



The Executive
15 November 2010

Report from the Director of Children and Families and the Director of Regeneration and Major Projects

For Decision

Wards Affected: All

Brent Primary Schools Expansion: Delivery Strategy 2010-14

1.0 Summary

- 1.1 Demand for primary school places is forecast to exceed the supply of places. 1680 new primary places are required by 2015-16 including a 5% planning margin, according to GLA school roll projections 2010, which equals approximately four new 2FE primary schools (420 places).
- 1.2 The projections of the rising demand for reception school places in the borough are matched by evidence on the ground. As is the case across most London Authorities, Brent Council is overwhelmed by the shortfall of primary school places, with severe shortage in the reception cohort.
- 1.3 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.
- 1.4 A report titled "Primary Places – Allocation of the balance of Basic Need Safety Valve funding and Council's Main Capital Programme allocations to primary schools for expansion" was agreed by the Executive on 11 August 2010.
- 1.5 Brent Council was allocated £14.766m from the previous Department for Children, Schools & Families (DCSF) under the Basic Need Safety Valve (BNSV) in November 2009. The Executive report included information on schemes providing 1.5FE (315 primary school places) and further recommended the allocation of the balance of funds under BNSV and the Council's main capital programme to supply an additional 8FE (1680 primary school places) across 6 primary and secondary schools. The net effect would be an increase by 9.5FE (1995 primary places).

- 1.6 The Executive was notified in August 2010 that a further paper will be presented with detailed costing information and making recommendations on which projects will actually be taken forward in order to meet the current pressures.
- 1.7 This report clarifies the strategy and options for delivering sufficient primary school places utilising the School's Capital Programme and the Basic Need Safety Valve Funding.

2.0 **Recommendations**

The Executive is recommended:

- 2.1 To approve the reprioritisation of recommended schemes for spending the £14.766m Basic Need Safety Valve funding as set out in the table under paragraph 3.3.8 for providing additional primary school places.
- 2.2 To approve a further allocation of £4.997m, over and above the previously approved £12.013m from the Council's main Capital Programme as set out in the table under paragraph 3.4.3 towards new permanent primary school provision in the borough.
- 2.3 To agree that a further report will be presented to Executive in February 2011 setting out recommendations for prioritising the expenditure of £17.010m from the Council's main Capital Programme on primary expansion schemes, including those set out in Table 6 relating to new and/or expanded schools at Braintcroft, Capital City Academy and Wembley High.
- 2.4 To award three contracts to Mott McDonald for project management and full design team services (including CDM Co-ordination) for the Preston Manor, Newfield and Brentfield schemes, respectively.
- 2.5 To delegate authority to the Director of Regeneration and Major Projects to appoint one or more works contractors using existing construction frameworks, for the Preston Manor, Newfield and Brentfield schemes.
- 2.6 To authorise an exemption from the quotation requirements of Contract Standing Orders to allow the appointment of Watts as Employer's Representative for the construction phases of the Preston Manor, Newfield and Brentfield schemes, for the good operational reasons set out in paragraph 4.4 of this report.

3.0 Detail

3.1 Background

3.1.1 Update on Demand for School Places

- 3.1.2 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.
- 3.1.3 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 Brent Council has already provided 135 additional places for September 2010. At the time of writing this Executive report, 150 reception children did not have a school place in the 2009-10 academic year. The numbers of children without a school place for the 2010-11 academic year in each primary year group as at 26 October 2010 are as follows:

Table 1.

Year Groups	Unplaced Children 2009-10	Unplaced Children 2010-11	Vacancies 2010-11
Reception	72	150	*12
Year 1	25	154	15
Year 2	17	91	42
Year 3	15	73	78
Year 4	4	63	127
Year 5	16	36	179
Year 6	15	67	125
TOTAL	164	634	578

*Additional Reception places are planned to commence in the current academic year.

- 3.1.5 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.
- 3.1.6 On time reception applications are up on last year, 3,817 applications for 2010-11 compared to 3,583 on time applications for 2009-10. Since the closing date, a further 429 applications have been received, making a total of 4,246 applications. More applications will inevitably come in throughout the academic year.
- 3.1.7 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. Whilst this translates into a shortfall in the capacity by 270 reception places (9 classes) by September 2012 it does not fully take into account GLA's analysis presented in September 2010 that the birth rate across London is increasing more than previously expected. The impact of rising birth rate may further impact on the demand for reception places.

3.1.8 The GLA school roll projection analysis estimates that 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.

3.1.9 Ongoing Permanent Expansion of Capacity:

3.1.10 In May 2009, the LA 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 to 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 school 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.

3.1.11 Expansion proposals will promote good quality and design, and ensure that value for money, sustainability and above all improved learning outcomes are realised.

3.1.12 The schools will be built using a mixture of traditional and innovative off-site solutions, which may include modular/off-site steel frame structures or engineered timber frame solutions which are both designed for at least a 60 year life and are BBA certified. The designs are however still being developed to ensure that the schools are being built in the most efficient way, and meeting sustainable standards such as BREEAM Very Good (as a minimum on all 3 schools), 20% renewables, and with natural ventilation where possible. Suppliers will generally have ISO 9001 for Quality Assurance and ISO 14001 Environmental Assurance accreditation.

3.2 Strategy and options for delivering additional primary school places

3.2.1 Bulge Classes for September 2010:

3.2.2 As stated in the August 2010 Executive report, the Council has delivered 120 additional temporary Reception places and 15 permanent Reception places by September 2010 to alleviate the significant shortfall in the Reception classes.

3.2.3 The schools which have taken in 'bulge' reception classes in September 2010 are listed in the table below:

Table 2.

Sr. No.	School Name	'Bulge' Classes	Funding £ '000	Comments
1.	Park Lane Primary	1FE (30 places)	45	The temporary 1FE provision will convert to permanent places from Jan 2011, subject to planning approval by Dec 2010. The permanent expansion will cost £2.2m, funded from BNSV and School's Capital Programme.
2.	Braintcroft Primary	1FE (30 places)	157	1 in-fill permanent classroom including extension/refurbishment to a kitchen and a conversion for a classroom. From Sep 2011, the school will offer permanent 1FE provision, subject to new buildings, currently planned to be completed by Sep-Nov 2011. The school has agreed to run a 'bulge' Year 1 class consisting of 30 places from January 2011, subject to redevelopment and permanent expansion of the school. Includes FF&E.
3.	Wykham Primary	1FE (30 places)	25	Budget to be confirmed by the school since it had commissioned the adaptation work.
4.	Islamia Primary	1FE (30 places)	28	School will offer permanent 1FE provision, subject to new buildings, currently planned to be completed by September 2012.
5.	Brentfield Primary	1FE (30 places)	129	1 temporary classroom including services connection. From Sep 2011, the school will offer permanent 1FE provision, subject to new buildings, currently planned to be completed by Sep-Nov 2011. Includes FF&E.
6.	Ashley Gardens Early Learning Centre, sited at Preston Manor High School	2FE (60 places)	526	The temporary accommodation will provide for Reception/Year 1 Project from January 2011. This provision will be replaced by permanent 2FE provision, subject to new buildings, currently planned to be completed by Oct 2011. Includes FF&E.
7.	Contingency	-	57	Budget for meeting unforeseen expenditure on the above temporary provision schemes.
	Total	7FE	£967	This amount is being paid from the main Capital Programme, which is separate from the capital amounts for which Executive agreement is being sought.

3.2.4 Total funding of £967k has been allocated to meet the cost of these temporary expansions from the Council's School Capital Programme. This money is separate from the capital amounts for which Executive agreement is being sought within this report.

3.2.5 In addition, the Council has provided 'temporary' reception places at Granville Nursery school (12), Curzon Crescent Nursery School (governors have to provide 30 places from 22 November 2010) and College Green Nursery School (8 places). Pupils in these places will need to be relocated to permanent Year 1 provision next year.

3.3 Basic Need Safety Valve Funding (BNSV)

3.3.1 In August 2010, the Executive was informed that 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.

3.3.2 The previous DCSF's criteria for allocation of BNSV funding to Local Authorities (LA) is given in the Executive report dated 11 August 2010. The department reserved the right to claw back surplus funding where the 2012 census shows that forecast growth has not occurred.

- 3.3.3 Most of the local authority including Brent's bids did not meet the initial BNSV criteria, which required that predicted growth in the number of reception age pupils from September 2008 to September 2011 must be higher than 15%. Subsequently, DCSF agreed to revise the BNSV criteria and this resulted in Brent being allocated £14.766m.
- 3.3.4 Baseline and forecast pupil Number on Roll (NoR), excluding Academies, in Brent's bid were as follows:

Table 3.

	Reception	Total Primary (Growth Areas)
September 2008	3235	3350
September 2011	3642	5190
Difference (Forecast – Actual)	407	1840

- 3.3.5 There are currently 150 reception aged children without a school place. At the time of writing this report, a total of 634 primary (reception to year 6) aged children remained without a school place. If all these children were to be placed in primary schools in the current academic year, the increase in the primary numbers on roll (reception to year 6) over the bid baseline (September 2008) would equate to approximately 1522 pupils. This is being used as a basis for calculation of the claw back risk value of £2.551m from the BNSV funding if the growth in pupil numbers were to not rise beyond 1522 primary pupils. However, further applications for primary school places are expected throughout the 2011-12 academic year and the demand for primary places is expected to significantly grow in the next academic year.
- 3.3.6 The Executive approved the previous report in August 2010 to allocate the £14.766m of BNSV funds on primary expansion schemes. It was stated in the report that these schemes would be reviewed to ensure they are affordable, contribute towards meeting the forecast demand for primary school places, whilst still meeting the funding criteria.
- 3.3.7 The Council has reviewed and reprioritised the expansion schemes which best fit the criteria under this funding allocation. The reprioritisation and the funding allocation for the recommended schemes is listed in paragraph 3.3.8.

3.3.8 Basic Need Safety Valve Scheme: The following schemes are underway for permanent expansion, which comply with the criteria for BNSV funding:

Table 4.

Basic Need Safety Valve Allocation (£14.76m):			
School Name	Form of Entry (FE)	Funding Requirement (£ million)	Proposal Summary
a) BNSV funded Schemes currently in progress:			
St. Robert Southwell Primary School	0.5	0.02	Internal adaptation, leading to permanent expansion.
Park Lane Primary School	1	1.6	Statutory Proposal has been approved, subject to planning approval by December 2010. Expansion of school is essential for allowing previous 'bulge' classes to progress.
Total 1.	1.5FE	1.62	This 1.5FE permanent expansion is already accounted by the increase in the NoR by September 2008, 2009 & 2010.
*b) Reprioritised schemes since the 11 August 2010 Executive report for spending BNSV funding:			
Preston Manor Secondary School	2	7	Permanent high quality building utilising innovative off site construction with flexibility to expand. Classrooms for new reception intake and previous 'bulge' year groups to be delivered in time for Sep 2011. May require provision of MUGA for additional £300k to compensate for loss of secondary school playing field.
Brentfield Primary School	1	3	Permanent high quality building with flexibility to expand. Classrooms for new reception intake and previous 'bulge' year groups to be delivered in time for Sep 2011.
Newfield Primary School	1	3.1	Permanent high quality building with flexibility to expand. Require additional area to that currently occupied by the school. Key risk is the delay in obtaining possession of the Mission Dine Community Centre. The estimated delivery time would be dependent on how soon the use of the community centre could be developed for educational works. Classrooms for new reception intake and previous 'bulge' year groups to be delivered in time for Sep 2011.
Total 2.	4FE	13.1	This 4FE permanent expansion will be required for the increase in NoR from September 2011.
BNSV TOTAL 1. + 2.	5.5FE	£14.72m	

*The cost estimates are subject to further work on design and evaluation of the schemes. We will provide an update to the Executive if the estimated costs of these schemes increase more than the total BNSV funding of £14.766m and make recommendations for how a balanced portfolio of work can be progressed. The schemes are subject to statutory consultation and planning approval.

3.4 Update on the allocation under the Council's Main Capital Programme

- 3.4.1 The Executive report in August 2010 also identified a budget of £12.013m under the School's Capital Programme between 2010/11 and 2012/13, which could be used for primary school expansion projects. These monies consisted of unallocated budget for hut replacement (£4.243m) and expansion of schools (£7.770m).
- 3.4.2 At the time of writing this report, the Council has identified additional unallocated monies totalling £4.997m, within the School's Capital Programme. This consists of a further £325k from the 2010/11 hut replacement allocation (carried forward from the 2009/10 budget), £332k from the 2010/11 allocation for school expansion (accrued from 'strategy for development of school places' allocation), £2m from the 2013/14 hut replacement allocation and £2.590m from the 2013/14 allocation for school expansion, less £250k in 2011/12 under provision for school expansion.
- 3.4.3 The sum total of all the funding available in the Capital Programme totals £17.010m. The table below details the profile of these allocations across the financial years.

Table 5.

Children & Families Capital Programme Allocation	2010/11 Budget £'000	2011/12 Budget £'000	2012/13 Budget £'000	2013/14 Budget £'000	Total £'000
Provision for School Expansion	2,922	2,340	2,590	2,590	10,442
Hut Replacement Programme	568	2,000	2,000	2,000	6,568
Total Available Allocation	3,490	4,340	4,590	4,590	17,010

- 3.4.4 As stated in the previous report in August 2010, in order to meet the recommendation of spending the school's Capital Programme it will be necessary to re-profile the budget allocations to the scheme timelines which will require bringing funding forward to meet expenditure. It is probable that in order to do this it will be necessary to incur increased levels of unsupported borrowing in the earlier years of the Council's overall capital programme and reduced amounts in later years with a likelihood of a nil net impact overall. This would mean that there would be increased debt charges falling upon the general fund revenue account in earlier years. The requirement for additional unsupported borrowing in the short term could be nullified if there is sufficient levels of re-phasing to schemes elsewhere in the Council's capital programme but it will not be possible to quantify this until later in the financial year. The current funding identified within the Capital Programme is based on pre-Spending Review allocations and forecast which could vary subject to the announcement on 20 October 2010, once the government departments have notified Brent of local level impact. In general terms the Comprehensive Spending Review announced a 60% reduction in real terms in schools capital spending, with an expectation that demographic pressures and maintenance needs will be met.
- 3.4.5 The suggested reprioritisation of the schemes and the funding allocation for the recommended schemes under the Council's School Capital Programme is listed in paragraph 3.4.7. Detailed business plans will be developed to guide the final selection of primary expansion schemes funded from the School's capital Programme and a report will be presented to the Executive in February 2011.

3.4.6 Ongoing Permanent Expansion of Capacity (to 2014):

3.4.7 The schemes listed in Table 6 below are being considered for permanent expansion, subject to availability of funding from the Council's main Capital Programme. These schemes were included in the August 2010 Executive report but require further evaluation and will need to be reprioritised to ensure compliance with the criteria listed in paragraph 3.1.10.

Table 6.

Council's Main Capital Programme (£17.010m):			
School Name	Form of Entry (FE)	Funding Requirement (£ million)	Proposal Summary
**Schemes pending Executive approval to spend Capital funding:			
Braintcroft Primary School	1	10.8	Proposed rebuild of the entire school and expansion by 1FE (3FE to 4FE) with a new asset life of 60 years. The rebuild could be in phases subject to availability of funding. Alternatively, the existing buildings urgently require an investment of at least £2.5m to undertake essential repair works which will extend asset life by 2 to 5 years or at least £6.7m for full scale refurbishment extending the asset life by 10-15 years.
Wembley High Primary School	1	1m	Remodelling / extension project. Costs to be confirmed.
Capital City Academy	2	6.01	Key risk is grant of planning permission.
Total	4FE	17.81m	No request for new capital is being made at present time.

**The cost estimates are subject to further work on design and evaluation of the schemes.

3.4.8 The schemes in Table 6 above could provide additional 4FE provision. However, the cost will be reviewed to ensure that all the schemes could be delivered within the available Capital Programme funding of £17.010m listed under paragraph 3.4.3.

3.4.9 If these schemes are to be delivered within the timescales required, it is important that the Council moves quickly to the design, planning and procurement stages. In order to ensure effect progress, full project governance and management arrangements have been implemented. Inevitably as the schemes are developed and timelines and delivery dates become more certain, it may be necessary to alter whether schemes are funded from the Basic Need Safety Valve or from the Council's main Capital Programme. This assessment will be undertaken by the Director of Regeneration and Major Projects, in conjunction with the Director of Children and Families, and would be subject to the overall scheme costs remaining below the identified total funding allowance of £31.776m (£14.766m BNSV and £17.010m Capital Programme).

3.5 Summary Risk Assessment:

3.5.1 The key risks for developing these schemes are as follows:

Table 7.

Item No.	Risk	Mitigating action
1.	Disconnect between Council and Schools vision.	Continuous communication between the Council and the School. This will require a single person responsibility from the Council.
2.	Planning Risk for the recommended schemes.	Planners to be informed of progress on a monthly basis.
3.	BNSV funding may be withdrawn by the DfE.	Continual dialogue with DfE to understand and mitigate risk.
4.	Rushing Schemes in order to maximise BNSV funding affects quality.	Procurement and Strategic Risk workshop to be set up following Feasibility report. Programme Manger to report risks and cash flow on monthly basis.
5.	Delay means that some of the BNSV money is withdrawn – it is a grant condition that it must be spent by August 2011	According to the previous DCSF criteria, permanent primary places (not just additional reception classes) to be funded can be delivered in time for September 2011.
6.	The previous DCSF reserved the right to claw back surplus funding where the 2012 Pupil census shows that forecast growth has not occurred.	There are currently 150 reception aged children without a school place. At the time of writing this report, a total of 634 primary (reception to year 6) aged children remain without a school place. If all these children were to be placed in primary schools in the current academic year, the increase in the primary numbers on roll (reception to year 6) over the bid baseline (September 2008) would equate to approximately 1522 pupils. The financial risk has been calculated and is mentioned in paragraph 3.3.5.
7.	Council departments not aware of developments.	Project Board has been set up. Project managers also to ensure that there is clear communication with the various Council Departments regarding developments all the way through the process.
8.	Schools deciding that expansion is not good for them and/or major concerns from any of the stakeholders.	Clear consultation and gaining approval along the way. Intensive renegotiation and consultation required, or others schools brought into the mix if necessary Strategic Gateways to be set up (i.e. formal approval /feedback of Feasibility reports from schools before further consultant or design is approved). Alternative options to be prepared.
9.	Schools do not agree with findings of feasibility report.	Open and transparent discussions about the reasoning behind the study, the issues surrounding funding, and the possible options.
10.	Unclear communication	Brent to nominate internal Project Manager

	within Brent amidst restructuring.	and provide a structure chart. External consultants to communicate with all contacts with Brent as much as possible to ensure that there are effective communication channels.
11.	Delays to one of the school programme may affect funding for other schools.	Monthly reporting against delivery with clear guidance on cash flow and funding arrangements from Programme Manager. Contingency plans to be discussed, including the understanding of Executive Approval for more funds.
12.	Funding from other sources could be withdrawn by DFE or other ongoing major school expansion projects may be overspent on delivery, which could impact on funds identified within this report.	BNSV funding needs to be ring fenced for delivery of the projects identified within this report. School's Capital Programme Funding will be reviewed and adjustments in relation to other funding schemes, such as, Primary Capital Programme (PCP) and Targeted Capital Fund (TCF) including overspent projects, will be made prior to a report being submitted to the Executive in February 2011.

4.0 Appointment of Consultants and Works Contractors

- 4.1 Although the BNSV funding was granted to the Council in November 2009, there has been slow progress in implementing the proposed schemes, with the first Executive report being in August 2010.
- 4.2 In early September 2010 Council had appointed Watts as primary consultants to assist in preliminary design and planning activities, in parallel to the statutory proposal process so that the Council is given a realistic chance of complying with the funding terms of the Basic Need Safety Valve (BNSV). The Council is currently going through a further appointment process for project management and design services to continue the work completed so far by Watts.
- 4.3 A framework has been identified, the OGC framework for Project Management and Full Design Team Services, these being the services which the Council requires for these schemes. Due to the need to spend the BNSV funding by August 2011, it is urgent to get a consultant in place to work with the Council until the schemes are completed. Although there are 12 consultants on this OGC framework, under the rules of the framework it is possible to appoint a consultant direct without going through a mini-competition, provided it is possible to identify which consultant provides best value for money from the information within the OGC on-line documentation. Here the lowest priced consultant did not have a satisfactory supply chain (i.e. sub-consultants) to deliver on the Council's projects, and instead the second-lowest priced consultant is proposed to be used. This is Mott McDonald with a fee for each of the three projects (Preston Manor, Newfield and Brentfield) of between 6.61% and 7.61% of the total construction cost (fees vary according to whether the project is a new build or a refurbishment), with a total estimated contract value of £..... The appointment will be for RIBA stages C – L. There is likely to be some ongoing involvement of Watts in the project as sub-consultants to Mott McDonald.

- 4.4 Again due to the urgent need to secure delivery on this project, the Council will need to appoint an Employer's Agent to for the construction phase – where the building contract awarded is to be for design and build, the client needs an Employer's Agent to monitor ongoing compliance with the initial Council design, and for related contractual supervision. The contract estimate for this appointment is below the threshold for tendering under the EU rules and under the Council's own contract standing orders three quotations are required. However in order to ensure ongoing continuity in the face of a very tight timescale, the Executive are recommended to approve an exemption from the quotation requirements of Contract Standing orders for this appointment.
- 4.5 Again due to the urgent need to deliver on these schemes by August 2011 or risk losing funding, it is also proposed that there be delegation to the Director of Regeneration and Major Projects to award one or more works contracts to deliver on these schemes. Normally all works contracts exceeding £1m in value have to be awarded by the Executive. The Council will require the appointment of one or more design and build contractors to build the schemes that Mott McDonald will design. It is proposed to use a framework run by the organisation called Improvement and Efficiency South East. This framework has previously been used to appoint contractors for projects such as Harlesden Library and Roundwood Youth Centre.

5.0 Financial Implications

- 5.1 It is proposed that expenditure (both for design fees and building costs) will be met from a combination of Basic Needs Safety Valve (BNSV) funding totalling £14.766m and council capital programme funding of £17.010m. The BNSV funding allocation is dependent on pupil numbers in the January 2012 census meeting those forecast for September 2011 and the Department for Education 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. If the targets are not met the liability to meet committed costs will fall to the Council for which there is no budgetary provision.
- 5.2 Utilisation of the council capital programme funding will require re-profiling of the budget allocations to meet the scheme timelines. This will require bringing funding forward to meet expenditure and as such will be necessary to incur increased levels of unsupported borrowing in the earlier years of the Councils overall capital programme and reduced amounts in later years with a nil net impact overall. This would mean that there would be increased debt charges falling upon the general fund revenue account in earlier years. The requirement for additional unsupported borrowing in the short term could be nullified if there is sufficient level of re-phasing to schemes elsewhere in the Council's capital programme. This will need to be monitored and the Executive will be notified of the position via the quarterly PFR monitoring reports.
- 5.3 The current funding identified within the Capital Programme is based on pre-Spending Review allocations and forecasts which could vary subject to the announcement on the 20 October 2010, once the government departments have notified Brent of local level impact. In general terms the Comprehensive Spending Review announced a 60% reduction in real terms in schools capital spending, with an expectation that demographic pressures and maintenance needs will be met.
- 5.4 The cost estimates included within the report are subject to further work on design and evaluation of the schemes.

6.0 Legal Implications

- 6.1 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. 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 Local Authority has to undertake a planning function to ensure that the supply of school places balances the demand for them.
- 6.2 Under section 19 of the Education and Inspection Act 2006, (and in accordance with the School Organisation Regulations), a Local Authority can publish proposals to expand any category (community, voluntary, foundation, community special and foundation special) of maintained school. The governing body of a maintained school may also publish proposals to expand their school. Where the Local Education Authority propose to make a prescribed alteration to a maintained school, the Authority must publish their proposals.
- 6.3 Contract Procurement: The Council will need to appoint consultants and building contractors, in order to implement these schemes. As indicated above, one option for appointing these consultants or building contractors is to use a framework. Where this is a Framework set up by a third party, such as is proposed for use here, the Council's procedure for this under Contract Standing Order 86(d) is that the Chief Officer has to recommend this, and then the Borough Solicitor has to confirm that use is legally permissible. The Director of Finance and Corporate Services also has to approve. If such a framework is not used then a formal tender process is required for all contracts worth over £156,000 in value (or £3.9m for works). This consent procedure has already been followed in relation to the recommended Mott McDonald appointment, and will be followed for any works contracts where it is proposed to use a framework. Any appointment of one or more building contractors under the IESE framework (see paragraph 4.5 above) will also have to follow this procedure.
- 6.4 Any contracts that exceed £500,000 in value (or £1m in the case of works contracts) require Executive approval for award. As a result the proposed appointment of Mott McDonald is being recommended for award to the Executive. In addition it is proposed that the Executive delegate the decision to award contracts to building contractors to the Director of Regeneration and Major Projects in order to minimise further delay in the delivery of this project. It is not usual for award decisions to be delegated however it is considered justified in these circumstances.
- 6.5 It is also recommended that the Executive grant an exemption to the usual quotation requirements of Contract Standing Orders to allow direct award of a contract for Employer's Agent services. A process of obtaining three written quotes is normally required for all contracts below £156,442 in value, however the Executive can grant an exemption from this where there are good operational and financial reasons. Here the reasons are set out in paragraph 4.4 above.

7.0 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 schools proposed for expansion have a diverse ethnic representation of children. Expanding the schools listed in this report would enable the Council to provide additional new places required for Brent's growing pupil population.
- 7.4 Overall the expansion strategy will improve choice and diversity. The impact on Equalities will be kept under review and reported to the member level Strategy Board on a regular basis together with proposals for the implementation of specific proposals within the Strategy.

8.0 Staffing/Accommodation Implications

- 8.1 There are no implications for the immediate purpose of this report.

Background Papers

- 11 August 2010 Executive Report
- Primary Capital Program Updates & Office Files
- Scrutiny Committee 25 March 2010 - School Organisation Report
- 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>

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