan will also be made to include the traffic and the carbon footprint but it is not their job to work out where they will be coming from.
- There will be one parking space per five members of staff for a staff of between 50 and 60. Residents do not want people parking in the street outside their houses. If there was a funeral at the church which coincided with the end of school it would be an issue.
- Wembley Primary which replaced Wembley Manor Primary is a four forms of entry school which is big for a primary school and six forms of entry would be a concern. It is a widely held view that six forms of entry would be educationally unsound. The bulge coming through is bigger than anticipated.
- Mr Sinha was asked if the council had done a survey on how many children need to go to this school. He responded that in October 2010 there were 150 children in the borough without a place.
- One resident stated they were not interested in the borough and that Chalkhill is half empty. Mr Sinha responded that Chalkhill does not have Reception or Year 1 places. There are some spaces in Years 5 and 6 but reception age children cannot be placed there.
- 150 places are needed for the borough and the council are going to give places within a two mile radius to walk to school, winter and summer. Mr Coke replied that not every child will walk to school.
- Residents asked about the primary and secondary plans that Quintain were making. Quintain would not be building in time for these children.
- Mr Coke was asked again about the traffic survey and he confirmed it would take place over three days.
- A question was asked about how many of the 150 children were within the two mile radius, how many have registered with Brent and what is forecast.
- There are 4 years olds within a two mile radius without a place. Mr Sinha said there are 150 reception age children without a place.
- Mr Shah said he did not believe it as there were dots everywhere else on the diagram.
- Mr Gordon felt the meeting was hearing from Mr Shah too much.
- People from outside the neighbourhood would be coming in from two miles away which is half way across the borough and that it had not been justified. Mr Coke explained that two miles was the maximum walking distance according to the regulations.
- Ms Patel asked if an increase in the immigrant population coming into the borough is imposing them on the education system. Mr Lantos did not feel it was an imposition. It was net migration not immigration.
- Next year the proximity to the school criteria will be the same for community schools as it is for foundation schools. Priority will continue to be given to Special Needs, Looked After and siblings before proximity. Half of Ark Academy's places have to be around the family centre in Stonebridge. The admission criteria will apply to all the 60 places.
- Children at home in October 2010 were 72 in reception and 29 in Year 1 in postcodes HA9 and HA0.



- Mr Sinha was asked why Park Lane was not expanded. He explained that they hosted a bulge class and would expand permanently from 4 January 2011. A resident commented that the website said they had 30 places filled out of 60 available.
- Preston Park Primary governors had rejected a request to expand permanently. Residents asked what the effect will be on Preston Park if the new school steals pupils. One resident thought Claremont High School had placed a former teacher at Preston Park to promote the school.
- Given that projections from both the National Statistics Office and Brent Council are for 1 million over the next ten years there will be sufficient demand for both schools and they will not be competing for places.
- Residents were concerned that they would be back fighting the expansion of the primary school in ten years time. Mr Lantos said he would not approve that as he does not think larger primary schools were educationally sound.
- One resident felt that Brent only care about numbers and not about residents. Mr Lantos pointed out that the Local Authority has a statutory duty to provide places. The Basic Needs Safety Valve funding exists to fund building extra provision. He felt this was a unique opportunity to provide primary places and have smooth transition from primary to secondary. The primary school would have its own separate entrance.
- Mr Lantos said that Years 5 and 6 could be linked with Years 7 and 8 for a smoother transition.
- A resident pointed out that the school had twice tried to build houses on the site and now they wanted to build a school. Sport England was involved in the legal challenge. This is a different project to use for educational provision. A resident felt that the school were fudging it but Mr Lantos pointed out it was a relatively small area.
- The school were asked if they would be staggering start times and why they could not use the same entrance. Mr Lantos said it would not be possible to have the primary school children walking through the secondary site.
- Mr Gordon felt the focus was 100% on motor traffic and that pedestrian traffic had not been considered. He had taken photos of children travelling to and from school. It would be an unfortunate mistake to increase the numbers to 1500 and that no one is sufficiently alert to oppose it. The school were coming to the rescue of Brent Council and would take the strain of extra pupils, The catering requirements were insufficient to stop the rest of the school going out at lunch time.
- Mr Lantos corrected this factually inaccurate statement by saying that he had stopped students from Year 7 to Year 11 leaving the site at lunch times in his first year as Head. Sixth Formers were allowed off site as they were no longer of compulsory education age. He had made this change in response to many correspondences from Mr Gordon about the subject.
- Mr Silverman said that up until recently Preston Manor was good educationally. Mr Lantos disagreed with this statement. Mr Silverman felt that the behaviour is a disgrace and the behaviour of students arriving and leaving leaves a lot to be desired.
- Local children are themselves and is to do with the school and their parents.
- Mr Gordon said that Mr Lantos' predecessor had told him to take their names and she would deal with it. He asked if anyone had ever suggested taking their names. He had reported it to the police and shopkeepers were also aggrieved.
- Mr Coke pointed out this was not to do with the primary school and Mr Lantos objected to all students being collectively called hoodlums. A resident responded that the minority always colour the majority but Mr Lantos felt it important to fight stereotypes.
- A resident reported that a student who had got out of school was run over three miles away. Mr Lantos said there may of course

be occasions when a student truants.

- Mr Shah said that as the parent of a two year old he had an option of Preston Park, the Ark and Wembley Primary. If the school was built would he definitely get in on distance. As a parent how would he choose.
- Mr Gordon said this was about his own personal problem whereas the meeting was to discuss the school.
- Mr Lantos said he can see the relevance of the point. The criteria would still be for Special Educational Needs, Looked After, sibling and proximity but that the final details of the criteria had not been worked out.
- Mr Hayle asked which entrance the contractors would use for temporary access and Mr Coke confirmed that this would be Princess Avenue.
- A resident mentioned that Brent were consulting on controlled parking for the area.
- Brent made a bid for funding in August 2009 and were notified it was successful in November 2009. In July 2010 detailed discussions were started. Residents described this as Brent riding rough shod over residents.
- Mrs Hadlow felt that if she invited someone to stay at her house she wanted them to be able to park outside her house. There are sometimes funerals and the nursery traffic.
- Concern was expressed about emergency vehicle access during the day. Do the council and the school take heed of the Preston Manor High School motto *duty before rights*. The council have a duty to residents before the rights of others.
- Mr Lantos read a letter written by Mr Martin Francis, Chair of Chalkhill Primary and Chair of the local Green Party.
- This was not an expansion of the secondary school and the total numbers would be just under 2000.
- A copy of the statutory notice was posted on the front of the school. The planning application was still to be made.
- The meeting ended at 20.30pm

Location Map



Schools  
proposed  
for  
expansion

- Legend**
- ★ Schools
  - ▭ Ward Boundaries
  - ▭ Borough Boundary



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London Borough of Brent, 10002530, 2011.

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## Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form - EXCERPT FROM A GUIDE FOR LOCAL AUTHORITIES AND GOVERNING BODIES

### Stage 4 – Decision (Paragraphs 4.1-4.80)

#### Who Will Decide the Proposals? (Paragraphs 4.1-4.4)

4.1 Decisions on school organisation proposals are taken by the LA or by the schools adjudicator. In this chapter both are covered by the form of words “Decision Maker” which applies equally to both.

4.2 Section 21 of the EIA 2006 provides for regulations to set out who **must** decide proposals for any prescribed alterations (i.e. including expansions). The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (SI:2007 No. 1289) (as amended) make detailed provision for the consideration of prescribed alteration proposals (see in particular Schedules 3 and 5). Decisions on expansions will be taken by the LA with some rights of appeal to the schools adjudicator. Only if the prescribed alteration proposals are “related” to other proposals that fall to be decided by the schools adjudicator, will the LA not be the decision maker in the first instance.

4.3 If the LA fail to decide proposals within 2 months of the end of the representation period the LA **must** forward proposals, and any received representations (i.e. not withdrawn in writing), to the schools adjudicator for decision. They **must** forward the proposals within one week from the end of the 2 month period.

4.4 The Department does not prescribe the process by which an LA carries out their decision-making function (e.g. full Cabinet or delegation to Cabinet member or officials). This is a matter for the LA to determine but the requirement to have regard to statutory guidance (see paragraph 4.15 below) applies equally to the body or individual that takes the decision.

#### Who Can Appeal Against an LA Decision? (Paragraphs 4.5-4.6)

4.5 The following bodies may appeal against an LA decision on school expansion proposals:

the local Church of England diocese;

the bishop of the local Roman Catholic diocese;

the LSC where the school provides education for pupils aged 14 and over;

the governing body of a community school that is proposed for expansion; and

the governors and trustees of a foundation (including Trust) or voluntary school that is proposed for expansion.

4.6 Any appeals **must** be submitted to the LA within 4 weeks of the notification of the LA’s decision. On receipt of an appeal the LA **must** then send the proposals, and the representations received (together with any comments made on these representations by the proposers), to the schools adjudicator within 1 week of the receipt of the appeal. The LA **should** also send a copy of the minutes of the LA’s meeting or other record of the decision and any relevant papers. Where the proposals are “related” to other proposals, all the “related” proposals **must** also be sent to the schools adjudicator.

## Checks on Receipt of Statutory Proposals (Paragraph 4.7)

4.7 There are 4 key issues which the Decision Maker **should** consider before judging the respective factors and merits of the statutory proposals:

- Is any information missing? If so, the Decision Maker **should** write immediately to the proposer specifying a date by which the information **should** be provided;
- Does the published notice comply with statutory requirements? (see paragraph 4.8 below);
- Has the statutory consultation been carried out prior to the publication of the notice? (see paragraph 4.9 below);
- Are the proposals “related” to other published proposals? (see paragraphs 4.10 to 4.14 below).

## Does the Published Notice Comply with Statutory Requirements? (Paragraph 4.8)

4.8 The Decision Maker **should** consider whether the notice is valid as soon as a copy is received. Where a published notice does not comply with statutory requirements - as set out in The School Organisation (Prescribed Alterations)(England) Regulations 2007 (SI:2007 - 1289) (as amended) - it may be judged invalid and the Decision Maker **should** consider whether they can decide the proposals.

## Has the Statutory Consultation Been Carried Out Prior to the Publication of the Notice? (Paragraph 4.9)

4.9 Details of the consultation **must** be included in the proposals. The Decision Maker **should** be satisfied that the consultation meets statutory requirements (see Stage 1 paragraphs 1.2–1.4). If some parties submit objections on the basis that consultation was not adequate, the Decision Maker may wish to take legal advice on the points raised. If the requirements have not been met, the Decision Maker may judge the proposals to be invalid and needs to consider whether they can decide the proposals. Alternatively the Decision Maker may take into account the sufficiency and quality of the consultation as part of their overall judgement of the proposals as a whole.

## Are the Proposals Related to Other Published Proposals? (Paragraphs 4.10-4.14)

4.10 Paragraph 35 of Schedule 3, and Paragraph 35 of Schedule 5, to The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (as amended) provides that any proposals that are “related” to particular proposals (e.g. for a new school; school closure; prescribed alterations to existing schools i.e. change of age range, acquisition of a Trust, addition of boarding, etc; or proposals by the LSC to deal with inadequate 16-19 provision) **must** be considered together. This does not include proposals that fall outside of School Organisation Prescribed Alteration or Establishment and Discontinuance regulations e.g. removal of a Trust, opening of an Academy, federation proposals. Paragraphs 4.11-4.14 provide statutory guidance on whether proposals **should** be regarded as “related”.

4.11 Generally, proposals **should** be regarded as “related” if they are included on the same notice (unless the notice makes it clear that the proposals are not “related”). Proposals **should** be regarded as “related” if the notice makes a reference to a link to other proposals (published under School Organisation and Trust regulations). If the statutory notices do not confirm a link, but it is clear that a decision on one of the proposals would be likely to directly affect the outcome or consideration of the other, the proposals **should** be regarded as “related”.

4.12 Where proposals are “related”, the decisions **should** be compatible e.g. if one set of proposals is for the removal of provision, and another is for the establishment or enlargement of provision for displaced pupils, both **should** be approved or rejected.

4.13 Where proposals for an expansion of a school are “related” to proposals published by the local LSC<sup>1</sup> which are to be decided by the Secretary of State, the Decision Maker **must** defer taking a decision until the Secretary of State has taken a decision on the LSC proposals. This applies where the proposals before the Decision Maker concern:

- the school that is the subject of the LSC proposals;
- any other secondary school, maintained by the same LA that maintains a school that is the subject of the LSC proposals; or
- any other secondary school in the same LA area as any FE college which is the subject of the LSC proposals.

4.14 The proposals will be regarded as “related” if their implementation would prevent or undermine effective implementation of the LSC proposals.

#### **Statutory Guidance – Factors to be Considered by Decision Makers** (Paragraphs 4.15-4.16)

4.15 Regulation 8 of The Regulations provides that both the LA and schools adjudicator **must** have regard to guidance issued by the Secretary of State when they take a decision on proposals. Paragraphs 4.17 to 4.73 below contain the statutory guidance.

4.16 The following factors **should not** be taken to be exhaustive. Their importance will vary, depending on the type and circumstances of the proposals. All proposals **should** be considered on their individual merits.

### **EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT**

#### **A System Shaped by Parents** (Paragraphs 4.17-4.18)

4.17 The Government's aim, as set out in the Five Year Strategy for Education and Learners and the Schools White Paper Higher Standards, Better Schools For All, is to create a schools system shaped by parents which delivers excellence and equity. In particular, the Government wishes to see a dynamic system in which:

weak schools that need to be closed are closed quickly and replaced by new ones where necessary; and

the best schools are able to expand and spread their ethos and success.

4.18 The EIA 2006 amends the Education Act 1996 to place duties on LAs to secure diversity in the provision of schools and to increase opportunities for parental choice when planning the provision of schools in their areas. In addition, LAs are under a specific duty to respond to representations from parents about the provision of schools, including requests to establish new schools or make changes to existing schools. The Government's aim is to secure a more diverse and dynamic schools system which is

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<sup>1</sup> References throughout this document to the LSC only apply up to April 2010. The Apprenticeships, Skills, Children and Learning Act (ASCL) Act 2009 will transfer the responsibilities of the LSC in respect of 16-19 education and training to LAs, supported by the Young People's Learning Agency. This guidance will be revised by April 2010 to take account of these changes.

shaped by parents. The Decision Maker **should** take into account the extent to which the proposals are consistent with the new duties on LAs.

#### **Standards** (Paragraphs 4.19-4.20)

4.19 The Government wishes to encourage changes to local school provision which will boost standards and opportunities for young people, whilst matching school place supply as closely as possible to pupils' and parents' needs and wishes.

4.20 Decision Makers **should** be satisfied that proposals for a school expansion will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They **should** pay particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

#### **Diversity** (Paragraphs 4.21-4.23)

4.21 Decision Makers **should** be satisfied that when proposals lead to children (who attend provision recognised by the LA as being reserved for pupils with special educational needs) being displaced, any alternative provision will meet the statutory SEN improvement test (see paragraphs 4.69-4.72).

4.22 The Government's aim is to transform our school system so that every child receives an excellent education – whatever their background and wherever they live. A vital part of the Government's vision is to create a more diverse school system offering excellence and choice, where each school has a strong ethos and sense of mission and acts as a centre of excellence or specialist provision.

4.23 Decision Makers **should** consider how proposals will contribute to local diversity. They **should** consider the range of schools in the relevant area of the LA and whether the expansion of the school will meet the aspirations of parents, help raise local standards and narrow attainment gaps.

#### **Every Child Matters** (Paragraph 4.24)

4.24 The Decision Maker **should** consider how proposals will help every child and young person achieve their potential in accordance with "Every Child Matters" principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being. This **should** include considering how the school will provide a wide range of extended services, opportunities for personal development, access to academic and applied learning training, measures to address barriers to participation and support for children and young people with particular needs, e.g. looked after children or children with special educational needs (SEN) and disabilities.

### **SCHOOL CHARACTERISTICS**

#### **Boarding Provision** (Paragraphs 4.25-4.26)

4.25 In making a decision on proposals that include the expansion of boarding provision, the Decision Maker **should** consider whether or not there would be a detrimental effect on the sustainability of boarding at another state maintained boarding school within one hour's travelling distance of the proposed school.

4.26 In making a decision on proposals for expansion of boarding places the Decision Maker **should** consider:-



- a. the extent to which boarding places are over subscribed at the school and any state maintained boarding school within an hour's travelling distance of the school at which the expansion is proposed;
- b. the extent to which the accommodation at the school can provide additional boarding places;
- c. any recommendations made in the previous CSCI/Ofsted reports which would suggest that existing boarding provision in the school failed significantly to meet the National Minimum Standards for Boarding Schools;
- d. the extent to which the school has made appropriate provision to admit other categories of pupils other than those for which it currently caters (e.g. taking pupils of the opposite sex or sixth formers) if they form part of the expansion;
- e. any impact of the expansion on the continuity of education of boarders currently in the school;
- f. the extent to which the expansion of boarding places will help placements of pupils with an identified boarding need; and
- g. the impact of the expansion on a state maintained boarding school within one hour's travelling distance from the school which may be undersubscribed.

#### **Equal Opportunity Issues** (Paragraphs 4.27)

4.27 The Decision Maker **should** consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example, that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there needs to be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

#### **NEED FOR PLACES**

##### **Creating Additional Places** (Paragraphs 4.28-4.30)

4.28 The Decision Maker **should** consider whether there is a need for the expansion and **should** consider the evidence presented for the expansion such as planned housing development or demand for provision. The Decision Maker **should** take into account not only the existence of spare capacity in neighbouring schools, but also the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for places in the school proposed for expansion. The existence of surplus capacity in neighbouring less popular or successful schools **should not** in itself prevent the addition of new places.

4.29 Where the school has a religious character, or follows a particular philosophy, the Decision Maker **should** be satisfied that there is satisfactory evidence of sufficient demand for places for the expanded school to be sustainable.

4.30 Where proposals will add to surplus capacity but there is a strong case for approval on parental preference and standards grounds, the presumption **should** be for approval. The LA in these cases will need to consider parallel action to remove the surplus capacity thereby created.

##### **Expansion of Successful and Popular Schools** (Paragraph 4.31-4.34)

4.31 The Government is committed to ensuring that every parent can choose an excellent school for their child. We have made clear that the wishes of parents **should** be taken into account in planning and managing school estates. Places **should** be allocated where parents want them, and as such, it **should** be easier for successful and popular primary and secondary schools to grow to meet parental demand. For the purposes of this guidance, the Secretary of State is not proposing any single definition of a successful and popular school. It is for the Decision Maker to decide whether a school is successful and popular, however, the following indicators **should** all be taken into account:

- a. the school's performance;
  - i. in terms of absolute results in key stage assessments and public examinations;
  - ii. by comparison with other schools in similar circumstances (both in the same LA and other LAs);
  - iii. in terms of value added;
  - iv. in terms of improvement over time in key stage results and public examinations.
- b. the numbers of applications for places;
  - i. the Decision Maker should also take account of any other relevant evidence put forward by schools.

4.32 The strong presumption is that proposals to expand successful and popular schools **should** be approved. In line with the Government's long standing policy that there **should** be no increase in selection by academic ability, this presumption does not apply to grammar schools or to proposals for the expansion of selective places at partially selective schools.

4.33 The existence of surplus capacity in neighbouring less popular schools **should not** in itself be sufficient to prevent this expansion, but if appropriate, in the light of local concerns, the Decision Maker **should** ask the LA how they plan to tackle any consequences for other schools. The Decision Maker **should** only turn down proposals for successful and popular schools to expand if there is compelling objective evidence that expansion would have a damaging effect on standards overall in an area, which cannot be avoided by LA action.

4.34 Before approving proposals the Decision Maker **should** confirm that the admission arrangements of schools proposed for expansion fully meet the provisions of the School Admissions Code. Although the Decision Maker may not modify proposed admission arrangements, the proposer **should** be informed that proposals with unsatisfactory admission arrangements are unlikely to be approved, and given the opportunity to revise them in line with the Code of Practice. Where the LA, rather than the governing body, is the admissions authority, we will expect the authority to take action to bring the admission arrangements in to line with the School Admissions Code.

#### **Travel and Accessibility for All** (Paragraphs 4.35-4.36)

4.35 In considering proposals for the reorganisation of schools, Decision Makers **should** satisfy themselves that accessibility planning has been properly taken into account. Facilities are to be accessible by those concerned, by being located close to those who will use them, and the proposed changes **should not** adversely impact on disadvantaged groups.

4.36 In deciding statutory proposals, the Decision Maker **should** bear in mind that proposals **should not** have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. The EIA 2006 provides extended free transport rights for low income groups – see Home to School Travel and Transport Guidance ref 00373 – 2007BKT-EN at [www.teachernet.gov.uk/publications](http://www.teachernet.gov.uk/publications). Proposals **should** also be considered on the basis of how they will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

#### **16-19 Provision** (Paragraphs 4.37-4.39)

4.37 The pattern of 16-19 provision differs across the country. Many different configurations of school and college provision deliver effective 14-19 education and training. An effective 14-19 organisation has a number of key features:

standards and quality: the provision available **should** be of a high standard – as demonstrated by high levels of achievement and good completion rates;

progression: there **should** be good progression routes for all learners in the area, so that every young person has a choice of the full range of options within the 14-19 entitlement, with institutions collaborating as necessary to make this offer. All routes **should** make provision for the pastoral, management and learning needs of the 14-19 age group;

participation: there are high levels of participation in the local area; and,

learner satisfaction: young people consider that there is provision for their varied needs, aspirations and aptitudes in a range of settings across the area.

4.38 Where standards and participation rates are variable, or where there is little choice, meaning that opportunity at 16 relies on where a young person went to school, the case for reorganisation, or allowing high quality providers to expand, is strong.

4.39 Where standards and participation rates are consistently high, collaboration is strong and learners express satisfaction that they have sufficient choice, the case for a different pattern of provision is less strong. The Decision Maker therefore will need to take account of the pattern of 16-19 provision in the area and the implications of approving new provision.

#### **Addition of post-16 provision by “high performing” schools** (Paragraphs 4.40-4.51)

4.40 The Government remains committed to the principle that high performing 11-16 schools **should** be allowed to add post-16 provision where there is parental and student demand, in order to extend quality and choice. But the context in which this principle will operate is changing. From April 2010, the Apprenticeships, Skills, Children and Learning Act 2009 will transfer the responsibility for 16-19 planning and funding from the LSC to LAs. LAs will be responsible for maintaining an effective and coherent system of 14-19 organisation which delivers the new entitlement – to a new curriculum and new qualifications, including all 17 Diploma lines from 2013 and an Apprenticeship place for those who meet the entry criteria - to all young people in their area. Collaboration will be a key feature of 14-19 provision.

4.41 So, while there is still a strong presumption of approval for proposals from high performing schools, that decision **should** now be informed by additional factors: the need for local collaboration; the viability of existing post-16 providers in the local area; and the improvement of standards at the school that is proposing to add post-16 provision. Only in exceptional circumstances\* would these factors lead Decision Makers

not to approve a proposal. If the Decision Maker were minded not to approve a proposal, he **should** first consider whether modification of the proposal would enable the proposer to comply with these conditions (see paragraph 4.49).

*\* Exceptional circumstances in which the Decision Maker might reject the proposal to add a sixth form to a presumption school would include if there is specific evidence that a new sixth form was of a scale that it would directly affect the viability of another neighbouring, high quality institution that itself was not large in comparison to other institutions of that type. Exceptional circumstances might also include a situation where there are a number of presumption schools in the same area at the same time and/or where there is clear evidence that the scale of the aggregate number of additional 16-18 places far exceeds local need and affordability and is therefore clearly poor value for money.*

4.42 There **should** be a strong presumption in favour of the approval of proposals for a new post-16 provision where:

- a. the school is a high performing specialist school that has opted for an applied learning specialism; or
- b. the school, whether specialist or not, meets the DCSF criteria for 'high performing' and does not require capital support.

4.43 The school **should** ensure that, in forwarding its proposals to the Decision Maker, it provides evidence that it meets one of the criteria at paragraph 4.42 above.

4.44 Where a new sixth form is proposed by a specialist school that has met the 'high performing' criteria and which has opted for an applied learning specialism, capital funding may be available from the 16-19 Capital Fund.

4.45 This presumption will apply to proposals submitted to the Decision Maker within:

- a. two years from the date a school commences operation with applied learning specialist school status; or
- b. two years from the date a school is informed of its Ofsted Section 5 inspection results which would satisfy DCSF criteria for 'high performing' status as set out at <http://www.standards.dcsf.gov.uk/specialistschools/guidance2007/?version=1>

NOTE: 'submitted to the Decision Maker' above refers to when proposals and representations are with the Decision Maker, following the end of the representation period.

4.46 The increase in the period in which a school is eligible to expand its post-16 provision recognises the time required to embed the new presumption places within a local 14-19 delivery plan and for effective collaboration to take place.

4.47 New post-16 provision in schools **should**, as appropriate, operate in partnership with other local providers to ensure that young people have access to a wide range of learning opportunities. In assessing proposals from 'high performing' schools to add post-16 provision, Decision Makers **should** look for:

- a. evidence of local collaboration in drawing up the presumption proposal; and
- b. a statement of how the new places will fit within the 14-19 organisation in an area; and
- c. evidence that the exercise of the presumption is intended to lead to higher standards and better progression routes at the 'presumption' school.

4.48 If a school has acted in a collaborative way and has actively attempted to engage other partners in the local area, but it is clear that other institutions have declined to participate, that fact **should not** be a reason for declining to approve a proposal. The onus is on other providers to work with a school which qualifies for the presumption of approval for new post-16 provision.

4.49 The Decision Maker **should** only turn down proposals to add post-16 provision from schools eligible for the sixth form presumption if there is compelling and objective evidence that the expansion would undermine the viability of an existing high quality post-16 provider or providers. The fact that an existing school or college with large numbers of post-16 students might recruit a smaller number of students aged 16-19 is not, of itself, sufficient to meet this condition, where the “presumption” school can show that there is reasonable demand from students to attend the school after age 16.

4.50 The existence of surplus capacity in neighbouring schools or colleges that are not high performing **should not** be a reason to reject a post-16 presumption proposal. It is the responsibility of the LA to consider decommissioning poor quality provision as well as commissioning high quality provision. The LA should therefore plan to tackle any consequences of expansion proposals for other schools.

4.51 Before approving proposals the Decision Maker **should** confirm that the admission arrangements of schools proposed for expansion fully meet the provisions of the mandatory Schools Admissions Code. Although the Decision Maker may not modify proposed admission arrangements, the proposer **should** be informed that proposals with unsatisfactory admission arrangements are unlikely to be approved, and given the opportunity to revise them in line with the Code. Where the LA, rather than the governing body, is the admissions authority, we will expect the authority to take action to bring the admission arrangements into line with the School Admissions Code.

#### **Conflicting Sixth Form Reorganisation Proposals** (Paragraph 4.52)

4.52 Where the implementation of reorganisation proposals by the LSC<sup>2</sup> conflict with other published proposals put to the Decision Maker for decision, the Decision Maker is prevented (by the School Organisation Proposals by the LSC for England Regulations 2003) from making a decision on the “related” proposals until the Secretary of State has decided the LSC proposals (see paragraphs 4.13 to 4.14 above).

#### **16-19 Provision ‘Competitions’** (Paragraphs 4.53-4.56)

4.53 Non-statutory competitions for new 16-19 provision were introduced from January 2006. They are administered by the regional arm of the LSC, in line with the LSC’s current role as commissioner of 16-19 provision. The Government intends to transfer the responsibility for 16-19 provision from the LSC to LAs from 2010.<sup>3</sup>

4.54 The current arrangements for the establishment of new institutions by competition involves a two-stage approval process:

- a. the competition selection process;
- b. approval of the outcome by existing processes (e.g. Decision Maker approval of school/LA proposals and Secretary of State approval of college/LSC proposals, as required by law).

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<sup>2</sup> References throughout this document to the LSC only apply up to April 2010. The ASCL Act 2009 will transfer the responsibilities of the LSC in respect of 16-19 education and training to LAs, supported by the Young People’s Learning Agency. This guidance will be revised by April 2010 to take account of these changes.

<sup>3</sup> The ASCL Act will remove the LSC and also the power of LAs to establish sixth form schools, whether by a competition or otherwise. Section 126 of the Act amends section 16 of the Education Act 1996 and sections 7,10 and 11 of EIA 2006.

4.55 Competitors will be eligible to apply to the 16-19 Capital Fund. Where a competition is 'won' by a school, they **must** then publish statutory proposals and these **must** be considered by the Decision Maker on their merits.

4.56 Where proposals to establish sixth forms are received, and the local LSC is running a 16-19 competition, the Decision Maker **must** take account of the competition when considering the proposals.

## FUNDING AND LAND

### Capital (Paragraphs 4.57-4.59)

4.57 The Decision Maker **should** be satisfied that any land, premises or capital required to implement the proposals will be available. Normally, this will be some form of written confirmation from the source of funding on which the promoters rely (e.g. the LA, DCSF, or LSC). In the case of an LA, this **should** be from an authorised person within the LA, and provide detailed information on the funding, provision of land and premises etc.

4.58 Where proposers are relying on DCSF as a source of capital funding, there can be no assumption that the approval of proposals will trigger the release of capital funds from the Department, unless the Department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposals **should** be rejected, or consideration of them deferred until it is clear that the capital necessary to implement the proposals will be provided.

4.59 Proposals **should not** be approved conditionally upon funding being made available, subject to the following specific exceptions: For proposals being funded under the Private Finance Initiative (PFI) or through the BSF programme, the Decision Maker **should** be satisfied that funding has been agreed 'in principle', but the proposals **should** be approved conditionally on the entering into of the necessary agreements and the release of funding. A conditional approval will protect proposers so that they are not under a statutory duty to implement the proposals until the relevant contracts have been signed and/or funding is finally released.

### Capital Receipts (Paragraphs 4.60-4.62)

4.60 Where the implementation of proposals may depend on capital receipts from the disposal of land used for the purposes of a school (i.e. including one proposed for closure in "related" proposals) the Decision Maker **should** confirm whether consent to the disposal of land is required, or an agreement is needed, for disposal of the land. Current requirements are:

a. Community Schools – the Secretary of State's consent is required under paragraph 2 of Schedule 35A to the Education Act 1996 and, in the case of playing field land, under section 77 of the Schools Standards and Framework Act 1998 (SSFA 1998). (Details are given in DCSF Guidance 1017-2004 "The Protection of School Playing Fields and Land for Academies" published in November 2004) - <http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=spectrum&ProductId=DfE-1017-2004&>).

b. Foundation (including Trust) and Voluntary Schools:

- i. playing field land – the governing body, foundation body or trustees will require the Secretary of State's consent, under section 77 of the SSFA 1998, to dispose, or change the use of any playing field land that has been acquired and/or enhanced at public expense.

- ii. non-playing field land or school buildings – the governing body, foundation body or trustees no longer require the Secretary of State’s consent to dispose of surplus non-playing field land or school buildings which have been acquired or enhanced in value by public funding. They will be required to notify the LA and seek local agreement of their proposals. Where there is no local agreement, the matter **should** be referred to the Schools Adjudicator to determine. (Details of the new arrangements can be found in the Department’s guidance “The Transfer and Disposal of School Land in England: A General Guide for Schools, Local Authorities and the Adjudicator” - <http://publications.teachernet.gov.uk/default.aspx?PageFunction=productdetails&PageMode=spectrum&ProductId=DfE-1017-2004&> ).

4.61 Where expansion proposals are dependent upon capital receipts of a discontinuing foundation or voluntary school the governing body is required to apply to the Secretary of State to exercise his various powers in respect of land held by them for the purposes of the school. Normally he would direct that the land be returned to the LA but he could direct that the land be transferred to the governing body of another maintained school (or the temporary governing body of a new school). Where the governing body fails to make such an application to the Secretary of State, and the school subsequently closes, all land held by them for the purposes of the discontinued school will, on dissolution of the governing body, transfer to the LA unless the Secretary of State has directed otherwise before the date of dissolution.

4.62 Where consent to the disposal of land is required, but has not been obtained, the Decision Maker **should** consider issuing a conditional approval for the statutory proposals so that the proposals gain full approval automatically when consent to the disposal is obtained (see paragraph 4.75).

#### **New Site or Playing Fields** (Paragraph 4.63)

4.63 Proposals dependent on the acquisition of an additional site or playing field may not receive full approval but **should** be approved conditionally upon the acquisition of a site or playing field.

#### **Land Tenure Arrangements** (Paragraph 4.64)

4.64 For the expansion of voluntary or foundation schools it is desirable that a trust, or the governing body if there is no foundation, holds the freehold interest in any additional site that is required for the expansion. Where the trustees of the voluntary or foundation school hold, or will hold, a leasehold interest in the additional site, the Decision Maker will need to be assured that the arrangements provide sufficient security for the school. In particular the leasehold interest **should** be for a substantial period – normally at least 50 years – and avoid clauses which would allow the leaseholder to evict the school before the termination of the lease. The Decision Maker **should** also be satisfied that a lease does not contain provisions which would obstruct the governing body or the headteacher in the exercise of their functions under the Education Acts, or place indirect pressures upon the funding bodies.

#### **School Playing Fields** (Paragraph 4.65)

4.65 The Education (School Premises) Regulations 1999 set out the standards for school premises, including minimum areas of team game playing fields to which schools **should** have access. The Decision Maker will need to be satisfied that either:

- a. the premises will meet minimum requirements of The Education (School Premises) Regulations 1999; or

b. if the premises do not meet those requirements, the proposers have secured the Secretary of State's agreement in principle to grant a relaxation.

Where the Secretary of State has given 'in principle' agreement as at paragraph 4.60(b) above, the Decision Maker **should** consider issuing conditional approval so that when the Secretary of State gives his agreement, the proposals will automatically gain full approval.

## **SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION**

### **Initial Considerations** (Paragraphs 4.66-4.67)

4.66 SEN provision, in the context of School Organisation legislation and this guidance, is provision recognised by the LA as specifically reserved for pupils with special educational needs. When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change LAs **should** aim for a flexible range of provision and support that can respond to the special educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories of provision according to special educational need or disability. There are a number of initial considerations for LAs to take account of in relation to proposals for change. They **should** ensure that local proposals:

- a. take account of parental preferences for particular styles of provision or education settings;
- b. offer a range of provision to respond to the needs of individual children and young people, taking account of collaborative arrangements (including between special and mainstream), extended school and Children's Centre provision; regional centres (of expertise ) and regional and sub-regional provision; out of LA day and residential special provision;
- c. are consistent with the LA's Children and Young People's Plan;
- d. take full account of educational considerations, in particular the need to ensure a broad and balanced curriculum, including the National Curriculum, within a learning environment in which children can be healthy and stay safe;
- e. support the LA's strategy for making schools and settings more accessible to disabled children and young people and their scheme for promoting equality of opportunity for disabled people;
- f. provide access to appropriately trained staff and access to specialist support and advice, so that individual pupils can have the fullest possible opportunities to make progress in their learning and participate in their school and community;
- g. ensure appropriate provision for 14-19 year-olds, taking account of the role of local LSC funded institutions and their admissions policies; and
- h. ensure that appropriate full-time education will be available to all displaced pupils. Their statements of special educational needs will require amendment and all parental



rights must be ensured. Other interested partners, such as the Health Authority should be involved.

4.67 Taking account of the considerations, as set out above, will provide assurance to local communities, children and parents that any reorganisation of SEN provision in their area is designed to improve on existing arrangements and enable all children to achieve the five Every Child Matters outcomes.

#### **The Special Educational Needs Improvement Test (Paragraph 4.68)**

4.68 When considering any reorganisation of provision that would be recognised by the LA as reserved for pupils with special educational needs, including that which might lead to some children being displaced through closures or alterations, LAs, and all other proposers for new schools or new provision, will need to demonstrate to parents, the local community and Decision Makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs. All consultation documents and reorganisation plans that LAs publish and all relevant documentation LAs and other proposers submit to Decision Makers **should** show how the key factors set out in paragraphs 4.69 to 4.72 below have been taken into account by applying the SEN improvement test. Proposals which do not credibly meet these requirements **should not** be approved and Decision Makers **should** take proper account of parental or independent representations which question the LA's own assessment in this regard.

#### **Key Factors (Paragraphs 4.69-4.72)**

4.69 When LAs are planning changes to their existing SEN provision, and in order to meet the requirement to demonstrate likely improvements in provision, they **should**:

- a. identify the details of the specific educational benefits that will flow from the proposals in terms of:
  - i. improved access to education and associated services including the curriculum, wider school activities, facilities and equipment, with reference to the LA's Accessibility Strategy;
  - ii. improved access to specialist staff, both education and other professionals, including any external support and/or outreach services;
  - iii. improved access to suitable accommodation; and
  - iv. improved supply of suitable places.
- b. LAs **should** also:
  - i. obtain a written statement that offers the opportunity for all providers of existing and proposed provision to set out their views on the changing pattern of provision seeking agreement where possible;
  - ii. clearly state arrangements for alternative provision. A 'hope' or 'intention' to find places elsewhere is not acceptable. Wherever possible, the host or alternative schools should confirm in writing that they are willing to receive pupils, and have or will have all the facilities necessary to provide an appropriate curriculum;
  - iii. specify the transport arrangements that will support appropriate access to the premises by reference to the LA's transport policy for SEN and disabled children; and

- iv. specify how the proposals will be funded and the planned staffing arrangements that will be put in place.

4.70 It is to be noted that any pupils displaced as a result of the closure of a BESD school (difficulties with behavioural, emotional and social development) **should not** be placed long-term or permanently in a Pupil Referral Unit (PRU) if a special school place is what they need. PRUs are intended primarily for pupils who have been excluded, although LAs can and do use PRU provision for pupils out of school for other reasons such as illness and teenage pregnancies. There may of course be pupils who have statements identifying that they have BESD who have been placed appropriately in a PRU because they have been excluded; in such cases the statement **must** be amended to name the PRU, but PRUs **should not** be seen as an alternative long-term provision to special schools.

4.71 The requirement to demonstrate improvements and identify the specific educational benefits that flow from proposals for new or altered provision as set out in the key factors are for all those who bring forward proposals for new special schools or for special provision in mainstream schools including governors of foundation schools and foundation special schools. The proposer needs to consider all the factors listed above.

4.72 Decision Makers will need to be satisfied that the evidence with which they are provided shows that LAs and/or other proposers have taken account of the initial considerations and all the key factors in their planning and commissioning in order to meet the requirement to demonstrate that the reorganisation or new provision is likely to result in improvements to SEN provision.

## **OTHER ISSUES**

### **Views of Interested Parties** (Paragraphs 4.73)

4.73 The Decision Maker **should** consider the views of all those affected by the proposals or who have an interest in them including: pupils; families of pupils; staff; other schools and colleges; local residents; diocesan bodies and other providers; LAs; the LSC (where proposals affect 14-19 provision) and the Early Years Development and Childcare Partnership if one exists, or any local partnership or group that exists in place of an EYDCP (where proposals affect early years and/or childcare provision). This includes statutory objections and comments submitted during the representation period. The Decision Maker **should not** simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead the Decision Maker **should** give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals.

### **Types of Decision** (Paragraph 4.74)

4.74 In considering proposals for the expansion of a school, the Decision Maker can decide to:

- reject the proposals;

- approve the proposals;

- approve the proposals with a modification (e.g. the implementation date); or

- approve the proposals subject to them meeting a specific condition (see paragraph 4.75 below).

### **Conditional Approval** (Paragraphs 4.75-4.76)

4.75 The regulations provide for a conditional approval to be given where the Decision Maker is otherwise satisfied that the proposals can be approved, and approval can automatically follow an outstanding event. Conditional approval can only be granted in the limited circumstances specified in the regulations i.e. as follows:

- a. the grant of planning permission under Part 3 of the Town and Country Planning Act 1990;
- b. the acquisition of any site required for the implementation of the proposals;
- c. the acquisition of playing fields required for the implementation of the proposals;
- d. the securing of any necessary access to a site referred to in sub-paragraph (b) or playing fields referred to in sub-paragraph (c);
- e. the private finance credit approval given by the DCSF following the entering into a private finance contract by an LA;
- f. the entering into an agreement for any necessary building project supported by the DCSF in connection with BSF programme;
- g. the agreement to any change to admission arrangements specified in the approval, relating to the school or any other school or schools (this allows the approval of proposals to enlarge the premises of a school to be conditional on the decision of adjudicators to approve any related change in admission numbers);
- h. the making of any scheme relating to any charity connected with the school;
- i. the formation of any federation (within the meaning of section 24(2) of the 2002 Act) of which it is intended that the proposed school should form part, or the fulfilling of any other condition relating to the school forming part of a federation;
- j. the Secretary of State giving approval under regulation 5(4) of the Education (Foundation Body) (England) Regulations 2000 to a proposal that a foundation body must be established and that the school must form part of a group for which a foundation must act;
- k. the Secretary of State making a declaration under regulation 22(3) of the Education (Foundation Body) (England) Regulations 2000 that the school should form part of a group for which a foundation body acts;
- ka. where the proposals are to alter the upper age limit of the school, the decision of the Secretary of State to establish a new FE college under s16 of the Further and Higher Education Act 1992;
- l. where the proposals in question depend upon any of the events specified in paragraphs (a) to (ka) occurring by a specified date in relation to proposals relating to any other school or proposed school, the occurrence of such an event; and
- m. where proposals are related to proposals for the establishment of new schools or discontinuance of schools, and those proposals depend on the occurrence of events specified in regulation 20 of the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007<sup>4</sup> the occurrence of such an event.

4.76 The Decision Maker **must** set a date by which the condition **must** be met, but will be able to modify the date if the proposers confirm (preferably before the date

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<sup>4</sup> S.I. 2007/1288.

expires), that the condition will be met later than originally thought. The condition-to-be-met-by date **must** be before the proposed implementation date of the proposal (which can also be modified if necessary). Therefore care **should** be taken when setting condition-to-be-met-by dates, particularly if proposals are “related” e.g. if a school is proposed to add a sixth form on 1<sup>st</sup> September one year, and enlarge on 1<sup>st</sup> September the following year, and the enlargement requires planning permission, the condition set **must** be met before the addition of a sixth form can be implemented (the earlier proposal). This is because as “related” proposals, they **should** both have the same decision, which in this case, would have been approval conditional upon planning permission being met. The proposer **should** inform the Decision Maker and the Department (SOCU, DCSF, Mowden Hall, Staindrop Road, Darlington DL3 9BG or by email to school.organisation@dcsf.gsi.gov.uk) of the date when a condition is modified or met in order for the Department’s records, and those of Edubase to be kept up to date. If a condition is not met by the date specified, the proposals **must** be referred back to the Decision Maker for fresh consideration.

#### **Decisions** (Paragraphs 4.77-4.79)

4.77 All decisions **must** give reasons for the decision, irrespective of whether the proposals were rejected or approved, indicating the main factors/criteria for the decision.

4.78 A copy of all decisions **must** be forwarded to:

the LA or governing body who published the proposals;

the trustees of the school (if any);

the Secretary of State (via the School Organisation & Competitions Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by email to school.organisation@dcsf.gsi.gov.uk);

where the school includes provision for 14-16 education or sixth form education, the LSC;

the local CofE diocese;

the bishop of the RC diocese;

each objector except where a petition has been received. Where a petition is received a decision letter **must** be sent to the person who submitted the petition, or where this is unknown, the signatory whose name appears first on the petition; and

where the school is a special school, the relevant primary care trust, an NHS trust or NHS foundation trust.

4.79 In addition, where proposals are decided by the LA, a copy of the decision **must** be sent to the Office of the Schools Adjudicator, Mowden Hall, Darlington DL3 9BG. Where proposals are decided by the schools adjudicator, a copy of the decision **must** be sent to the LA that it is proposed should maintain the school.

#### **Can proposals be withdrawn?** (Paragraph 4.80)

4.80 Proposals can be withdrawn at any point before a decision is taken. Written notice **must** be given to the LA, or governing body, if the proposals were published by the LA. Written notice **must** also be sent to the schools adjudicator (if proposals have been sent to him) and the Secretary of State – i.e. via the School Organisation & Competitions Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by email to

school.organisation@dcsf.gsi.gov.uk. Written notice **must** also be placed at the main entrance to the school, or all the entrances if there are more than one.

