

 <p><b>Brent</b></p>	<p style="text-align: center;"><b>Cabinet</b></p> <p style="text-align: center;">16 November 2015</p> <p style="text-align: center;"><b>Report from the Strategic Director Children and Young People</b></p>
<p>For Decision</p>	<p style="text-align: right;">Wards Affected: ALL</p>
<p style="text-align: center;"><b>Determination of the proposal to permanently expand Leopold Primary School from January 2016</b></p>	

## 1. Summary

- 1.1. In line with the School Place Planning Strategy approved by Cabinet in October 2014, the alteration to permanently expand Leopold Primary School by two forms of entry (2FE) has been proposed by the Governing Body of Leopold Primary School in partnership with Brent Council.
- 1.2. This report informs the Cabinet of the outcome of the statutory consultation on the proposal to alter Leopold Primary School from January 2016 through permanent expansion and recommends that the statutory proposal to expand the school be approved.
- 1.3. The representation period on the proposal ended on 8 October 2015. This report also informs the Cabinet of the responses to the informal and formal consultations.

## 2. Recommendations

- 2.1. The Cabinet is recommended to:
- 2.2. Approve the permanent expansion of Leopold Primary School, a community school, by two forms of entry from January 2016, (conditional upon the grant of full planning permission under the Town and Country Planning Act 1990 and any related conditions granted on 6 October 2015). The alterations are to provide sufficient permanent primary school places in this region in line with the council's statutory duties and it's School Place Planning Strategy 2014-2018.

### **3. Background**

- 3.1.1. In October 2014, the Cabinet approved a School Place Planning Strategy which was refreshed in November 2015. This established the need for a continuing programme of provision of additional school places and, for the first time, a set of principles which the council would use to determine its future decision making on school place planning. These were established in the context of the overall objective of securing sufficient high quality school places for all Brent's children in line with the council's statutory responsibilities. The strategy also established that the council would aim to meet the DfE guideline of having a five per cent vacancy rate to allow for mobility and fluctuations as well as to support parental preference. Currently the vacancy rate in Brent primary schools is 2.2 per cent. Currently there is no comparative London wide data available.
- 3.1.2. The Strategy identified a total primary requirement for the opening of 23 additional forms of entry by 2018. Members will recall that the strategy set out the list of planned permanent new places in Brent in which Leopold Primary School provided 2FE.
- 3.1.3. The strategy showed a programme of expansion right across the borough (see a school map as Appendix 1). Leopold Primary School is situated in Planning Area 4 - the Hawkshead Road site is in the Harlesden ward, whilst the Gwenneth Rickus, Brentfield Road site is in the Stonebridge ward.
- 3.1.4. The number of on-time applications for Reception places received for September 2015 totals 3,911. It is anticipated that there will be approximately 800 late Reception applications received between the closing date in January 2015 and the end of the academic year in July 2016. The number of late applications for reception places has been increasing in recent years, primarily because of high population mobility and inward migration.

#### **The proposal in relation to educational standards (Principle 1)**

- 3.1.5. Leopold Primary School was judged 'Good' by Ofsted at the last inspection in November 2011. It is expected that the school will have its next Ofsted in the Autumn 2015 term, when a Good report is anticipated. The proportion of pupils at the end of Key Stage 2 attaining Level 4 and above in reading, writing and mathematics was 91 per cent in 2014. This was well above the national average of 78 per cent and was an increase of five percentage points compared to 2013. The proportion of pupils making the expected two levels of progress at Key Stage 2 was also above the national average for each indicator: in reading 96 per cent (national 91%), writing 100 per cent (national 94%) and mathematics 96 per cent (national 89%).

#### **Proposals to undertake building works at the schools**

- 3.1.6. The proposals for physical alterations and refurbishment are in line with the Government's guidance on school expansions and their current agenda for raising standards, innovation and transforming education. The proposed works largely involve refurbishment and alterations to existing buildings which, once completed, will equip the school with fit-for-purpose, compliant and accessible classroom bases, the provision of a newly re-furbished sports and dining hall facility, with a relocated school kitchen and new changing facilities and an education environment befitting the requirements of a 4FE primary school. The internal accommodation and external play areas in the proposed expansion will meet the area and design

guidance standards detailed in Building Bulletin 103 (the document which sets out the government's current area guidelines for primary schools). In addition, it is proposed that an area of external soft habitat play area will be provided, by clearance of adjoining overgrown foliage; discussions are being held with Brent Parks.

- 3.1.7. The expansion of the school is fully in line with the aim of the guidance and the wish of the Secretary of State that local authorities provide school places where demand is high. The school serves a range of ethnic minority children, both boys and girls, and the proposals will be of benefit to them by providing additional parental choice.
- 3.1.8. The expansions at the school will increase the choice available to local parents and residents in areas of demand. The proposal will increase diversity of provision and enable the local authority to meet its statutory duty to provide school places to all resident pupils. The additional places will be provided for current and future need.
- 3.1.9. Additional classrooms and facilities will be provided to support the educational standards for all pupils and staff at the school. The expansion will provide:
- a safe and secure environment
  - a healthy environment with properly ventilated, appropriately sized classrooms with easy access to outside space (where required).
  - spaces to maximise natural day lighting and control sunlight, to maximise thermal comfort, control glare and provide a suitable internal environment.
  - improvements to pedestrian and vehicular access to the school in recognition of the local concerns around traffic issues
  - a variety of learning experiences - individual, group, class, year group, quiet spaces and enrichment of practical life skills class-spaces in line with the EFA baseline designs.
  - Maximised use of existing outdoor playing space and enhancement where possible and required.
  - Sheltered walkways connecting the various outbuildings, offering required external shade
  - Improvements to disabled access, compliant installations to the annexes and to the Main building
  - Classrooms to support easy access to ICT provision.
- 3.1.10. Subject to conditions pertaining to a planning application approval and an approved procurement process, it is anticipated that the building works at the Leopold Gwenneth Rickus school site will commence in March 2016 and complete in December 2016. A planning application has been submitted and permission granted to undertake refurbishment and/or alterations to two of the existing outbuildings to provide the school with a purpose built kitchen, dining and sports hall facility and new changing facilities and life-skills class bases. Planning permission was granted on 6 October 2015.
- 3.1.11. No change to the existing SEN provision 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 expansion of primary provision. The proposal will fully meet the requirements of the SEN Code of Practice and the accessibility standards.

### 3.2. Background information for Leopold Primary School

- 3.2.1. Leopold Primary School is located at Hawkshead Road, Willesden, London, NW10 9UR with a temporary annexe on Brentfield Road, NW10 8HE. It is a Community school (i.e. maintained by the local authority). It offers co-educational places for pupils aged 4-11 years. The current capacity of Leopold Primary School is 420. The school's admission number is 60 pupils per year (two forms of entry). The expansion plans to increase the school's capacity to 840 places and its admission number to 120 (four forms of entry.) This means an increase of 420 pupils.
- 3.2.2. From January 2014 the school agreed to run an annexe at the Gwenneth Rickus Building to provide additional temporary places for local children without a school place. During the 2014/15 academic year Leopold Primary School provided 10 temporary Reception - Year 4 classes in the Gwenneth Rickus Building (off site/satellite) taking their current total number of places at that time to 720.
- 3.2.3. From September 2015 the school also agreed to take two additional Reception bulge classes. If the proposal to expand is agreed these bulge Reception places will become permanent places in September 2016. If not, they will remain as temporary places until the children leave the school after Year 6.
- 3.2.4. If the proposal to expand on a split site is approved the increase in number of permanent places and the decrease of the temporary places at the school will be gradual until 840 is reached.

Table 1: The current places in the school 2015/16 academic year

	Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
Permanent	60	60	60	60	60	60	60	<b>420</b>
Temporary	60	60	120	60	60	30	0	<b>390</b>
Total	120	120	180	120	120	90	60	<b>810</b>

Table 2: The available places in the school year by 2020/21 academic year

	Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
Permanent	120	120	120	120	120	120	120	<b>840</b>
Temporary	0	0	0	0	0	0	0	<b>0</b>
Total	120	120	120	120	120	120	120	<b>840</b>

- 3.2.5. The non statutory informal consultation process commenced on 11 May 2015 and the architects began developing the previously completed feasibility study into a fully designed scheme (alongside the consultation). If expansion is approved new permanent places will be accommodated at the school upon completion of the works from December 2016.

3.2.6. The proposed accommodation for the expansion by two forms of entry would be of a permanent high quality construction, built to support and optimise educational standards. There will be no change to existing SEN arrangements at the school.

### 3.3. **Statutory Consultation Process – Four Stages**

#### **Pre- statutory consultation (informal)**

3.3.1. Since January 2014 the statutory school expansion process has four stages instead of five - Stage 1 Publication, Stage 2 Representation (formal consultation), Stage 3 Decision, Stage 4 Implementation. The informal consultation carried out by Brent Council prior to Publication is not legally required but is good practice as quoted by the Department for Education below:

*'Although there is no longer a prescribed 'pre-publication' consultation period for prescribed alterations, there is a strong expectation on schools and LAs to consult interested parties in developing their proposal prior to publication as part of their duty under public law to act rationally and take into account all relevant considerations.'*

#### The informal consultation process

3.3.2. The informal consultation consists of:

- a detailed consultation document outlining the proposal, timelines, background information, next steps, list of consultees, response slip and details of the public meeting. This document is given to every child at the school to give to their parents. In addition copies are hand delivered to homes and businesses in the local vicinity starting with the nearest streets surrounding the school. The document is also posted on the school website and school gates and on the Brent consultation website.
- At least one public meeting is held at the school concerned with representatives from the governing body and the council.
- A 4 week response time (minimum) is given

3.3.3. There are many reasons for an informal consultation before the formal consultation:

- it allows extra time for public to digest what is being proposed
- it gives chance for the public, school and the council to meet as a collective
- it is a chance to eradicate misunderstandings or ambiguity
- it gives a chance to gauge the feeling of the public before the statutory consultation
- it gives the council a chance to build up a database of interested people to provide information on the next steps of the project e.g. the publication date of the statutory notice marking the start of the formal consultation.

#### The formal consultation process

3.3.4. The formal consultation process consists of the issuing of the statutory consultation in the local newspaper. It is also posted on the school website, the Brent consultation website and on all entrances to the school (and any additional sites) for the passing public to see. This is a second chance for the public to give their views on the proposal. A four week representation period is given for responses.

#### Leopold Primary School informal consultation

- 3.3.5. The Governing Body of Leopold Primary School in partnership with the local authority carried out an informal consultation with key interested parties on the alteration proposals. The consultation document is attached as Appendix 2. Over 1,600 copies of the consultation document were distributed through hand delivery, email and/or internal/external post:
- the document was available at the consultation meetings
  - the document was placed on the school website and the Brent consultation website
  - approximately 400 copies were emailed out, including to all Councillors in Brent, all Brent schools, neighbouring boroughs and other statutory consultees.
- 3.3.6. The informal consultation began on 11 May 2015 and ended on 19 June 2015. All applicable statutory requirements to consult in relation to these proposals have been complied with.
- 3.3.7. Two consultation meetings on the proposal to expand Leopold Primary by two forms of entry was held on 20 May 2015. Notes of this meeting can be found at Appendix 3.
- 3.3.8. The Leopold proposal received 32 responses in this first informal consultation. Responses were received via post and email.

Table 3: Breakdown of responses received for Leopold Primary (informal)

	Number of responses received	Percentage of response overall
Agree with expansion	29	90.6%
Disagree with expansion	0	0.0%
No decision reached	3	9.4%
<b>Total responses</b>	<b>32</b>	<b>100.0%</b>

- 3.3.9. All 32 responses can be found in Appendix 4

#### Leopold Primary School formal consultation

##### **Stage One - Publication of Statutory Notice**

- 3.3.10. Following careful consideration of the responses in the consultation stages outlined above, the governing body of Leopold Primary School in partnership with the local authority published the Statutory Notice in the Brent and Kilburn Times on 10 September 2015 for altering the school by 2FE from January 2016. Notices were also displayed on the school gates, on the school website, on the Brent Council consultation website.

3.3.11. The statutory notice is attached as Appendix 5.

### **Stage Two – Representation (formal consultation)**

3.3.12. The statutory notices (issued on 10 September 2015) were followed by a four week statutory period (Representation stage), which ended on 8 October 2015, 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 (in this consultation) and ensures that they will be taken into account by the Cabinet when the proposal is determined.

3.3.13. In total no representations were received during statutory period.

3.3.14. Planning permission has been granted on 6 October 2015, under Part 3 of the Town and Country Planning Act 1990. Hence, the Cabinet is requested to approve the expansion of Leopold Primary School upon the date of the completion of proposed works from December 2016, conditional upon the fulfillment of any conditions relating to the granting of planning permission and in accordance with Schedule 3 paragraph 3 of the School Organisation Regulations 2013.

### **3.4. Next Steps**

3.4.1. The anticipated dates for the key project milestones following a decision by the Cabinet to determine this proposal to alter Leopold Primary are set out in the timetable below:

Table 4: Project milestones

<b>Milestone</b>	
Planning Application submitted	August 2015
Planning Approval granted	6 October 2015
Cabinet Decision to expand the school	November 2015
School officially becomes 4FE	January 2016
Award of contract for building works by the Cabinet	March 2016
Building work commences	March 2016
Building work finishes	December 2016

## **4. Financial Implications**

4.1. As part of consideration of the Update on Schools Capital Portfolio report dated 26 January 2015, Cabinet approved the proposal to expand Leopold Primary School. This report stated the total estimated cost of the project is provided for within the element of the School Expansion Programme of Works to be met from secured grant funding.

4.2. The proposed expansion of pupil numbers at the schools will result in increased revenue costs associated with the additional provision. These costs will be met from Leopold's budget, which will increase proportionately based on the formula allocation from the DfE. However, the proposed intake of additional pupils from September 2016 will mean that the schools will not receive the increased grant until the following academic year as the calculation is based on the previous

October's pupil numbers. As such the school will require funding equivalent to 7/12 of the total additional grant to meet the costs of the expanded pupil numbers until the following year's allocation is received. This shortfall in funding will be provided from existing Dedicated Schools Grant revenue budget as funding has been set aside for additional classes.

## **5. Legal implications**

- 5.1. The procedure for the enlargement of Leopold Primary School is as required by The Education and Inspections Act 2006 (as amended by the Education Act 2011) and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013. The local authority is entitled to make prescribed alterations to Leopold Primary School pursuant to powers granted by The Education and Inspections Act 2006, Sections 18 and 19 and in accordance with Schedules 2 and 3 Regulations.
- 5.2. The 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 Schedule 3 paragraph 3 of The School Organisation Regulations 2013.
- 5.3. 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. The local authority 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.
- 5.4. The Brent Cabinet acting on behalf of the Brent Local Authority is the Decision Maker pursuant to The Education and Inspection Act 2006 Section 21 (2) (f) and schedule 3 of the School Organisation Regulations 2013.
- 5.5. The Cabinet would need to have regard to guidance issued by the Secretary of State before making a decision upon this proposal entitled School Organisation Maintained Schools – guidance for proposers and decision makers January 2014 - <https://www.gov.uk/government/publications/school-organisation-maintained-schools>.
- 5.6. If the local authority fails to decide proposals within two months of the end of the representation period the local authority 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 two month period.
- 5.7. **Decision Making:**
- 5.8. The department does not prescribe the exact process by which a decision-maker carries out their decision-making function. However, the body or individual that takes the decision must have regard to the statutory 'Decision-makers Guidance' (at Annexe B).
- 5.9. There are four 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 notices are complete and in line with the statutory requirements. The four week statutory representation period closed on 8 October 2015 for Leopold Primary School.**

- Has the statutory consultation been carried out prior to the publication of the notice?

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

- Are the proposals “related” to other published proposals?

**No.**

#### 5.10. **Types of Decision**

5.11. When issuing a decision, the decision-maker can:

- reject the proposal;
- approve the proposal without modification;
- approve the proposal with modifications, having consulted the LA and/or governing body (as appropriate); or
- approve the proposal – with or without modification – subject to certain prescribed events<sup>11</sup> (such as the granting of planning permission) being met.

5.12. A proposal can be withdrawn by the proposer at any point before a decision is taken. When doing so the proposer must send written notice to the LA and the governing body (as appropriate) and the Schools Adjudicator (if the proposal has been sent to them). A notice must also be placed on the website where the original proposal was published.

#### 5.13. Rights of appeal against a decision

5.14. The following bodies may appeal to the Schools Adjudicator against a decision made by a LA decision-maker, within four weeks of the decision being made:

- the local Church of England diocese;
- the local Roman Catholic diocese; and
- the governors and trustees of a foundation, foundation special or voluntary school that is subject to the proposal.

5.15. On receipt of an appeal, a LA decision-maker must then send the proposal, representations received and the reasons for its decision to the Schools Adjudicator within one week of receipt. There is no right of appeal on determinations made by the Schools Adjudicator.

- 5.16. Procurement: The construction contract(s) associated with this expansion will be addressed as part of the wider primary school expansion. A report approved by Cabinet in January 2015 set out the procurement strategy to be adopted for these projects in accordance with Council Standing Orders. Subsequent Cabinet approval will be sought to award any works contract in accordance with Council Standing Orders.

## **6. Diversity Implications**

- 6.1. Leopold has an ethnically diverse pupil population and catchment of pupils who need places. The expanded schools would enable the council to provide additional new places required for Brent's growing pupil population.
- 6.2. The expansion will improve choice and diversity. The impact on Equalities will be kept under review and reported as the school expansion programme is reviewed.
- 6.3. An Equality Impact Assessment has been completed for the proposed expansion of Leopold Primary School - Appendix 6.

## **7. Staffing Issues**

- 7.1. 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 Dedicated Schools Grant allocated through the funding formula.

## **8. Background Papers**

- 8.1. School Organisation Maintained Schools - Guidance for proposers and decision-makers - January 2014

## **9. Appendices**

- Appendix 1 Map of Brent Schools
- Appendix 2 Leopold Primary School consultation document
- Appendix 3 Leopold Primary School notes of the consultation meeting
- Appendix 4 Leopold Primary School informal consultation responses
- Appendix 5 Leopold School statutory notice (stage 1 of the statutory process)
- Appendix 6 Draft of the Equality Impact Assessment for Leopold Primary School

**Contact Officers:**

Judith Joseph  
School Place Planning Officer  
Children and Young People  
Judith.Joseph@brent.gov.uk  
Tel: 020 8937 1061

Cate Duffy  
Interim Operational Director Early Help and Education  
Cate.duffy@brent.gov.uk  
Tel: 020 8937 3510

**GAIL TOLLEY**  
**STRATEGIC DIRECTOR OF CHILDREN AND YOUNG PEOPLE**