



Executive
15 February 2011

**Report from the Directors of Children
and Families and
Regeneration and Major Projects**

Wards Affected: ALL

**Determination of proposals to permanently expand Preston
Manor High School.**

Appendix E is Not for Publication

1.0 Summary

- 1.1 This report informs the Executive of the outcome of the statutory proposals to alter Preston Manor High (Foundation) School by lowering the age limit of the school and as a result, enlargement of the premises of the school which would increase the physical capacity of the school. Representation period on the proposal ended on 16 December 2010.
- 1.2 The governing body of Preston Manor High School propose to alter the school by providing 2 form entry primary provision from 05 September 2011. Pupils would progress annually through the primary provision to Year 6 and then transfer to Year 7. Hence, from September 2017 out of the current total of 252 places in Year 7, 60 places would be available for Year 6 pupils already on the roll of the school. If fewer pupils transfer from Year 6, the school will admit over the admission number to provide a total of 252 Year 7 places in accordance with the schools oversubscription criteria. The admission number (external intake by the school) for Year 7 would change from 252 to 192 from September 2016.
- 1.3 The report seeks Executive approval to permanently expand Preston Manor High School, conditional upon the planning permission being granted.

2.0 Recommendations

The Executive are requested to:

- 2.1 Approve the permanent expansion of Preston Manor High (Foundation) School to provide 2 forms of entry primary provision from 05 September 2011. This will allow the school to expand by a) lowering the age limit of the school and as a result, b) enlargement of the premises of the school which would increase the physical capacity of the school. This is conditional upon the granting of full

planning permission under Part 3 of the Town and Country Planning Act 1990 by 30 April 2011.

- 2.2 Agree that the main factor for approving the alteration of Preston Manor High School is to provide permanent primary places in an area of the borough which has severe shortage of reception and year 1 school places.

3.0 Detail

3.1 Background

- 3.1.1 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.
- 3.1.2 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. This translates into a shortfall in the capacity by 270 reception places (9 classes) by September 2012. The impact of rising birth rate may further impact on the demand for reception places.
- 3.1.3 Based on the GLA school roll projection analysis, the 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. 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 On time reception applications were up last year, 3,817 applications for 2010-11 compared to 3,583 on time applications for 2009-10. More applications will inevitably come in throughout the academic year.
- 3.1.5 The demand for school places is mainly driven by:
- Housing growth;
 - Increased density of use of existing housing stock;
 - Increased popularity of Brent schools (mainly due to the increasing quality of Brent's educational offer);
 - Inward economic and other migration;
 - Decreasing availability of places in neighbouring boroughs;
 - Increased live births and fertility rates
- 3.1.6 Brent Council provided 135 additional temporary places for September 2010. As at 24 January 2011, 50 reception aged children and 122 Year 1 children remain without a school place for the 2010-11 academic year. Since then, the Council has accommodated a further 56 children in temporary classes for the ongoing year.
- 3.1.7 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.

- 3.1.8 In May 2009, the local authority 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 with 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 schools 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.
- 3.1.9 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.
- 3.1.10 Subsequently, Brent Council discussed the option to provide primary school places with Preston Manor High School, since it met the criteria listed above. The Governing Body of Preston Manor High School agreed to consult on the proposal to expand the school by creating a new two form of entry (420 places) permanent primary provision as this could help provide school places for the local community in an area of growing demand.
- 3.1.11 Preston Manor High School primary expansion is one of the schemes which is being funded from the Basic Needs Safety Valve grant for providing permanent school places in an area of shortage, which is the main reason for the proposal.
- 3.1.12 Preston Manor High School also agreed to accommodate two Reception classes (60 places) on a temporary basis from January 2011 until the end of the academic year. The temporary accommodation is proposed to be sited adjacent to Ashley Gardens, for which planning consent has been granted.

3.2 Proposals to Alter Preston Manor High School

- 3.2.1 Preston Manor High School is located at Carlton Avenue East, Wembley, HA9 8NA. It is a Foundation school using the admission arrangements set by the Governing Body. It offers non-denominational mixed gender places for students aged 11-19 years.

- 3.2.2 The school has an excellent reputation for Science and Maths education throughout Brent. Since achieving specialist Science and Maths status, results in these subjects have improved across the key stages and are significantly above the national average. It has developed strong links with community since becoming a Specialist School. It works closely with local primary and secondary schools, running student workshops and teacher training sessions to share expertise in engaging students and raising achievement in Science and Maths.
- 3.2.3 The Governing Body of Preston Manor High School published two proposals: a) lowering the age limit of the school and as a result, b) enlargement of the premises of the school which would increase the physical capacity of the school to provide two form entry (420 places) primary provision. Both proposals would need to be approved simultaneously. If either proposal is rejected then the other proposal will not proceed. The proposals support the Local Authority's statutory duty to ensure the provision of sufficient school places.
- 3.2.4 If the proposals are accepted conditional upon the granting of planning permission under Part 3 of the Town and Country Planning Act 1990 by 30 April 2011, Preston Manor High School will offer 2FE primary provision through yearly progression, which will enable the Local Authority to meet its statutory obligations for placing some of the out of school children. This means that 60 pupils from the proposed temporary Reception classes from January 2011 would progress to Year 7 in September 2017. Similarly the proposed permanent Reception intake of 60 pupils from September 2011 would progress to Year 7 in September 2018. Hence from September 2017, out of the total of 252 places in Year 7, 60 places would be available for Year 6 pupils already on the roll of the school. If fewer pupils transfer from Year 6, the school will admit over the admission number to provide a total of 252 Year 7 places in accordance with the schools oversubscription criteria. The following table provides a summary of the progression in capacity:

Year	Jan 2010	Sep 2011	Sep 2012	Sep 2013	Sep 2014	Sep 2015	Sep 2016	Sep 2017
Planned Increase in Pupil Numbers	Ashley Garden Early Learning 60 R	60 R 60 Y1	60 R 60 Y1 60 Y2	60 R 60 Y1 60 Y2 60 Y3	60 R 60 Y1 60 Y2 60 Y3 60 Y4	60 R 60 Y1 60 Y2 60 Y3 60 Y4 60 Y5	60 R 60 Y1 60 Y2 60 Y3 60 Y4 60 Y5 60 Y6	60 Y6 to Y7 192 external intake Y 7
Total Places	60 R	120 R-Y1	180 R-Y2	240 R-Y3	300 R-Y4	360 R-Y5	420 R-Y6	252 Y7

- 3.2.5 In accordance a) with paragraph 4.62 of the Guidance Making Changes to a Maintained Mainstream School (Other than Expansion, Foundation, Discontinuance & Establishment Proposals) (Excerpt attached in Appendix A), and b) with paragraph 4.75 of the Guidance Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form (Excerpt attached in Appendix B), the Decision Maker can decide to approve the proposals subject to meeting a specific condition. The Decision Maker must set a date by which the condition should be met but will be able to modify the date if the proposers confirm, before the date expires, that the condition will be met later than originally thought.
- 3.2.6 The Governing Body of Preston Manor High School published the proposals for the school to provide two form entry (420 places) primary provision. If this proposal is accepted, Preston Manor High School will offer 2FE provision through

yearly progression allowing the Local Authority to meet its statutory obligations to these children and enable them to be placed at this school.

- 3.2.7 The proposals comply with the Government's current agenda for raising standards, innovation and transforming education and in the process meet area and design guidance standards as detailed in Building Bulletin 99, where feasible.
- 3.2.8 In 2009, 69% of pupils at Preston Manor High School attained 5 or more GCSE's (A*-C) including English and Math. This is higher than the Local Authority average (57.1%) and national average (49.8%).
- 3.2.9 Expansion of Preston Manor High School to provide primary education will increase the choice available to local parents and residents to select an all-through school. Whilst specific requests from parents to this effect have not been collated, the proposals will increase diversity of provision and enable the local authority to meet its statutory duty to provide school places to all resident pupils. As this is an expansion of school places there is no adverse impact to any disadvantaged group.
- 3.2.10 Preston Manor is a popular high performing secondary school; the local authority is confident that sufficient number of applications will be received for the permanent primary provision. All the temporary places have been taken for the two classroom provision sited at Preston Manor for the current academic year to commence from January 2011.
- 3.2.11 The proposals do not require an additional site or playing field. Implementation of the proposals will provide adequate playing space for both the primary and secondary schools. The scheme will also provide S106 enhancement to sport facilities to comply with the Sports England and planning requirements.
- 3.2.12 The accommodation will provide a new two form of entry primary provision offering 420 places for Reception to Year 6 places. The accommodation will include toilet facilities, storage and a multifunction hall and an external learning environment consisting of hard and soft landscaping. The proposed building will be two storey with 14 classrooms of approximately 60 square metres with two further practical learning classrooms and a Library. The multifunction hall is supported with an adjacent small hall which can be opened up to become one large space of approximately 225 square metres; suitable for community uses and a single badminton court. The main hall will be used as the dining area during the normal school day and can be hired locally for community functions.
- 3.2.13 Compliance with BB99 will ensure that the recommended spaces are allowed for in the design; therefore the main hall would be more than suitable for Physical Education in a Primary School. Climbing frames will be provided along the Eastern wall, which will allow the small hall to be in use whilst the main hall is being prepared for lunchtime.
- 3.2.14 The proposed layout provides one main site entrance from Carlton Avenue East. The main visitor entrance provides direct access to the modular classrooms on one side and to the main halls on the other side. Each modular classroom pod will have a separate entrance for the pupils, which will disperse the impact of children arriving all at one time at the one main entrance. Pupils will have cloak hanging space and toilet facilities adjacent to their learning spaces. There will be more

than the minimum requirement (1:20) of toilet spaces within the school. Compliance with BS830 is satisfied by the inclusion of three disabled persons toilet enclosures. Catering will be carried out on site in a fully equipped kitchen. Overall there will be 2217 square metres of new school building on the site.

3.2.15 This new school will enable an enhanced level of the delivery of the curriculum, through the provision of the above mentioned additional classrooms and facilities which are essential in supporting the educational standards for its pupils and staff. In effect it would lead to:

- Provision of a safe and secure environment
- Create a healthy environment - naturally ventilated, good sized classrooms with easy access to outside space, with shelter, for all pupils
- Provision of natural lighting where possible, good orientation of classrooms
- Environmentally friendly and efficient
- Provision of minimal loss of 'down-time' i.e travel to core facilities, toilets, etc.
- Allow a variety of learning experiences - individual, group, class, year group, quiet spaces internal and external
- Provision of playing space
- Opportunity for the community to become involved in the school and support the children's learning
- Classrooms to support easy access to ICT provision

3.2.16 The target of Excellent is being aimed for BREEAM accreditation. The new building will be sited on the North Eastern portion of the High School playing fields. The proposed site is located in a largely unused area of the site. A new substation to be provided by EDF Energy will be included and the existing maintenance access will be upgraded perimeter for emergency vehicle access purposes. The site boundaries will retain much of the existing fencing and the site will be enclosed with new school weld mesh gates. The children's play area is to include a mixture of all-weather surfaces and grassed areas, canopy for outdoor learning. The High school grounds can easily accommodate the statutory minimum sports playing areas, with some area over the recommended minimum. Since there is a limited open space in Brent it has been advised by Sport England that the existing sports provision should be upgraded and in order to compensate for the loss of sports playing space at the school, there will be a new football pitch provided elsewhere in Brent (Eton Grove Park).

3.2.17 Subject to planning application approval, the building works are planned to commence in March/April 2011 which will involve new build works in compliance with Department for Education's design guidelines.

3.2.18 No changes to the SEN provision at the existing secondary part of the school are being proposed. The proposal will comply with the standards, quality and range of educational provision for children with special educational needs in the proposed primary provision. The primary provision will fully meet the requirements of the SEN Code of Practice and the accessibility standards.

3.3 Statutory Process

Stage One Consultation

- 3.3.1 The governing body of the Preston Manor High School consulted with key interested parties on the alteration proposals. The consultation documents are attached as an appendix to the complete statutory proposals document (Appendix C). Approximately 6000 copies of the consultation document were distributed by email, hand and/or internal/external post. The school also distributed the consultation documents by hand to parents, pupils, staff and other interested parties. Out of the total, 4000 copies were distributed to the local residents through a special leaflet drop as agreed with the residents at the meeting held on 13 October 2010.
- 3.3.2 A consultation meeting with the residents was held at the school on 13 October 2010. Another meeting was held on 20 October 2010 as part of the Wembley Area Consultative Forum, whereby the expansion proposals were included as an agenda item. Invitation for both the meetings had been advertised in the local newspaper.
- 3.3.3 It was further agreed at the residents meeting held on 13 October 2010 that the school would hold another residents' meeting if the governing body of the school decided to publish the statutory notice for the proposals. This meeting was held on 29 November 2010 with the aim of providing those residents who could not attend either of the first two sessions a chance to raise their concerns as well as an opportunity to address previously raised issues. Residents were advised by the school that if their concerns remained unresolved after the meeting, they could submit issues in writing to the Council, which would in turn be reported to the Executive for decision making. The meeting was advertised in the local newspaper, schools and neighbourhood.
- 3.3.4 The Governing body completed the first consultative stage of the statutory process on 25 October 2010 for its proposal to provide two forms of entry (420 primary receptions to Year 6 places) at the north end of the school site with its own dedicated access from Carlton Avenue East. All applicable statutory requirements to consult in relation to these proposals have been complied with.
- 3.3.5 The Governing body received 71 on time responses to the consultation. 37 (52%) consultees support the proposal and 29 (40%) consultees have expressed concerns, whilst 5 (7%) remain undecided.
- 3.3.6 Responses on behalf of the school and Brent Council to the various concerns and objections were provided individually where relevant and were included as an appendix to the published statutory proposals.
- 3.3.7 Following the close of consultation, the school's governing body voted on the next step. Majority voted in favour of publishing the statutory notice and proposals.

Publication of Statutory Notice and Representation Period

- 3.3.8 The governing body of Preston Manor High School with Brent Council support published the Statutory Notice in two local newspapers on 4 November 2010 for altering the school by creating a new two form of entry permanent primary provision from 05 September 2011. Following the progression of the reception

pupils through the primary classes up to Year 6 and moving onto Year 7, the admission number (external intake by the school) for Year 7 would change from 252 to 192 from September 2016.

- 3.3.9 The planning application for the expansion of Newfield Primary School is due to be considered by the Council's Planning Committee at their meeting in February 2011. Hence, the Executive is requested to approve the expansion of Preston Manor High School to provide 2FE primary provision from 05 September 2011, conditional upon the granting of planning permission and in accordance with Regulation 38 (1) (a) of the School Organisation Regulations.
- 3.3.10 A copy of the statutory proposals is attached in Appendix C, which includes a copy of the statutory notice.
- 3.3.11 The statutory notice was followed by a 6 week statutory period (Representation stage) ending on 16 December 2010, 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 and ensures that they will be taken into account by the Brent Executive when the proposal is determined.

Response received during the Representation Stage:

- 3.3.12 The complete list of representations received during the 6 week statutory period is listed in Appendix D along with the Council's view on the issues raised. A summary of the key concerns are presented below (where possible the wording from the representation has been used):
- 3.3.13 **Traffic congestion:** the residents are concerned that the permanent expansion scheme would create increased traffic which would lead to congestion, parking problems and disruption to the locals living in the area. Increased traffic adding to the gridlock that already occurs during school times. Cars parked across drives by parents waiting to be picked up children after school.

Council's view:

- 3.3.14 Traffic surveys are mandatory for planning applications that include an increase of traffic whether it be pedestrian, or vehicular to a site. Transportation assessment has been requested and included in the planning application.
- 3.3.15 The transport assessment noted that Preston Manor High school has reduced car journeys and continues to do so with its green travel plan.
- 3.3.16 The primary school at Preston Manor will be closer to the underground station, and since it has a separate entrance will mitigate any congestion that may occur.
- 3.3.17 The Transport assessment has for example also taken into account the possibility of children from the same family going to both the primary school and the high school which might reduce the numbers of cars.
- 3.3.18 At present, parking is not oversubscribed, meaning that currently cars find a parking space when dropping off children for the High School, and at the time of the survey there was no double parking or abnormal congestion.

- 3.3.19 Parking during peak times, if it coincides with the High School, may cause slight congestion at this time, however it is expected that with implementation of the travel plan, this will be reduced. The travel plan provides detail of schemes that the school can implement to push people on to modes of transport other than car: such as highlighting the nearness of public transport; organising walking escorts; cycle training; providing showers at the school for cyclists; etc.
- 3.3.20 **Delay in planning for school places by the Local Authority:** primary schools were not built when they should have been.

Council's view:

- 3.3.21 The Council is under immense pressure to provide primary school places, especially in the lower age groups – Reception and Year 1 classes. According to GLA's projection, the demand for Reception places will continue to steeply rise in the borough over the next three years.
- 3.3.22 The Local Authority has a statutory duty to provide sufficient school places in the borough.
- 3.3.23 According to the government data, the birth rate in England reversed a long period of decline in 2001, and has shown growth in every year since. This growth is not uniform, and in addition to local variation, some areas are seeing changes in demographic and other factors which have resulted in a sharp increase in reception age pupil numbers in 2008, and projections that there will be further cumulative increases for at least the next few years.
- 3.3.24 Most London authorities are facing increased demand for Reception school places and are resorting to provide temporary accommodation where possible. As an example, London Borough of Lewisham has opened 18 Reception classes this year and is still receiving more applications. Similarly, Hounslow has added 345 Reception places of which 6 form of entries are on a temporary basis. Enfield Council has provided 7 additional Reception classes and is planning to deliver 4 additional classes during the current academic year.
- 3.3.25 Like other London Authorities, both land and capital resources are limited in Brent and it is a challenge to find premises for a new primary school within the timeline required to provide the school places in the vicinity of the demand.
- 3.3.26 **Funding:** Under the current Comprehensive Review Programme (CSR) period (2008 -2011) Brent Council was allocated £11.687 million for the Primary Capital Programme. Assuming that none of this money has been used, which is hard to believe, some £3 million pounds has to be found from the Councils coffers. Since Brent Council is always pleading poverty, it would be interesting to know where this money is coming from. There is also the question of ongoing costs such as teachers and administration staffs salaries and general running costs, which for a school must be enormous. Again, in the current economic situation, where Councils are having to cut services, staff etc., where will the money come from. Not by increasing Council Tax we hope.

Council's view:

- 3.3.27 The funding for the proposed scheme is from a special government grant Basic Need Safety Valve Fund. 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>
- 3.3.28 Letter dated 30 November 2009 from DCSF: "I am writing to inform you that we are allocating you £14,766,000 of capital grant in response to your application for funding to support the provision of additional permanent primary places by 2011. We have allocated a total of £271 million to 34 authorities. Full details of the allocations are included at the end of this letter."
- This scheme is not being funded from the £11.6m Primary Capital Programme grant received previously, which is being spent on other schemes.
- 3.3.29 The expansion of pupil numbers at the school will result in increased revenue costs for staffing and associated teaching costs. These increased costs will be met from the school's budget which will increase proportionately based on the formulaic allocation from the DFE.
- 3.3.30 **Lack of Local Demand:** It has been established that the shortage of primary school places is not in the immediate vicinity of Preston Manor High School, where there are already newly built primary schools such as Wembley Primary and The Ark, and established schools such as Preston Park Primary and Mount Stewart Primary, but in the Wembley Central and south of the Borough. Surely it makes sense to build a new school where there is most need or to extend existing schools in those areas. Perhaps the libraries, which Brent intends closing, could be used as satellite class rooms.

Council's view:

- 3.3.31 Local authorities have a statutory duty to ensure sufficient school places are available to meet local needs.
- 3.3.32 In the local area (HA9 and HA0) of Preston Manor High School (as on 06 October 2010) 72 Reception aged children and 29 Y1 aged children remained without a school place. The number of unplaced children is constantly fluctuating but this situation is worsened by the fact that schools in this area around 6 October 2010 were working to full capacity:
- Wembley Primary which had expanded in 2008 to 4FE had no Reception vacancies.
 - Ark Academy opened its door to primary pupils in September 2008 was full in Reception, Year 1 and Year 2 classes.
 - Wykham Primary School was full and operating a 'Bulge' Reception class consisting of 30 places in the current academic year.
 - Preston Park School took in a 'bulge' Reception class in 2007-08 and 2008-09; however their Governing Body declined to expand the school permanently in 2009-10.
 - Chalkhill Primary School had only 2 vacancies in the Reception class. It is operating at full capacity in Year 1, Year 2, Year 3 and Year 6. The school

had 3 vacancies in Year 4 and 18 Vacancies in Year 5. However, the vacancies in the later years are not correlated to the annual increase in demand for Reception places over the last three years.

3.3.33 The waiting list as on 20 October 2010 for primary places in nearby schools were as follows:

School	Reception	Year 1	Year 2
Preston Park 1	61	11	
Wembley Primary	57	15	7
Chalkhill	2	8	4
Ark Academy	96	16	4

3.3.34 As at 26 October 2010, 634 primary aged pupils remained without a school place, of which, 150 pupils were Reception aged children. 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.

3.3.35 According to GLA's projection, the demand for Reception places will continue to steeply rise in the borough over the next three years.

3.3.36 Both land and capital resources are limited and it is a challenge to find premises for a new primary school within the timeline required to provide the school places in the vicinity of the demand.

3.3.37 **Strategy for School Expansion and the impact on standalone primary schools:** Nowhere in the consultation has there been a thorough discussion of the benefits and drawbacks of such all-through schools which will each have a total pupil population of 1,600-2,000 or more. Nor has there been proper consideration of the impact of such provision on nearby 'stand alone' primary schools (in particular, Chalkhill Primary School).

Council's view:

A priority list for expansion of school has been drawn 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.

- 3.3.38 All applicable statutory requirements to consult in relation to the proposal have been complied with.
- 3.3.39 Authorities are under a duty to provide every school age child with a place, but they are not obliged to provide a place in a particular or nearest school. In the case of pupils aged up to 8 years, 2 miles is the statutory maximum walking distance (3 miles for over 8s). The recommended journey time for primary age pupils is up to 45 minutes, but this is at the local authority's discretion.
- 3.3.40 Primary schools in the borough were specifically requested by the Director of Children and Families to submit expression of interests to expand provision immediately - even where this involved providing places in temporary accommodation – and for the 2010 and 2011 admissions rounds vide Circular 3782: Reception places needed - invitation to Expand on 28 May 2009. A similar request was made in 2007 vide Circular 2614: Strategy to Develop School Places - Invitation to Expand Primary Schools on 06 June 2007. The requirement for primary school places has also been discussed at various meetings and forums. One such meeting was held by the Director of C&F with the Primary Heads on 18 May 2010.
- 3.3.41 In Brent community schools, the distance is measured in a straight line or by the shortest walking route from the front door of the child's home address (including flats) to the main entrance of the school, (using the local authority's computerised measuring system) with those living closer to the school receiving the higher priority.
- 3.3.42 Demand for school places is not restricted to one or two wards. It is spread across Brent. There are many factors which are required to be reviewed e.g. site feasibility, demand for school places, school's willingness to expand.
- 3.3.43 Preston Manor High School is within the demand area for primary places and is deemed suitable for expansion in time for next year's intake, subject to the outcome of the proposal. In many instances parents living near to Preston Manor have to accept places further away due to the mismatch in demand and supply. Preston Manor High School's governing body would be responsible for deciding the admission and oversubscription criteria for the primary provision in accordance with the national recommendation.
- 3.3.44 The authority would like to provide parental choice where ever possible. This would include admissions to Chalkhill primary school and the proposed intake at Preston Manor High School. However, due the significant number of children without a school place, it is essential that sufficient amount of places are provided within the borough in areas of demand and within acceptable travel distances.
- 3.3.45 In the near to medium term, the forecast and applications for admission suggest that the demand for primary school places will continue to increase. The Council will monitor the demand and supply of school places and it will review the forecast periodically to achieve a balance. The growth in demand in turn would even out the risk of standalone primary schools experiencing pupil turnover.
- 3.3.46 It is widely recognised that in terms of very limited funding and lack of new land, Authorities are still required to meet their statutory duty to provide sufficient school places.

- 3.3.47 **Proposed Entrance:** There are a number of other options for the entrances. Ashley Gardens is currently the entrance to Brent Adult & Community Centre and this could be utilised for the parents, or alternatively the parents could use the current school entrance and a footpath be built from the high school to the primary school without giving locals anymore parking headache.

Council's view:

- 3.3.48 An analysis of all the locations around the school site was undertaken and the location off Carlton Ave East was deemed to be the most effective in terms of location when considering a number of factors including impact on playing fields, parking and other traffic issues, sustainability etc. The primary school at Preston Manor will be closer to the underground station, and since it has a separate entrance will mitigate any congestion that may occur. At present, parking is not oversubscribed, meaning that currently cars find a parking space when dropping off children for the High School, and at the time of the survey there was no double parking or abnormal congestion.

3.4 Next Steps

- 3.4.1 The milestones following a decision by the Executive to determine this proposal to alter Preston Manor High School are set out in the timetable below:

Milestone	Date
Decision on Preston Manor High School expansion from 5 September 2011 through the provision of 420 permanent places (Reception to Year 6), conditional upon planning consent	15 February 2011
Planning Application submitted by	13 December 2010
Planning Committee Approval anticipated by	14 March 2011
Award of contract for building works by	14 March 2011
Reception class with 60 new places commences on	05 September 2011
Year 1 class taking in 60 pupils from the temporary provision at Ashley Gardens Early Learning Centre commences on	05 September 2011

4 Procurement

- 4.1 The Planning Application has been submitted in advance of the Executive approval to this proposal to ensure that the statutory proposal can be implemented on time. However, if the statutory proposal is rejected then the planning application would be withdrawn.
- 4.2 Consultants have been appointed for this project under both delegated authority and under decision of the Executive on 15th November 2010.
- 4.3 On 15 November 2010, the Executive also agreed to delegate the decision to award contracts from appropriate frameworks to building contractors to the Director of Regeneration and Major Projects in order to minimise further delay in the delivery of this project. The report informed the members that it is not usual

for award decisions to be delegated however it is considered justified in these circumstances where the implementation time is short.

- 4.4 Subsequently, the Council has undertaken a procurement process. The procurement of the contractors has been carried out using The Improvement Efficiency South East Framework (IESE) framework. This framework uses a two stage process for design and build projects. Under this two stage process, those bidding submit bids including indicative costs. The successful contractor under the bidding process is then awarded a pre-construction services contract under which they work on the costs in more detail and carryout some design work. If this work is satisfactory then the provider of the pre-construction services will be awarded the main works contract. The three schools proposed for expansion were put into two lots, lot one Preston Manor High School, and Lot two Brentfield and Newfield Primary Schools. The evaluation for both lots was split into quality 70% and cost plan 30%. The qualitative submission was evaluated by a panel consisting of officers from London Borough of Brent, external technical advisers and representatives from the individual schools. The cost plan submission was evaluated by the technical adviser's quantity surveyor. The whole process was overseen by a senior category manager from London Borough of Brent. The pre-construction services contract for lot one has been awarded to Kier Construction who are now working on the costs for the main works contract. A works contract will then be awarded under the delegation described in paragraph 4.3 above. The new primary school will be handed over to the school in completion.

5.0 Financial Implications

- 5.1 The capital costs of the expansion of Preston Manor High School are currently estimated at approximately £8.57m.
- 5.2 On 15 November 2010, the Executive agreed the sum of £7m to this project from Basic Needs Safety Valve funding totalling £14.76m allocated to the Council in November 2009 to support the provision of additional permanent primary places by 2011. This funding allocation is dependent on pupil numbers in the January 2012 census meeting those forecast for September 2011 and the Department for Education (DFE) 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.
- 5.3 If there is any subsequent reduction in the grant allocation any shortfall on this scheme's funding will have to be met from elsewhere within the schools capital programme.

The forecast shortfall of £1.57m arising from the difference between the approved Executive allocation of £7.0m and the current estimated cost of the project at £8.57m is proposed to be allocated from the schools capital programme. In the November 2010 Executive report, the sum of £4.34m was identified under the Capital programme for 2011/12 for further investment in other priority school expansion schemes in conjunction with future years capital programme allocations. The forecast shortfall identified for Preston Manor School will be met from this allocation which will reduce the funding available for subsequent priority expansion schemes. The currently forecast additional requirements for the three ongoing proposed expansion projects at Preston Manor High School, Brentfield and Newfield Primary Schools totals £2.68m and will have to be met from the

2011/12 allocation detailed above. There will be a further report to Executive to give full details of the impact of this on the provision of other forecast expansion schemes and further proposed programmes of work.

- 5.4 The expansion of pupil numbers at the school will result in increased revenue costs for staffing and associated teaching costs. These increased costs will be met from the school's budget which will increase proportionately based on the formulaic allocation from the DFE.

6.0 Legal implications

- 6.1 As Preston Manor High School is not a community school, it owns the land making up the school site. The Council is working with the school and seeking legal advice on the pre-existing covenants on Preston Manor High School's playing field. Further information is provided on this matter in Appendix E, which is not for publication.
- 6.2 Two proposals published by the Governing Body of Preston Manor High School are being considered: 1) lowering the age limit of the school and as a result, 2) enlargement of the premises of the school which would increase the physical capacity of the school to provide 2FE primary provision. Both proposals are related to each other and consequently would need to be approved at the same time in accordance with paragraph 35 of Schedule 3 School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 as amended. If either proposal is rejected then the other proposal will not proceed.
- 6.3 The procedure for the alteration of Preston Manor High School is as required by The Education and Inspections Act 2006 and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007 as amended. The Governing Body is entitled to make prescribed alterations to Preston Manor High School pursuant to powers granted by The Education and Inspections Act 2006, section 19 and in accordance with Schedule 2 Parts 1 and 4 and Schedule 3 of the Regulations.
- 6.4 The Local 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 Regulation 30 of The School Organisation Regulations 2007 as amended. The Authority has the power under section 21 (2) (e) of the 2006 Act to consider proposals made under section 19 together with related proposals published under section 19 or any other enactment.
- 6.5 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. LA 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.

- 6.6 The Council's legal officer advises on a) to d) that:
- a) Executive should decide this
 - b) The published notice meet the requirements
 - c) The required statutory consultations have been carried out
 - d) The proposals published in the Statutory Notice on 04 November 2010 are related.
- 6.7 The Brent Executive acting on behalf of the Brent Local Authority is the Decision Maker in accordance with Education and Inspections Act 2006 Section 21 (2) (f) and Schedule 3 paragraph 30 of the Regulations.
- 6.8 The Executive would need to have regard to Guidance issued by the Secretary of State before making a decision upon this proposal. Paragraphs 4.1 to 4.69 of the Guidance Making Changes to a Maintained Mainstream School (Other than Expansion, Foundation, Discontinuance & Establishment Proposals) (Excerpt attached in Appendix A), and b) with paragraphs 4.1 to 4.80 of the Guidance Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form (Excerpt attached in Appendix B) are applicable. A full set of the Guidance forms part of the background papers and is available from the Council's Major Projects and Regeneration Department or at www.dcsf.gov.uk/schoolorg.
- 6.9 If the LA fail to decide proposals within 2 months of the end of the representation period the LA 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 2 month period.
- 6.10 **Decision Making:**
- 6.11 There are 4 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 notice and the addendum comply with the statutory requirements. The six week statutory representation period closed on 16 December 2010.
 - Has the statutory consultation been carried out prior to the publication of the notice?
The consultation has been conducted by the governing body of Preston Manor High School. All applicable statutory requirements to consult in relation to the proposal have been complied with.
 - Are the proposals "related" to other published proposals?
Two proposals have been published by the Governing Body of

Preston Manor High School: 1) lowering the age limit of the school and as a result, 2) enlargement of the premises of the school which would increase the physical capacity of the school. Both proposals would need to be approved simultaneously. If either proposal is rejected then the other proposal will not proceed.

6.12 Types of Decision

- 6.13 All decisions must give reasons for the decision, irrespective of whether the proposals were rejected or approved, indicating the main factors/criteria for the decision.
- 6.14 In considering prescribed alteration proposals, the Decision Maker can decide to:
- reject the proposals;
 - approve the proposals;
 - approve the proposals with a modification (e.g. the implementation date); or
 - approve the proposals subject to them meeting a specific condition.
- 6.15 The following bodies may appeal against an LA decision:
- The local Church of England diocese;
 - The Bishop of the local Roman Catholic diocese;
 - the Young People's Learning Agency (previously the LSC) where the school provides education for pupils aged 14 and over; and
 - The governing body of the Community School that is proposed for expansion.
- 6.16 Any appeals must be submitted to the LA within 4 weeks of the notification of the LA decision. On receipt of an appeal the LA must then send the proposals and the comments and objections received, to the schools adjudicator within 1 week of receipt of the appeal. The LA should also send a copy of the minutes of the LA's meeting or other record of the decision and any relevant papers. Where the proposals are "related" to other proposals, all the "related" proposals must also be sent to the schools adjudicator.
- 6.17 Legal Services has also been involved in the procurement described in section 4 above and will be involved in formalising the works contract to ensure that it complies with standing orders and allocates risk to the contractor as appropriate to protect the Council's interest. A Works contract of the value outlined in section 4 is a High Value contract under the Council's Contract Standing Orders and needs to be tendered under the EU public procurement regime. Here the use of an IESE framework means that a further EU tender is not required, and furthermore the delegation by the November Executive means that the Executive is not required to award the works contract.

7 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 school proposed for expansion has a diverse ethnic representation of children. Expanding Preston Manor High School would enable the Council to provide additional new places required for Brent's growing pupil population.
- 7.4 The expansion will improve choice and diversity. The impact on Equalities will be kept under review and reported to the members on a regular basis.
- 7.5 An Equalities Impact Assessment has been completed and is currently being reviewed by the Council's Diversity Team. The Executive will be informed of any concerns raised by the team at the meeting.

8 Staffing Issues

- 8.1 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 schools' budgets.
- 8.2 There are no implications for the immediate purpose of this report.

9 Background Papers

Guidance Making Changes to a Maintained Mainstream School (Other than Expansion, Foundation, Discontinuance & Establishment Proposals)

Guidance Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form

Statutory Proposal Files

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>

10 Appendices

Appendix A – Excerpt from the Guidance Making Changes to a Maintained Mainstream School (Other than Expansion, Foundation, Discontinuance & Establishment Proposals) (complete guidance document available from Property & Asset Management Service or at www.dcsf.gov.uk/schoolorg).

Appendix B – Excerpt from the Guidance Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form (complete guidance document

available from Property & Asset Management Service or at
www.dcsf.gov.uk/schoolorg).

Appendix C – Complete statutory proposals document

Appendix D – List of Representations

Appendix E – Not for Publication

Appendix F – Location Map

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