



**Executive**  
17 February 2014

**Report from the Strategic Directors  
of Regeneration and Growth and  
Acting Director of Children and  
Families**

Wards affected:  
ALL

**School Expansion Programme – update on school place  
demand and outline approval to Temporary School  
Expansion Programme 2014-15**

## **1.0 Summary**

- 1.1 This report provides an update on previous Executive reports. It sets out the latest GLA projections on pupil numbers with an explanation of the methodology used and local analysis applied. It indicates the number of school places required in addition to existing and planned capacity for the 2014-15 academic year.
- 1.2 This report seeks approval for the approach and criteria for meeting the temporary school place need and seeks outline approval for a programme of projects to deliver the school places required for September 2014. Approval to start the procurement of a works contractor/s in line with the requirements of the programme is also requested.
- 1.3 This report is presented to the Executive ahead of a revised strategy for school place planning which will be presented to the March meeting of Executive. This report therefore deals with immediate plans for meeting need in September 2014 rather than the overall strategy for school expansion.

## **2.0 Recommendations**

The Executive is recommended to:

- 2.1 Note the current and future school place demand and projected shortfall of primary school places for 2014-15, as described in paragraphs 3.1-3.25
- 2.2 Approve the approach and criteria for the provision of temporary school places outlined in this report, as described in paragraphs 3.26-3.33.
- 2.3 Approve the potential programme of projects to provide temporary school places to meet projected demand for September 2014 including capital allocation (as described in paragraphs 3.34-3.43 and appendix 4) and note that officers will further define the programme (in consultation with the Lead Members for Regeneration and Growth and Children & Families) without returning to the Executive except where required by the Constitution
- 2.4 Note the use of delegated authority to use council building/s identified in the temporary school expansion programme.
- 2.5 Grant an exemption from the requirements of Contract Standing Orders for the Executive to approve the pre-tender considerations for a High Value procurement before a procurement starts, to allow officers to place an advert and invite expressions of interest before the Executive approves the pre-tender considerations at its meeting in March.
- 2.6 Note that a revised strategy for the permanent primary school expansion programme will be presented to the March 2014 Executive meeting.

### **3.0 Detail**

#### **School Place Planning and Pupil Projections**

##### **Current Position of Children Out of School and Vacancies**

- 3.1 In August 2011, a report to the Executive highlighted a need for 15 Forms of Entry (FE) of additional primary provision by the start of the 2014/15 academic year. In August 2012, a further report to the Executive explained the need for 21FE additional primary places by 2020/21, of which 20FE were required by 2016/17. A strategy for the provision of primary school places to meet this requirement was approved at that time.
- 3.2 Although an extensive programme of delivery has taken place since August 2011 providing 8.8 new permanent forms of entry in existing primary schools and a further 1565 temporary primary places, this report outlines the need for a revised strategy to account for revised pupil projections.
- 3.3 Members will be aware from earlier reports that it is the Council's statutory duty to ensure it can offer a school place to every child that applies. It is therefore appropriate to set the context for this report with an update on the current number of children without a school place as at 3 February 2014 and total number of vacancies now that additional temporary provision has been provided during January 2014 as per the temporary school expansion programme approved in July 2013. This is shown in Table 1 below.

Table 1: Children out of school and vacancies

Year Group	Number of out of school children as of 03/02/2014*	Number of children who have not been offered a school place as of 03/02/2014	Vacancies as of 03/02/2014
<b>REC</b>	47	0	85
<b>YR 1</b>	20	0	25
<b>YR 2</b>	0	0	39
<b>YR 3</b>	6	0	47
<b>YR 4</b>	15	0	26
<b>YR 5</b>	14	0	35
<b>YR 6</b>	11	0	51
<b>TOTAL</b>	<b>113</b>	<b>0</b>	<b>308</b>

Note:

\*These children have been offered a school place but are out of school. This may be because their parents choose not to accept the place offered to them for a variety of reasons. The Council's statutory duty is to offer a place to the child.

- 3.4 All children who applied on time for a reception place (by 15 January 2013) were offered a school place for September 2013. All those who have applied late (between 15 January 2013 and 31 August 2013) or in year (between 1 September 2013 and time of writing) have also now been offered places. The majority of in year applications are received in September and October but a significant number of in year applications are made throughout the rest of the year as well. For the first time since we have presented data in this format, not only have we been able to offer places to all children in primary, even those most recent arrivals, we also have sufficient capacity to enable us to make suitable offers during the rest of the academic year. There will still be families who arrive in Brent who have to take their children further to school than they would wish, but in all year groups we are able to make offers in the north and the south of the borough. The children who are still 'out of school' have been offered a place within the last few weeks and have not yet taken it up. Each offer is chased up by the Customer Services Admissions Team to a timescale and if a suitable place is not taken up, the parents are referred to the Education Welfare Service.
- 3.5 While there is sufficient capacity to cope with the additional pupils likely to arrive during the remainder of the academic year, this capacity is not sufficient to cover additional need arising next academic year so this report recommends further additional provision for September 2014.
- 3.6 Summary of GLA projections

The Council receives its projections for the future number of pupil places required from the Greater London Authority (GLA). Table 2 below shows the GLA projections of the number of children for future academic years by year group across the whole borough.

Table 2: GLA projections for all Brent by year group and academic year

GLA projections for all planning areas by year and age									
		Year Group							Totals
PA	Year September	REC	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Reception to Year 6
All	2013	3,995	3,978	3,880	3,666	3,568	3,475	3,359	25,921
All	2014	4,146	4,124	4,067	3,954	3,727	3,624	3,524	27,166
All	2015	4,317	4,207	4,156	4,093	3,975	3,747	3,639	28,134
All	2016	4,320	4,381	4,242	4,184	4,117	3,999	3,763	29,006
All	2017	4,380	4,381	4,417	4,270	4,209	4,142	4,015	29,815
All	2018	4,400	4,443	4,418	4,448	4,296	4,234	4,160	30,399
All	2019	4,387	4,463	4,482	4,449	4,475	4,323	4,253	30,832

- 3.7 The table shows that by September 2019 it is projected that there will be 4387 Reception aged children in Brent, which is an increase of 392 from September 2013. This is the equivalent of an additional 13 Reception classes. It also shows that in the primary sector as a whole the demand will increase by 4911 between September 2013 (25,921) and September 2019 (30,832); an increase of 18.9%. The projections for September 2013 will be checked against the January 2014 school census which has just taken place but is more reliable than the October 2013 school census. This will confirm the actual number of children on roll.
- 3.8 For planning purposes the Council and the GLA split the borough into planning areas. Planning areas (PA) are divisions of the borough based on natural boundaries such as major roads and are used as a method to project demand. They come with the 'health warning' that children frequently travel to school across planning area boundaries, particularly to attend faith schools.
- 3.9 Appendix 1 is a map of the borough showing all Brent primary schools and the five planning areas. Appendix 2 gives the projected number of pupils in each of the five planning areas in each academic year. These appendices demonstrate that the increase in pupil population is across the whole of Brent but is particularly large in certain planning areas. This is important to note when planning a strategy for the provision of school places. Table 3 below shows the increase in primary school demand by planning area and identifies the areas of projected greatest demand:

Table 3: Summary of Pupil Projection Increases by Planning Area

Planning Area	Geographical Reference to Planning Area	Increase in Primary School Demand from 2013 to 2019	% Increase
1	Kingsbury	1172	34
2	Preston	751	17

3	Wembley Central	1534	27
4	Harlesden	901	22
5	Kilburn – Dollis Hill	525	6
<b>Total</b>		<b>4883</b>	

Note:

There is a rounding up difference of 28 children (less than 1%) which explains the difference in calculation between total of increases in each planning area and total across all planning areas as described in paragraph 3.7.

### GLA Methodology and Accuracy

- 3.10 Brent and 25 other London boroughs commission the Greater London Authority (GLA) for school place projections. The accuracy of the GLA projections has been challenged over recent years and given the importance of this data in planning sufficient school places; in a context where both under and over supply are unacceptable consequences; it is appropriate to address this and give Members reassurance that officers have both explained the GLA methodology and the local analysis that is applied to test the GLA projections as far as possible at this time.
- 3.11 The GLA uses birth and fertility rates (obtained from health records), population data (obtained from national census data), school census data, numbers and ages of children without a school place, details of expanding schools, migration data and future housing development data to project school place demand. The housing development and school data is obtained from Councils.
- 3.12 Primary school roll projections are prepared for the Council by the GLA on a planning area basis and aggregated to a borough wide figure. Prior to 2012 the standard projection methodology made use of a combination of catchment and replacement ratios. The catchment ratio is the ratio of school age groups to equivalent age groups in the local population – this is useful where the school roll reflects the local resident population and where longer range forecasts are required. The replacement ratio takes historical survival rates from one year group to the next and projects them forward. This method picks up the impact of cross border flows and is particularly useful where the number on roll does not reflect changes in the local population. The two ratios are combined in varying proportions over the ten years of projections with a greater emphasis placed on replacement ratios in the immediate years ahead and subsequently more emphasis is placed on catchment ratios.
- 3.13 Though the combined methodology has been employed successfully for the last twenty years, recent large shifts in London's school rolls have generated increasing numbers of situations where the combined methodology can produce counterintuitive results. The GLA has therefore devised an updated methodology which has been in use since 2012 in order to avoid this. As before, it attempts to make best use of the strengths of both the catchment and replacement techniques. However this time, greater attention is placed on cohort effects in the rolls. This includes analysis of 'survival ratios'; the percentage of children who move into the following academic year in an area and do not move out of borough for example. Up to six years of historic data are used to calculate survival ratios. Early testing since 2012 suggests that this new methodology performs better than the other standard methods

available. It has now become the GLA service's primary method of roll projection.

- 3.14 This change in methodology indicates that the GLA projections used in this report and for a future revised strategy are more likely to be accurate than the data used for the previously approved strategy in August 2012.
- 3.15 Alongside the methodology used, the quality of data going into the projections is also crucial to the accuracy of the GLA projections. Prior to the 2011 Census, it was believed that the accuracy of the GLA projections was questionable as projections showed an under estimation of numbers. To rectify the situation the Council would add between 5% -10% to the projections so that they reflected more accurately what was happening in reality. At the time of the August 2012 report approving the current strategy for primary school expansion the GLA projections being used did not include data from the most recent 2011 national Census. Now that data from the 2011 Census has been made available and included along with changes to the GLA methodology described above, the projections are more likely to be accurate.
- 3.16 Another significant area of data forming the GLA projections is the local information provided by the Council. In the past, the GLA has only used the number of children on school rolls to project forward; it now includes the number of children who at the time of data collection are not on a school roll as they are waiting for an offer.
- 3.17 Whilst all of these changes show how the GLA projections are more likely to be accurate now, the school place demand is projected six years into the future from now and is nine years away from the last national census so there is an inherent level of inaccuracy in it. This is exemplified in the data shown in this report where there is a slight dip in demand projections between 2018 and 2019 of 13 fewer Reception pupils. This can be attributed to the fact that at this point those children are not born yet and the numbers migrating into the borough can only be estimated. It is reasonable to be sceptical about this dip in demand and to treat it as a quirk of the projection methodology.
- 3.18 In order to test the GLA projections for September 2014, officers have compared the GLA projections over the last three academic years to data from the school censuses taken three times each academic year. This shows that in fact, the GLA projections for the reception intake have actually over-estimated the number of children there would be in Brent consistently over the last three years. For our decision-making, it is important to note however that the difference between projections and actuals is much less in the current year, indicating that the projections have become more likely to be accurate since the methodology changed.
- 3.19 For the immediate purposes of this report, officers have tested the GLA projections for Reception aged pupils for the 2014-15 academic year against the number of applications received on the closing date of 15 January 2014. 3,926 on time applications were received for admission to Reception in September 2014. Last year 683 late applications were received after the closing date as at the beginning of September 2013. It is a reasonable assumption that a similar

pattern may generate approximately 700 late applications for the 2014/15 academic year. This makes a potential total of 4,626 applications for the 2014/15 academic year. In the last two years an average of 10% of Brent resident applications secured places out of borough rather than take up places in Brent. Last year 425 Brent resident pupils were offered out borough schools and 209 out borough pupils were offered a place in a Brent school a net loss of 216 Brent residents. Using this 90% conversion rate for applications to places; this equates to 4,163 Reception places being required in 2014-15. GLA projections set out a requirement for 4,146 places. No such test can be applied to the older year groups however the analysis above indicates that the GLA projections are more likely to be accurate than in previous years. This test against actual data and historical trends shows that it is reasonable to use the GLA projections for school place planning for Reception aged children as well as for children in all year groups for September 2014. Further work is being undertaken on the projections to ensure that they are as accurate as possible for the longer term approach required for the overall school place planning strategy due to be considered by the Executive in March 2014.

### Primary School Capacity

- 3.20 In order to plan to ensure sufficient school places are provided across the borough, an assessment of existing (and securely planned) capacity is made against projected demand. This exercise has been updated and described in this report and is reviewed regularly and reported to the School Expansion Programme Planning Board chaired by the Acting Director of Children and Families. This report details the capacity in the 2014-15 academic year only across year groups and planning areas. A further assessment of the capacity and comparison against demand will be provided in a future report.
- 3.21 The total primary school capacity for 2014-15 includes all capacity in:
- Existing primary schools including historical bulge classes
  - Satellite temporary school provision created for 2013-14
  - Schools that are approved by the Executive or Secretary of State to expand permanently in September 2014 (securely planned provision from the Phase 2 Permanent Primary School Expansion Programme)
- 3.22 Table 4 below shows the total capacity across Brent in each year group in 2014-15, the projected demand and resulting surplus/deficit:

Table 4: Total capacity, projected demand and surplus/deficit

<b>Year Group</b>	<b>Total Capacity/Places Available</b>	<b>Total Projected Demand</b>	<b>Surplus/Deficit in Places</b>	<b>Surplus/Deficit in Classes</b>	<b>No. of Classes to be Provided to Meet Demand</b>
R	4022	4146	-124	-4.1	4
Y1	3992	4124	-132	-4.4	5
Y2	3992	4067	-75	-2.5	3
Y3	3867	3954	-87	-2.9	3
Y4	3767	3727	40	1.3	0

Y5	3648	3624	24	0.8	0
Y6	3527	3524	3	0.1	0
<b>Total</b>	<b>26815</b>	<b>27166</b>	<b>-351</b>	<b>Net -11.7</b>	<b>15</b>

- 3.23 The table shows that the actual requirement for new classes is 15 because (apart from in the temporary accommodation annexes) the spaces in years 4, 5 and 6 are not capable of conversion into places for Key Stage 1. An assumption is being made about the likely take-up of temporary accommodation in the current year and this does leave a small surplus which is being factored into these calculations and carried forward to be used with a degree of flexibility for September 2014. A further detailed review will be undertaken to confirm these projections in order to avoid over supply of classrooms.
- 3.24 While the approach has attempted to take planning area demand into account, in developing a Temporary School Expansion Programme for 2014-15, officers have sought to provide the total number of places required across Brent in order to both meet the statutory duty and not over provide across the borough. However in recognition of the desire to provide local school places and minimise the need for some children to travel across planning areas to go to school; officers have prioritised the provision of places against the ranked order of need in planning areas based on capacity and demand outlined in table 5 below:

Table 5: Temporary classes required in each planning area for 2014-15

2014/2015	PA1	PA2	PA3	PA4	PA5	Total	Classes Required
Reception	-2.9	-0.6	-1.8	2.6	-1.4	-4.1	4
Year 1	-2.5	1.0	-3.3	2.2	-1.8	-4.4	5
Year 2	-0.9	-0.2	-0.6	1.5	-2.3	-2.5	3
Year 3	-1.2	-1.3	-2.2	2.0	-0.2	-2.9	3
Year 4	-0.6	-0.4	-1.1	2.3	1.0	1.3	0
Year 5	0.0	-2.5	-0.3	1.8	0.7	-0.2	0*
Year 6	-0.1	-0.5	0.6	0.3	0.8	1.1	0
<b>Total</b>	<b>-8.1</b>	<b>-4.5</b>	<b>-8.6</b>	<b>12.7</b>	<b>-3.2</b>	<b>-5.9</b>	<b>15</b>
<b>Ranked Order of Need</b>	<b>2</b>	<b>3</b>	<b>1</b>	<b>5</b>	<b>4</b>		

\*there is a slight shortfall in year 5 but this can be accommodated through pupil churn.

- 3.25 When need is matched to the approach and criteria outlined below and opportunities to apply the criteria there are some cases where it is necessary to propose a school/site in a lower priority planning area as it presents the best strategic fit for the provision of places needed in that year group. Planning Area is therefore the less important criterion applied.

### **Strategic Approach to Proposed Temporary School Expansion Programme**

- 3.26 While as mentioned above, the overall school place planning strategy is being revisited, the scale of the demand for school places in Brent coupled with the length of time required to secure approvals for and then deliver permanent school places mean that a further programme of temporary school places is



required to bridge the gap and ensure sufficient places are provided on time. Permanent places are longer term investments in the school estate; temporary provision is typically short term and may be lost investment if, after the duration of temporary use has expired, the building ceases to be used as a school or is disposed of.

- 3.27 The management and governance of all temporary places is by an existing school. This includes the standalone sites which were formerly used for other purposes e.g. day care centres. There are rules to prevent temporary bulge classes being added for successive years without following the statutory consultation procedure, see legal implications below for further detail.

### Educational Principles

- 3.28 A capital project, even as a temporary measure, represents a significant transition for a school. The implications of such change will vary from case to case depending on the scale and nature of the change; the size of the school; its capacity, including particularly leadership and management and the resources available to the school. The absolute priority when schools are managing significant transition or change is to ensure high quality teaching, learning and progress for all children and young people involved during the period of expansion.
- 3.29 The first criterion for judging whether schools should be considered for expansion is whether they are good or outstanding and have capacity to manage either temporary expansion on site (bulge class) or in satellite temporary provision. Until the performance of schools in Brent improves, there is a limited supply of consistently good and outstanding schools. 22% of Brent primary schools are not yet judged by Ofsted as good or outstanding. Other schools deemed to be good at their last Ofsted inspection may not remain securely in that category because of changes since they were last inspected.
- 3.30 It is an additional challenge to the school's leadership and management to manage provision at a distance, so on-site expansion should be considered as the best option with satellite provision considered only if this is not possible. The underlying principle of the strategy then that existing schools should be expanded on site wherever possible. A bulge class/es on site presents considerable challenges for the planning of a school, as it means that one or more year groups will have to accommodate an extra class/es. From the child's perspective, it is important that this bulge class should have adequate duration, so that the child's education is not unnecessarily interrupted. Ideally this should mean that the class should continue throughout the primary phase in the same school, i.e. for seven years if introduced at Reception. At worst, it should continue until the end of a key stage, so until Year 2 for infant aged children and Year 6 for junior aged children.
- 3.31 Appendix 3 provides a summary of Brent schools in each planning area showing their expansion history, current size and Ofsted rating.

### Criteria for the selection of proposed temporary school place provision

- 3.32 All Brent Primary Schools that meet the following criteria have been proposed as schools that could take a bulge class/es in September 2014:
- a) School currently rated by Ofsted as Good or Outstanding and where leadership arrangements are secure
  - b) School has not undergone a permanent expansion in the last 5 academic years and is not planned for permanent expansion in the currently approved strategy for expansion in 2014-15, 2015-16 or 2016-17
  - c) School is not already 4FE
  - d) School does not already have a bulge class on site or is not already managing a satellite temporary provision/off-site bulge classes
  - e) Curriculum is accessible to all irrespective of faith
  - f) School does not currently beyond normal turnover/churn
  - g) School does not have significant financial problems
- 3.33 Non-school buildings/satellite provision must meet the following criteria:
- a) A school which would otherwise meet the criteria above but has no space on site could manage the satellite provision
  - b) The use fits the educational principles outlined in the Executive report
  - c) The use of the non-school temporary provision is clearly time-limited

#### Proposed Programme of Temporary School Expansion

- 3.34 A review of schools and non-school buildings was undertaken against the criteria in order to recommend projects for Temporary School Expansion Programme 2014-15. The full list of potential projects with indicative year groups of classes to be provided is in Appendix 4. Appendix 4 identifies all Brent primary schools that meet the criteria listed above and splits that group into table 1 showing those schools/sites which will be actively progressed by officers because they are in priority planning areas and/or provide places in year groups with deficit; and table 2 showing the other schools that meet the criteria but will not be actively progressed unless required. Those schools not listed in appendix 4 do not meet the criteria listed above; the main two reasons for this are education standards and previous expansion history, with a much smaller group of schools not included due to current size, faith based curriculum and vacancies. It is important to note that at the time of writing those schools listed in appendix 4 have not agreed to take a temporary class – they will be approached as possible expansions.
- 3.35 There are exceptions listed in appendix 4 where officers believe that the schools/sites should be considered for the programme; these are:
- Brentfield Primary – this school permanently expanded in September 2011 but agreed to take a year 6 bulge class in 2013/14 if required, it is therefore identified as meeting the criteria in this 14/15 programme
  - Chalkhill Primary – this school currently has two bulge classes but is in the area of highest need and is therefore to be included as it would otherwise meet criteria
  - Elsley Primary – this school is currently undertaking statutory consultation on permanent expansion from September 2015 but is in the area of highest need and is therefore to be included as it would otherwise meet criteria

- Preston Primary – this school is approved to permanently expand from September 2014 but is in one of the areas of highest need and is therefore to be included as it would otherwise meet criteria
- Uxendon Manor Primary - this school is planned to permanently expand from September 2014 but officers are still in discussion with the Governing Body regarding the scope of the project; the school is in one of the areas of highest need and is therefore to be included as it would otherwise meet criteria
- Wembley Primary – this school is already 4FE with a children's centre but is in an area of need and is therefore to be included as it would otherwise meet criteria
- Wykeham Primary – this school currently has two bulge classes but is in the area of highest need and is therefore to be included as it would otherwise meet criteria

3.36 The need for additional school places has been discussed at successive Headteachers meetings. The approach and criteria were also discussed at a meeting between the Acting Director of Children & Families and Primary and Secondary Chairs of Governors in January. Governors provided the following feedback:

- Be cautious about longer term plans based on GLA's projections since historically in London rolls have gone down as well as up (remembering schools closures in previous decades). In addition, the full impact of welfare reform is yet to be seen.
- Do not rule out schools that have permanently expanded in the last five years as they have relevant experience and expertise.
- Explain clearly the educational advantages/disadvantages of 4FE schools in the revised permanent strategy.
- Try to find a way of showing how long children have been out of school and how far away from home children are being offered places.

3.37 The Acting Director of Children & Families has written to all of the schools and relevant Diocesan boards to advise that they are listed as meeting the criteria of the proposed temporary school expansion programme. Detailed individual approaches to schools will not be made until Executive approval to the approach to temporary school expansion is decided; this provides a clearer framework within which schools are asked to expand. A number of the schools that would be approached (subject to Executive approval) have previously declined to expand but the letter from the Acting Director has made clear the level of demand in the borough and problems which will arise if there are insufficient places. The places proposed in non-school buildings could only proceed if a nearby school agreed to manage the provision and even then provision on an existing school site is educationally preferable. All proposals are subject to Governing Body approval and site feasibility studies. Whilst the Council wishes to work collaboratively with all schools including foundation, VA and academy schools the council needs to meet its statutory duty to provide sufficient school places and is under close scrutiny from the DfE.

3.38 Feasibility studies of the work required to provide these bulge classes/temporary school places on school sites has not yet been undertaken. The estimated

budget cost for the programme is based on historical data from 2010-2013 of all types of temporary school places created on and off school sites. The average cost of providing one class in temporary provision is £112,000. Assuming a generous 20% contingency to be held until firm proposals are established for each project, the total estimated cost of the proposed programme of Temporary School Expansion 2014-15 providing 15 classes would be £2.016m.

- 3.39 Members are asked to approved the approach and criteria outlined above and to approve the indicative programme based on securing 15 classes from those schools that meet the criteria as shown above.
- 3.40 Although the approach prefers temporary school places to be provided on school sites, a review of non-school council buildings that could be available for September 2014 was undertaken to ensure sufficient options were available. Officers are aware of the need to balance Council priorities to provide school places and to maximise assets to provide capital value and/or rental income. One non-school building owned by the council is proposed in this programme; the former Church Lane Pupil Referral Unit. The building, located in Planning Area 1 (the second highest priority area of need for additional school places), was used until 20 December 2013 as a teaching facility accommodating up to 25 secondary school age pupils. It is considered possible to convert to provide primary school places although internal reconfiguration would be required; an indicative total budget of £500k is recommended. It is only therefore feasible from a cost perspective if it provides 4 classes.
- 3.41 In terms of duration of use, the aim would be to move the children in the temporary provision into a permanent school site as soon as possible. This could be as early as one academic year later in September 2015 but would require the school that would permanently expand to manage the temporary provision now so the children experience a geographical change only. Whilst this option has educational merits, it does mean that there is a risk that £500k has been spent on a building for one year's use.
- 3.42 Should the building be used for temporary school places a freehold or leasehold disposal will be delayed. This means a potential loss or delay to any capital value receipt and/or rental income. The approval to use this building for this purpose falls within the delegated authority of the Operations Director for Property & Projects.
- 3.43 In addition, Mahatma Gandhi House is considered as meeting the criteria providing a managing school could be identified. It is in an area of high demand but as the priority is to provide school places on school sites; officers propose to undertake a feasibility study and to discuss matters with the landlord, but to prioritise school based options first.

#### Procurement of Temporary School Expansion Programme

- 3.44 Should Members agree the approach outlined above and indicative programme of projects, officers will work to secure those projects for delivery by September 2014. This will start with detailed engagement with the school and Governing Body as well as feasibility design work. Due to the compressed programme and

need to deliver by September 2014, Members are asked in this report to approve the commencement of procurement of a works contractor/s for these projects.

- 3.45 Advice from LBB Legal Services confirms that based on the aggregation of values the works contract requirement would exceed the £500k threshold for high value contracts and require Executive approval to procure as well as to award the contracts. A High Value procurement is required under Contract Standing Orders to be reported to members at both the award stage and at the pre-tender stage. For the latter, certain pre-tender considerations as listed in Contract Standing Orders require approval before the procurement starts. One of those pre-tender considerations is approval of the nature of the contract, including identification of the sites. This piece of work is still being scoped, and will be available for the March Executive, however it is considered that in order to deliver for September 2014, an advert needs to be placed now so that the contractor expression of interest process can start. Accordingly the Executive is being requested to grant an exemption to the usual requirement for all the pre-tender considerations to be approved before the procurement starts, on the basis that these will be approved at the March Executive

#### Strategy for a Revised Permanent School Expansion Programme

- 3.46 This report has so far outlined the need for school places based on revised projections and the proposals to solve the immediate problem of insufficient school places for the start of the school term in September 2014. In light of the revised GLA pupil projections and additional capital funding (detailed later in financial implications) the primary school expansion programme strategy approved in August 2012 (with last update in November 2013) needs to be revised. Officers are currently working on this and will present a proposed revised strategy to Members for approval in March 2014. This report will outline a review to the strategic approach to providing school places in the borough, propose projects to meet the permanent school places requirement from September 2015 and provide a review of the options available for meeting the requirements in the longer term. This will include some fundamental reviews of previously established strategy but will be rooted in a requirement to maintain and strengthen the quality of educational outcomes for all children in the borough.

## **4.0 Financial Implications**

- 4.1 The total estimated cost of the proposed programme of Temporary School Expansion 2014-15 providing 15 classes at £2.016m can be met from existing secured Basic Need capital grant allocations and is within existing cashflow forecasts for temporary places provision.
- 4.2 The revised strategy for the permanent primary school expansion programme to be presented to the March 2014 Executive meeting will include an updated cashflow analysis. This will include anticipated costs of proposals to meet demand alongside secured and unsecured (forecast) funding for the programme and the impact of new funding secured since the last report as well as any

savings arising on the programme from previously proposed schemes not proceeding.

4.3 On 19 December 2013 the Education Funding Agency announced the Basic Need capital grant allocations for Brent as £40.951m across 3 years (2014/15, 2015/16 and 2016/17). The announcement has a positive impact on the level of Basic Need grant included in the capital programme to a total of £18.7m over the previous forecast for the three years. However, there has not yet been the full range of announcements in regard to capital grant allocations and as such it is not yet clear if subsequent announcements could have a negative impact on the additional level of Basic Need.

4.4 The former Church Lane Pupil Referral Unit is not included within the current Capital Disposals Programme and as such if this property is utilised for the provision of temporary places there would not be an impact on existing funding forecasts for the overall Capital Programme. However it should be noted that the use of the property for temporary school places could result in a potential capital receipt being foregone (estimated at between £400-600k) which could have funded other works within the capital programme. Similarly if not disposed of this building could be leased externally and as such if utilised for temporary places a potential rental stream could be foregone (estimated at c. £40k/pa). This could impact on the Property and Asset Management team's ability to meet it's target for additional external rental income, and any shortfall would have to be contained within the overall RMP budget.

## **5.0 Legal Implications**

5.1 Under sections 13 and 14 of the Education Act 1996 (as amended by the Education Acts 2006 and 2011), 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. The Local Authority must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential. It must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice. To discharge this duty the Local Authority has to undertake a planning function to ensure that the supply of school places balances the demand for them.

5.2 As a contingency, to support the admission to school of children as quickly as possible, the In Year Fair Access Protocol has been revised and schools and the Unions have been consulted on a new proposed Protocol. The new Protocol is now in place and allows for the admission of children over schools planned admission numbers in the event that a school place is not available. Schools will not be required to maintain classes over the planned admission number but will revert to the usual admission number when children leave.

5.3 Statutory proposals are required for a proposed enlargement of the school premises that would increase the capacity of the school by both more than 30 pupils and 25% or 200 pupils (whichever is the lesser). Proposals may also be required for some cumulative expansions and a review of any other

enlargements that were made without the need for statutory proposals would need to be made before determining if statutory proposals would be required. This means adding those enlargements made:

- in the 5 year period that precedes the proposed expansion date
- since the last approved statutory proposal to enlarge the school (within this 5 year period)
- exclude any temporary enlargements (ie. where the enlargement was in place for less than 3 years)
- add the making permanent of any temporary enlargement

- 5.4 Under current admissions code children can be admitted above the Published Admission Number (PAN). For community/voluntary controlled schools the LA as admission authority must consult the Governing Body of the school where it proposes to either to increase or keep the same PAN.
- 5.5 Under Section 19 of the Education Act 2006 and School Organisation Regulations the Authority can decide to propose an enlargement, follow the statutory process and resolve to do without requiring consent of Governing Body whose redress would be to object to the schools adjudicator.
- 5.6 The proposed procurement of works contracts in order to carry out extension and/or conversion works at sites proposed for the provision of temporary school places involves a High Value procurement (above £500,000 for works). Even though the contracts will be let as individual contracts per site, Contract Standing Orders require that works of a similar type are aggregated in assessing the value of the procurement and which CSO procedural rules are followed.
- 5.7 High Value procurements require Executive approval of both the pre-tender considerations as set out in Contract Standing Orders and approval of the award. Approval is sought for an exemption from the usual requirement for pre-tender considerations to be approved before a procurement starts, so that an advert can be placed and expressions of interest received, on the basis that the pre-tender considerations will be approved at the March Executive. In order to grant an exemption, Contract Standing Order 84(a) requires that the Executive is satisfied that there are good operational and/or financial reasons for doing so. Here, the urgency of getting temporary school places available for September 2014 by the carrying out of extension or conversion works means that there are good operational reasons for doing so.
- 5.8 With schools increasingly being outside local authority control, such that they own their own land, a number of the projects outlined in this report may involve the Council managing building projects on land that it does not own. Where necessary, the Council will enter into agreements with the school/s which will give the Council a licence or lease to build, also recognises the Council's project management role and the school's right to review key stages of the works.
- 5.9 Even with community schools running satellite sites, consideration should be given to the governing body of the school having an agreement or licence of

the Council premises forming the satellite site. Although community schools do not own their own land and have only an implied licence of the main school sites, it may be sensible for a written licence to be in place for the satellite site to make the clear maintenance and repairing obligations.

## **6.0 Diversity Implications**

- 6.1 An Impact Needs/Requirement Assessment (INRA) was prepared as part of the four year rolling programme. This will be reviewed and updated in the March Executive report revising the rolling programme/strategy.

## **7.0 Staffing/Accommodation Implications**

- 7.1 None for the immediate purpose of this report however the establishment of a significant number of new school places brings a requirement for additional teaching and non-teaching staff. This may require the use of agency staff to fill posts that cannot be recruited permanently in time for the new school term.

## **Background Papers**

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