



Executive
24 March 2014

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

Wards affected:
ALL

**School Expansion Programme – Revised School Expansion
Strategy**

1.0 Summary

- 1.1 The Council's statutory duty to ensure it can offer a school place to every child that applies for one. A draft revised School Expansion Strategy for 2014-2018 has been prepared for consultation. The Strategy identifies the projected shortfall of primary, secondary and SEN places over the coming years and outlines key principles that could be used to address the shortfall as part of a coherent education strategy for Brent.

2.0 Recommendations

The Executive is recommended to:

- 2.1 Approve the draft School Expansion Strategy 2014-2018 for consultation purposes in line with the consultation plan set out in paragraph 3.6 of this report.
- 2.2 Delegate authority to the Strategic Director of Regeneration & Growth in consultation with the Director of Legal & Procurement and the Lead Member for Regeneration & Growth to approve the pre-tender considerations for the Temporary School Expansion Programme 2014-15.

3.0 Detail

Draft School Expansion Strategy 2014-18

- 3.1 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. As reported to the Executive in February 2014, a revised set of GLA pupil projections has been received along with additional capital funding for the provision of school places. It is necessary therefore to revise the school expansion programme last approved in August 2012 (with subsequent updates to Members) to adopt a more strategic approach and ensure that the resulting programme meets projected demands and reflects current priorities. The draft revised School Expansion Strategy provided as appendix 1 sets out the current position in respect of school place demand in the primary, secondary and SEN sectors as well as the proposed principles to be used in devising any future programmes to address that demand. Members are asked to approve the draft strategy for consultation.
- 3.2 This draft revised strategy is underpinned by a commitment to improving the educational outcomes of all children and young people in Brent and attempts to link school organisation and expansion to school improvement. It sets out a draft set of aspirations as follows to underpin the strategy:
- All Brent schools should be good or outstanding
 - All Brent schools should be part of a 'family of schools' which promotes resilience, mutual support and improvement
 - The council and schools should work together to meet the challenge of providing sufficient school places
 - Schools should operate in good quality, safe premises
 - Children should be educated close to home
 - Schools should work with their local communities
 - Meeting the needs of children with special educational needs and disabilities should be central to our vision for education in Brent
 - We should make efficient use of resources
- 3.3 The draft strategy discusses each of these aspirations in turn and how they might be realised and proposes (for consultation) a set of principles which would then determine decision-making on future schemes, whether expansions (temporary or permanent) or new build.
- 3.4 The strategy includes both a summary of demand for school places and a more detailed account of the methodology and demand (for primary) by planning area. This is in order to provide Members with an accurate position of the total school place demand and capacity. The draft strategy is deliberately cautious in assuming that while existing and planned temporary/bulge classes will work through the system, given the reliability of predicted increases in school rolls, future expansion should be provided as permanent capacity as the educationally preferable route.

- 3.5 The strategy provided with this report is based on the provision of permanent primary school capacity from 2015-16 academic year onwards. The strategy does however outline how additional temporary capacity could be created if projections were to change and additional places be required at shorter notice, recognising that even within an overall upward trend, there can be fluctuations.

Consultation

- 3.6 Consultation on the draft revised strategy is important to ensure all partners are engaged and all developments are undertaken openly on the basis of agreed principles. Members are asked to approve the consultation plan outlined within the strategy. In summary, this includes consultation with a wide range of stakeholders on the strategy between March and July, detailed consultation with individual schools that may be proposed for expansion before the school summer holidays in July and a further report to Members on the urgent priorities in the September 2014 Executive committee meeting with a full programme of proposed projects along with the final strategy in October 2014.

Current Position of Children Out of School and Vacancies

- 3.7 Members have regularly been provided with updates on the current number of children without a school place. Table 1 below confirms that in the current academic year all children who have applied for a place have been offered one. Since the last report to Members in February 2014, approximately 20 applications have been received each week for primary school places.

Table 1: Children out of school and vacancies

Year Group	Number of out of school children as of 03/03/2014*	Number of children who have not been offered a school place as of 03/03/2014	Vacancies as of 03/03/2014
REC	25	0	53
YR 1	17	0	20
YR 2	15	0	29
YR 3	7	0	50
YR 4	17	0	35
YR 5	16	0	38
YR 6	15	0	53
TOTAL	112	0	278

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. In reception, 15 of the 25 children are not yet of statutory school age and 10 children have been referred to the Education Welfare Service.

Procurement of Temporary School Expansion Programme

- 3.8 Members are asked to delegate authority to the Strategic Director of Regeneration & Growth in consultation with the Director of Legal & Procurement and the Lead Member for Regeneration & Growth to approve the pre-tender considerations for the Temporary School Expansion Programme 2014-15. Based on the aggregation of values the works contract requirement for this programme would exceed the £500k threshold for high value contracts and require Executive approval to procure as well as to award the contracts.
- 3.9 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 following approval of the programme at the February Executive. The full extent of information required for the pre-tender considerations cannot be available for the March Executive but is expected to be available at the beginning of April. In order to continue with procurement activities and ultimately ensure tenders are received in sufficient time for works to be completed before the start of term on 1 September 2014, it is considered necessary for the Executive to delegate authority to officers to approve the detail of the works procurement in the required timeframe.

4.0 Financial Implications

- 4.1 The recommendation to approve the draft School Expansion Strategy 2014-2018 for consultation purposes does not carry significant financial implications. However, on the basis of the agreed strategy a programme of works will be compiled to meet demand that will include anticipated costs of proposals against secured and unsecured (forecast) funding sources. The proposed programme of works will be submitted to a future meeting of the Executive.
- 4.2 On 19 December 2013 the Education Funding Agency announced the Basic Need capital grant allocations for Brent as £40.95m across 3 years (2014/15, 2015/16 and 2016/17). As such, the Council has now received Basic Need Grant allocations totalling £135.98m since 2011 and has secured a further £11.11m through S106, school and diocesan board contributions and the council's own capital programme to meet the costs of providing additional school places.
- 4.3 The costs of providing school places are difficult to predict for the future, particularly as currently construction costs are rising at a rate significantly in excess of inflation. Initial estimates of costs to meet demand based on historic information are in the region of £213m which indicates that there will be a

significant shortfall in funding in excess of £65m. This summary position will be updated regularly to Executive as future cost forecasts are refined.

- 4.4 The revenue funding for schools is based on an annual census of pupil numbers, in line with the National Funding Formula. If, at the request of the Local Authority, a school takes on additional pupils, bulge classes, expansions and new provision in satellites after the census has been taken, the school will receive funding from the Council's Dedicated Schools Grant (DSG). This funding is for a full class for the remainder of the financial year and the following financial year and has been put in place to ensure that schools are not adversely affected by agreeing to expand. The funding has been set at differing rates dependent on the nature of the expansion, where schools will receive £3,300 per pupil or £3,600 per pupil if they are placed in an annexe or off site building to the school. The funding model and budget for expansions is agreed by the Brent Schools Forum on an annual basis and has been accounted for within the DSG deficit recovery plan, which is due to breakeven in 2014/15.
- 4.5 The total estimated cost of the proposed programme of Temporary School Expansion 2014-15 providing 15 classes at £2.02m can be met from existing secured Basic Need capital grant allocations and is within existing cashflow forecasts for temporary places provision.

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. At its meeting in February, the Executive granted an exemption from the usual requirement for pre-tender considerations to be approved before a procurement starts, so that an advert could be placed and expressions of interest received, on the basis that the pre-tender considerations will be approved at the March Executive. However officers are still not in a position to do this for the March Executive, and so it is proposed that the decision to approve the pre-tender considerations is delegated. It is within the power of the Executive to do this when satisfied that it is in the best interests of the Council.
- 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.

- 5.10 Given there is a presumption that any new school site provided by a local authority would be for a sponsored Academy a local authority would in general be expected to be grant a 125 year lease at a peppercorn rent to the Academy. This approach is intended to be consistent with the existing Guidance on community schools converting to Academies where a local authority grant to the new Academy a 125 lease of the community school site at a peppercorn rent. If in the alternative a local authority is asked by the Department of Education to provide a new site for a Free School it would also be expected to grant a peppercorn lease to the Free School in accordance with Department of Education Guidance updated January 2014.

6.0 Diversity Implications

- 6.1 The draft Strategy aims to address equality issues around social disadvantage and disability. This will need to be tested during the consultation period and will be assessed as part of the feedback on the consultation process and final proposals. An Impact Needs/Requirement Assessment (INRA) has been prepared.

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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