



Cabinet
11 April 2016

**Report from the Strategic Director
Children and Young People**

For Decision

Wards affected:
ALL

**Determination of the proposal to expand and alter the
age-range of Roe Green Infant School from September
2016**

1.0 Summary

- 1.1 In line with the School Place Planning Strategy approved by Cabinet in November 2015, Brent Council has proposed the expansion of Roe Green Infant School by including the Strathcona site and a change in its age-range at the Strathcona site. This proposal has the support of the Governing Body of Roe Green Infant School. This proposal makes permanent the provision called Roe Green Strathcona that was initially established on a temporary basis.
- 1.2 These changes enable the provision that was established temporarily at the Roe Green Strathcona site to be made a permanent part of the school and for the Strathcona Road provision to provide 30 places a year for children from Reception to Year 6. There is no change to the Roe Green Infant provision at the Princes Avenue site which would continue to provide 120 places per year group for children from Reception to Year 2 as well as a nursery with 40 full-time equivalent places.
- 1.3 This report informs the Cabinet of the outcome of the statutory consultation on the proposal and recommends that the statutory proposal to expand and change the character of Roe Green Infant School be approved.
- 1.4 The representation period on the proposal ended on 24 March 2016. This report also informs the Cabinet of the responses to the informal and formal consultations.

2.0 Recommendation

The Cabinet is recommended to:

- 2.1 approve the expansion of Roe Green Infant School, a community school, by one form of entry (from 120 Reception places to 150 Reception places a year – 120 at the Princes Road site and 30 at the Strathcona Road site)
- 2.2 approve that the age-range of the Roe Green Strathcona site be changed from 4-9 to 4-11. These changes will take effect from 1 September 2016.

3.0 Background

- 3.1 In October 2014, the Cabinet approved a School Place Planning Strategy. A refresh of the strategy was considered by Members at the November 2015 Cabinet and agreed. 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.
- 3.2 Roe Green Infant School is situated in Planning Area 1 in the north of the borough which covers the Queensbury/Fryent/Welsh Harp wards. This Planning Area shows a deficit of Reception places throughout the next 8 academic years and is close to the Barnet and Harrow borders. Roe Green Strathcona is situated in Planning Area 2 in the north-westerly part of the borough and covers the Kenton/Northwick Park/Preston/Barnhill wards. This Planning Area shows a deficit of Reception places up to and including the 2016/17 academic year, increasing to a sufficiency in the following six academic years that will help offset the deficit in Planning Area 1.
- 3.3 The Governing Body of Roe Green Infant School agreed to manage the temporary provision at the Strathcona site at a Governing Body meeting of 14 January 2014. The Roe Green Strathcona site admitted its first pupils in March 2014 following discussions with schools in autumn 2013 about the need for more school places to be opened during that academic year as a result of rising birth rates and new families moving into the borough to existing and new housing. The urgent need for places meant that the places could only be established through the expansion of existing schools. The Strathcona Road site admitted pupils into Reception, Year 1 and Year 2 classes, so enabling the Council to fulfil its statutory duty to provide sufficient school places.

- 3.4 The Strathcona Road site (Wembley, HA9 8QR) was previously an adult day centre which had been semi-derelict for some time. Brent Council refurbished the building to provide modern toilets, new furniture and a new production kitchen.
- 3.5 Roe Green Infant School agreed to manage the Strathcona Road site as an expansion of their existing provision, and so be responsible for educational provision and staffing in the same way as at their original Princes Avenue site.

The proposal

- 3.6 The proposal would change the legal nature of Roe Green Infant School so that it permanently includes the Strathcona Road provision. This is achieved by changing the legal age range of the school so that it is for children between the ages 4 – 11 (excluding the nursery) and increasing the total number of permanent pupil places for children in Reception or above at the school from 360 currently to 570, with:
- Princes Avenue site (NW9 9JL) having a nursery for 40 full time equivalent places, and then Reception to Year 2 provision that admits up to 120 pupils each year into Reception i.e. 4 classes. This is the provision that already exists on the site. No changes are proposed for the Princes Avenue site. Children would continue to apply to other schools for their Year 3 to Year 6 education.
 - Strathcona Road site (HA9 8QL) having provision for children in Reception to Year 6, with up to 30 children admitted each year into Reception i.e. one class. There is an additional class in the current Year 2 cohort who would remain at the site until they complete Year 6. All children currently at the Strathcona Road site would remain there to the end of Year 6.
- 3.7 The following table shows the 2015/16 provision and the provision in 2020/21:

Table 1: The current places in Roe Green Infant School for the current 2015/2016 academic year

	Reception	Year 1	Year 2	Year 3	Year 4	Year 5	Year 6	Total
<i>Permanent-Princess Avenue</i>	120	120	120	0	0	0	0	360
<i>Temporary – Strathcona Road</i>	30	30	60	30	30	0	0	180
Total	150	150	180	30	30	0	0	540

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
<i>Permanent – Princes Avenue</i>	120	120	120	0	0	0	0	360
<i>Permanent – Strathcona Road</i>	30	30	30	30	30	30	30	210
Total	150	150	150	30	30	30	30	570

- 3.8 There is no requirement for planning permission or capital investment to implement this proposal – the necessary works at the Strathcona Road site have been completed since they were required prior to the admission of the temporary classes in March 2014.

Background information for Roe Green Infant School

- 3.9 Roe Green Infant School is located at Princes Avenue, NW9 9JL. It is a Community school (i.e. maintained by the local authority). It offers co-educational places for pupils aged 4-7 years. The current capacity of Roe Green Infant School is 360 places for children in Reception to Year 2, plus 40 full-time equivalent places in a nursery. The admission number for each year group between Reception and Year 2 is 120.
- 3.10 Roe Green Infant School meets Brent Council's criteria for expansion because it is judged as 'outstanding' by Ofsted at its most recent inspection (July 2010). Roe Green Infant School has an exceptional reputation and is consistently popular with parents.
- 3.11 Roe Green Infant School is led, managed, and staffed as a single school, with teaching and leadership staff operating across both sites and the Governing Body being accountable for performance at both sites. The Headteacher has previous experience of leading a primary school.
- 3.12 In 2015/16 Strathcona has 6 classes ranging from Reception to Year 4. The accommodation at the site is sufficient to permanently accommodate one class for every year group from Reception to Year 6, and also to allow the additional class that is currently in Year 2 to remain on site through to the end of Year 6.
- 3.13 The Strathcona provision has now been in place for two years, and includes children who are two years in excess of the statutory age range of Roe Green Infant School. There is a legal requirement to publish statutory proposals in order to make permanent any increase in the upper age range of the school which is anticipated to be in place for more than two years and in respect of any temporary expansions that have been in place for three years. Accordingly, this proposal is required at this time to give certainty to Roe

Green Infant School and to the children and families attending Strathcona that the pupils in Year 4 can remain at the school for Years 5 and 6.

Impact upon Roe Green Junior School

- 3.14 Roe Green Junior School is on the same site as the Princes Avenue site of Roe Green Infant School. Both schools are separate entities. Children who attend the Princes Avenue site of Roe Green Infant School will continue to apply for a school place for their Year 3 to Year 6 education. Roe Green Infant School will remain as a feeder school to Roe Green Junior School. There is no change proposed for Roe Green Junior School.
- 3.15 Children who attend the Strathcona site would attend that site until the end of Year 6 and then apply for secondary school. In the same way as children at other primary schools, they would automatically continue from Year 2 to Year 3 and would not need to make any application.

Admissions

- 3.16 The Strathcona provision was established to meet already existing demand for places for children in Reception and Year 1. Because of its temporary nature it has not been included in the co-ordinated admissions cycle and has been treated as a bulge each year. As part of making the provision permanent, the Council and Governing Body would wish to include Strathcona within the admissions arrangements for Roe Green Infant School overall. The distance between the sites (over 4 miles by car) means that parents are likely to want to prioritise a specific site as part of the Reception admissions arrangements since they will not want to be allocated to the other site. The next opportunity to consult upon the admissions arrangements for Roe Green Infant School is during winter 2016/17 for determination by the Council (as the admissions authority) by 28 February 2017 and to take effect for the 2018/19 academic year. This work will be taken forward if the recommendations are approved. For entry in 2016, parents have already submitted their on-time preferences and places at Strathcona will be allocated to parents where their other preferences have not been able to be met. Arrangements for 2017/18 are being developed.

Statutory Process – Four Stages

- 3.17 Since January 2014 the statutory school expansion process has four stages - Stage 1 Publication, Stage 2 Representation (formal consultation), Stage 3 Decision, Stage 4 Implementation.
- Informal consultation
- 3.18 Brent Council carries out an additional stage of informal consultation prior to the formal Stage 1 publication of the statutory proposal. This additional informal consultation is seen as good practice by the Department for Education.
- 3.19 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.

3.20 This approach provides opportunity for discussion with staff, parents, and local residents about the issues that need to be addressed / considered before a formal proposal is published. This enables any misunderstandings or ambiguity to be addressed.

Roe Green Infant School informal consultation

- 3.21 Brent Council carried out an informal consultation with key interested parties on the alteration proposals. The consultation document is attached as Appendix 2. Over 1750 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 300 copies were emailed out, including to all Councillors in Brent, all Brent schools, neighbouring boroughs and other statutory consultees.
- 3.22 The informal consultation began on 22 January 2016 and ended on 14 February 2016. All applicable statutory requirements to consult in relation to these proposals have been complied with.
- 3.23 Two consultation meetings were held about the proposal, one at each of the Roe Green Infant School sites (Princes Avenue and Strathcona Road) on 8 February 2016. Notes of these meetings can be found at Appendix 3.
- 3.24 81 responses were received, of which the majority were from staff at Roe Green Infant School. Responses were received via post and email.

Table 3: Breakdown of responses by decision

	Number of responses received	Percentage of response overall
Agree with proposal	67	82.7%
Disagree with proposal	04	5.0%
No distinct decision provided	10	12.3%
Total responses	81	100.0%

Table 4: Breakdown of responses by person

	Staff	Parents	Local residents	Governors	Others	Total
Agree with proposal	45	17	1	2	2	67
Disagree with proposal	0	1	1	0	2	4
No definite decision provided	0	5	1	0	4	10
Total responses	45	23	3	2	8	81

3.25 All 81 responses can be found in Appendix 4.

Stage One - Publication of Statutory Notice

3.26 Following careful consideration of the responses in the consultation stages outlined above, Brent Council published the Statutory Notice in the Brent and Kilburn Times on 25 February 2016 proposing the expansion and age-range change for Roe Green Infant School. Notices were also displayed on the school gates at both sites, on the school website, on the Brent Council consultation website.

3.27 The statutory notice is attached as Appendix 5.

Stage Two – Representation (formal consultation)

3.28 The statutory notices (published on 25 February 2016) were followed by a four week statutory period (Representation stage), which ended on 24 March 2016, 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.

3.29 In total two representations were received during statutory consultation period. The first was against the expansion due to traffic congestion at the Strathcona site. The second response listed concerns and sought reassurance with the change in character for Roe Green Infant School but did not state clearly whether they were for or against the proposal. Both representations can be found in Appendix 6.

Stage Three – Decision

3.30 A statutory proposal must be determined in accordance with regard to the statutory 'Decision-makers Guidance'. The current guidance (published in January 2014) includes a range of factors that should be considered by the Decision-Maker which are set out and considered in the following sub-paragraphs:

- 3.30(a) Consideration of consultation and representation period: These complied with the statutory requirements. The significant majority of responses to the informal consultation were in favour of the proposal. There were no issues raised through the informal or statutory consultation that required the proposal to be reconsidered.
- 3.30(b) Educational standards and diversity of provision: Roe Green Infant School is judged 'outstanding' by Ofsted and is consistently popular with parents. Roe Green Infant School would be expected to be approved for conversion to academy status if it made an application under the provisions of the Academies Act 2010.
- 3.30(c) Demand for places: The School Place Planning Strategy demonstrates the need for additional primary school places, and the permanent expansion of Roe Green Infant School provides additional capacity in Planning Area 2 which in turn enables greater provision of places for Planning Area 1 which continues to show a deficit (and where the Princes Avenue site of Roe Green Infant School is situated).
- 3.30(d) School size: Establishing a 1FE all-through primary provision at the Strathcona site provides greater choice for local parents, and enables it to be educationally and financially more resilient as part of Roe Green Infant School.
- 3.30(e) Proposed admission arrangements: Currently there is no mechanism for parents to select the Strathcona site. By making the provision permanent it enables the authority (as the admissions authority for Roe Green Infant School because it is a community school) to consult in winter 2016/17 upon admissions criteria for 2017/18 year that would enable parents to express a preference for the Strathcona provision.
- 3.30(f) National curriculum: As a maintained school, Roe Green Infant School already follows the national curriculum and will continue to do so.
- 3.30(g) Equality issues: These are set out in further detail in section 6 below and the draft Equality Impact Assessment provided in Appendix 7.
- 3.30(h) Community cohesion: Roe Green Infant School at both of its sites serves a community that is diverse and promotes an ethos of tolerance and respect for all pupils and their families. This includes promoting British Values, and understanding of and respect for all cultures and faiths.
- 3.30(i) Travel and accessibility: The admissions criteria for Roe Green already prioritise local applications and will continue to do so. Providing the ability for parents to express a preference for Strathcona will result in more local children attending that site as well.
- 3.30(j) Capital: No capital investment is required to implement this proposal.
- 3.30(k) School premises and playing fields: The Strathcona site has been equipped with external play equipment and astroturf to maximise the usability of its

external space. The pupils at Key Stage 2 use the large hall for gymnastics and dance and the external space for team games. In addition they go swimming at Harrow Leisure Centre.

- 3.30(l) Expansion: Discussions about the use of the Strathcona site for educational provision commenced in spring 2013, and discussions with schools started early in autumn 2013 to secure a school that would be willing to run the provision. Roe Green Infant School met Brent Council's criteria for expansion, were willing to expand onto the Strathcona site, and presented a compelling vision for how the expansion would aid pupils at both sites while being managed as a single school. Teaching and leadership staff at Roe Green work across both sites, and pupils move between sites for shared activities such as football (Strathcona to Princes Avenue), choir (Princes Avenue to Strathcona), and the single School Council. School trips (such as to the theatre) are run for pupils at both sites as single trips. The Governing Body receives reports about the performance of year groups overall, and also by site to enable it to understand and challenge performance. The school runs as a split-site single school.

Next Steps

- 3.31 The anticipated dates for the key project milestones following a decision by the Cabinet to determine this proposal to alter Roe Green Infant School are set out in the timetable below:

Table 5: Project milestones

Milestone	
Cabinet Decision to expand the school and change its age-range	April 2016
School officially changes age-range and expands	September 2016
Council (as admissions authority) consults on admissions arrangements for 2017/18	Winter 2016/17
Council (as admissions authority) determines admissions arrangements for 2017/18	By 28 February 2017

4.0 Financial Implications

- 4.1 The capital works have already been completed and were funded from the School Expansion Programme.
- 4.2 The additional pupils will result in increased revenue costs associated with the additional provision. These costs will be met from Roe Green Infant School's budget, which will increase proportionately based on the formula allocation from the DfE. However, the proposed intake of additional pupils will mean that the school will not receive the increased grant until the following financial 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.

5.0 Legal Implications

- 5.1 The procedure for the enlargement and age-range change of Roe Green Infant 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 Roe Green Infant 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 public sector equality duty under section 149 of the Equality Act 2010 requires the Local Authority when exercising its functions to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and to advance equality of opportunity and foster good relations between those who have a protected characteristic and those who do not share that protected characteristic. The protected characteristics covered under the Act are Age, disability, gender reassignment, marriage and civil partnership (only in respect of eliminating unlawful discrimination) pregnancy and maternity, race (this includes ethnic or national origins, colour or nationality) religion or belief (this includes lack of belief) sex and sexual orientation. Due regard means giving relevant and proportionate consideration to the duty, in that whenever significant decisions

are being made consideration must be given to the impact/affect that implementing a particular decision will have in relation to equality before making that decision.

- 5.6 An Equality Impact Assessment has been carried out and is attached at Appendix 7 to this report.
- 5.7 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>.
- 5.8 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 School Adjudicator for decision. They must forward the proposals within one week from the end of the two month period.

Decision Making:

- 5.9 The Department for Education 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). The factors considered as part of this are outlined and considered in paragraph 3.30 above.

Types of Decision

- 5.10 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 (such as the granting of planning permission) being met.
- 5.11 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.

Rights of appeal against a decision

- 5.12 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.
- 5.13 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.

6.0 Diversity Implications

- 6.1 Roe Green Infant School 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 Roe Green Infant School - Appendix 7.

7.0 Staffing/Accommodation Implications (if appropriate)

- 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.

8.0 Background Papers

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

9.0 Appendices

Appendix 1 Map of Brent Schools

Appendix 2 Roe Green Infant School consultation document

Appendix 3 Roe Green Infant School notes of the consultation meetings

Appendix 4 Roe Green Infant School informal consultation responses

Appendix 5 Roe Green Infant statutory notice (stage 1 of the statutory process)

Appendix 6 Roe Green Infant School statutory consultation responses

Appendix 7 Draft of the Equality Impact Assessment for Roe Green Infant 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