



**Cabinet
9 November 2020**

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

School Place Planning Strategy 2019–2023 Refresh

Wards Affected:	All
Key or Non-Key Decision:	Key
Open or Part/Fully Exempt:	Open
No. of Appendices:	One: Appendix 1 - Brent School Place Planning Strategy 2019-23 November 2020 Refresh
Background Papers:	None
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1.0 Purpose of the Report

1.1 This report provides Cabinet with a refresh of the School Place Planning Strategy 2019-2023 that was approved by Cabinet in November 2018.

2.0 Recommendations

That Cabinet:

2.1 Note the refresh of the School Place Planning Strategy 2019-2023 provided as Appendix 1.

2.2 Note that the forecasts for primary places will remain fairly steady over the next five years.

2.3 Note that the indicative programme timeline for the proposed secondary school expansion programme, presented to Cabinet on 14 October 2020, is amended to allow time to review refreshed forecast demand information in Spring 2021.

- 2.4 Note that there remains significant and increasing demand for places that meet the needs of children and young people with SEND aged 0-25 and the planned strategies for addressing this need.
- 2.5 Note the concerns about the impact of COVID-19 on Early Years provision and the strategies to support the sector.

3.0 Detail

3.1 In November 2018 Cabinet approved the Brent School Place Planning Strategy 2019-2023. The annual refresh of the strategy is provided as Appendix 1.

3.2 The School Place Planning Strategy 2019-23 presents the objectives and operating principles that underpin the Council's approach to school organisation to deliver high quality education provision to support the best outcomes for Brent children. The Brent School Place Planning Strategy 2019-2023 sets the following expectations:

- All Brent schools are good or outstanding, with an increased proportion of schools outstanding, over the duration of this strategy
- All Brent schools thrive in effective partnerships with other schools, promoting resilience and mutual support
- The Council and schools work together to meet the challenge of providing sufficient school places
- The delivery of sufficient school places enables the achievement of the aims and objectives of the Brent Strategic Framework for School Effectiveness 2017-2020
- All schools operate in good quality, safe premises
- Children are educated close to home
- Schools work with the local communities they serve
- The Council and schools work in partnership to effectively meet the needs of children with Special Educational Needs and Disabilities
- The Council and schools make efficient use of resources.

3.3 The refresh of the Brent School Place Planning Strategy 2019-2023 provides an updated assessment of school place demand across the borough based on the latest pupil projections from the Greater London Authority (GLA). The GLA population projection models are updated and revised annually as new methods or data become available to ensure that projections provide the best estimates of future population based on current available inputs.

3.4 The GLA projections are informed by centrally held demographic data, such as the Office of National Statistics (ONS) census data and fertility and birth rates, as well as locally held information, such as migration patterns and planned housing growth that is provided by the Local Authority. The methodology also takes account of the percentage of children who historically move into the following academic year in an area. The GLA projections are an indicator of need that are refreshed annually, taking into account changes in any key factors, such as the birth rate or the new housing trajectory.

3.5 Overall the 2020 forecasts for primary and secondary mainstream school places are lower than the 2019 forecasts. There are several reasons for this. The underlying population base data used in the 2020 projection model is projecting much slower population growth than that used in 2019, resulting in lower pupil forecasts. The GLA projections service believes that the following changes, that are driving the lower forecasts, have continued to increase the robustness of the forecast model:

- improvements in the historical development data taken from the London Development Database (refining the inputs)
- inclusion of ONS small area population estimates for the first time this year (instead of ward level estimates)
- use of 2018 mid-year population data and births up to mid-2019 that indicate lower population growth than in previous years as a result of high domestic outmigration from London to other parts of the UK.
- adjustments to the population backseries since 2011 as a result of reducing international migration. One of the reasons for the rapid population increase that London has experienced is migration of young people who have then had children. Lower international migration tends, therefore, impact on projections for children. Changes in migration patterns are likely to also impact more on boroughs such as Brent that have historically experienced high levels of international in-migration.

3.6 The latest forecasts were produced by the GLA before the COVID-19 pandemic. It is difficult to predict the impact of COVID-19 on demand for school places, but this may reduce in-migration further. In addition, it is difficult to predict whether COVID-19 will have an impact on school buildings, particularly for those with restricted space. Under current government guidance it is not anticipated that there will be a requirement for any long-term changes to capacity.

4.0 Primary Place Need

4.1 Following unprecedented growth in demand for primary school places in Brent from 2006-2015, primary demand has reduced since September 2017. The latest Greater London Authority (GLA) projections (based on January 2020 school census) indicate that demand for Reception will remain fairly steady over the next few years. There remains, however, a high number of spare places across the system. At a borough level, Brent has sufficient capacity to meet the minimal forecast increase in demand for mainstream primary places and maintain 5% spare places to ensure that there are sufficient places to respond to in-year movement and migration.

4.2 Brent has five primary planning areas based on the geographic grouping of schools. By dividing the borough into planning areas officers can more easily ensure that places are provided near to where children live, although in reality some children travel across planning areas to attend school. Demand for school places can also be highly localised as parents seek entry to schools that are good or outstanding.

- 4.3 While at a borough level forecasts indicate increasing demand, at a planning area level, forecasts for planning areas 2, 4 and 5 are showing sustained lower demand than available places, resulting in a significant number of spare places. While this means that overall parents will have an increased choice of places, reduced intakes can present organisational challenges for schools. Provision in these areas will be kept under review. Action to ensure sustainable provision in these areas, includes temporary reductions in the Published Admission Number of schools. In addition in October 2019, Cabinet agreed to the phased closure of the Roe Green Infant School provision on the Strathcona site.

5.1 Secondary Place Need

- 5.1 The latest GLA forecasts for Year 7 are lower than previous forecasts. This applies to both Year 7 projections and anticipated in-year cohort growth. The forecasts still indicate increasing demand as larger primary cohorts progress into secondary schools. Including capacity provided by the North Brent School, analysis indicates that there are sufficient secondary school places up to 2028/29 to meet forecast demand and provide 5% spare places to ensure there is sufficient capacity to manage in-year admissions and any unanticipated growth in demand.
- 5.2 The North Brent School opened in September 2020 offering 4 forms of entry from the Wembley High Technology College site. The school plans to move to its permanent site in Neasden in 2022 where it will provide 6 forms of entry.
- 5.3 The School Place Planning Strategy 2019-2023 indicated that additional secondary capacity beyond the North Brent School would be required to meet an expected increase in demand. On 14 October 2019, Cabinet agreed the capital investment required to provide an additional 4 forms of entry through expanding two existing secondary schools. The Cabinet report set out an indicative timeline with key decision points in the project planning process to manage the risk that demand might reduce. Further to this previous Cabinet report and decision it is therefore recommended that the indicative project timeline presented to Cabinet is amended, delaying the programme to allow time to review refreshed forecast demand information in Spring 2021.

6.0 SEND and Alternative Provision Place Need

- 6.1 Despite lower pupil projections, demand for places that meet the needs of children and young people with SEND is increasing. This is in part due to overall population growth, but also increasing diagnosis and the extension of services to children and young people aged 0-25 with SEND. 3.4% of children and young people resident in Brent have an EHCP, compared to 3.3% of the national school-age population. The number of children and young people with EHCPs increased by 11% between January 2019 and January 2020 from 2110 to 2341. In January 2020, 2103 children and young people with an EHCP were attending school (SEN2 Return) with 51% attending a Special setting (including SEND units and Additionally Resourced Provisions (ARPs) on mainstream school sites). 238 young people with EHCPs were attending a further education provision. The number of children and young people with an EHCP has continued to increase to 2565 at the end of August 2020. The main areas of

identified growing need are Autistic Spectrum Disorder (ASD) and Social, Emotional and Mental Health (SEMH) difficulties.

- 6.2 Despite an increase in the number of places provided by Brent special schools and 6 mainstream schools providing places in Additionally Resourced Provision (ARP), there remain insufficient local places for Brent children with SEND particularly for children of secondary age and the 16-25 age group. Brent continues to be reliant on sourcing places in out-of-borough maintained special schools or Independent schools or colleges. This provision is expensive and can limit children and their families' access to local support networks.
- 6.3 Increased cohorts of primary children with EHCPs will be moving through to the secondary phase over the next five years. While the underlying secondary forecasts indicate slower growth than previously anticipated, demand planning for secondary special school places is based on EHCP patterns, as well as detailed information on pupils transferring in future years from the primary to secondary phase. A new special free school, The Avenue, sponsored by Brent Specialist Academy Trust (BSAT) opened in September 2019 in temporary accommodation on the Queens Park Community School site. The Avenue School will provide up to 100 places for children aged 5-18 with complex ASD needs when it moves to its permanent site in Brondesbury in January 2022. However, to ensure sufficient local places, there continues to be a need to provide 245 additional secondary special school places across years 7 to 11 to cater for pupils with ASD/MLD/SLD.
- 6.4 There is a need for the borough to develop post-19 SEND provision to meet demand for places for young people with SEND, in particular young people aged 19-24 with complex learning difficulties. Brent is scoping options to provide additional provision for young people with ASD/SLD aged 16-25 to support their successful transition to adulthood. This will include developing vocational pathways for young people aged 16-25 with ASD/SLD/complex needs so they can be supported locally to develop their independence and participation in community life.
- 6.5 The council has a statutory duty to provide an appropriate full-time education for pupils who have been permanently excluded from school or who are otherwise without a mainstream school. The council provides support to Brent schools to reduce the number of exclusions, with a focus on early identification and prevention strategies working closely alongside pastoral teams in mainstream settings.
- 6.6 Where pupils have been excluded or require provision that includes a vocational element to best meet their needs, Brent and local schools commission places for children and young people in Alternative Provision both in and out of the borough. To increase the availability of local, high quality provision, the presumption process to establish a new Alternative Provision free school at the Roundwood Centre has been completed. The new school is due to open in January 2021 and will be run by the Beckmead Trust.

7.0 Early Years

- 7.1 Under the Childcare Act 2006, local authorities have a statutory duty to secure sufficient childcare for the needs of most working parents/carers in their area. There are 328 early years providers in the borough and a good balance of free entitlement places across different setting types. Since COVID-19 the number of children attending early years settings has significantly reduced (1350 children attending in July 2020 compared to over 4,500 in July 2019), which could impact on the financial viability of some settings. Parents are being encouraged to return their children to early years settings.
- 7.2 There is evidence of increased numbers of children with SEND accessing specialist nursery places. The council is working with partners to ensure that the early years system is flexible enough to help meet the needs of parents of children with SEND, alongside the challenge of the 30 hour offer. All the specialist nurseries are full and a specialist nursery ARP at Willow Nursery School will provide additional capacity.

8.0 Financial Implications

- 8.1 Mainstream school places are funded from the annual Dedicated School Grant based on pupil numbers as per the October school census in the preceding year. This means that, although there is a time lag, the revenue cost of mainstream pupil growth is recognised and funded by the DfE.
- 8.2 School budgets are devolved to respective school governing boards but are under pressure from real terms funding reductions to the DSG. As schools are funded on the basis of pupil numbers, it is likely that small schools and those with falling numbers on roll will find it most difficult to balance their budgets in the medium term. Larger and growing schools are more likely to successfully manage the funding reductions.
- 8.3 Expanding the number of funded places in Alternative Provision and high needs provision will have revenue implications, as they are funded from the High Needs Block of the Dedicated Schools Grant (DSG). While there has been an increase in 2020/21 to the High Needs block, growing demand will continue to cause pressures on the DSG. Therefore, in order to help manage the financial pressure new in-borough provision must replace current out-of-borough arrangements at lower cost. Reducing out-of-borough provision will also help mitigate the financial pressure on the transport budgets held in the General Fund.
- 8.4 To support expansions in mainstream and special provision, since the 2011/12 financial year, the Council has received £173.1m from Basic Need, Targeted Basic Need and Targeted Capital Fund grant allocations from central government to provide school places. The most recent allocations are as follows:
- 2017/18 Basic Need Grant Allocated - £15.32m (allocation increased in January 2018)
 - 2018/19 Basic Need Grant Allocated - £1.17m
 - 2019/20 Basic Need Grant Allocated - £4.17m
 - 2020/21 Basic Need Grant Allocated - £0
 - 2021/22 Basic Need Grant Allocated - £9m
 - 2018/19 Special School Capital Grant Allocated - £2.8m

- 8.5 Basic Need capital grant and the Special School Capital Grant are not time bound or ring-fenced and can be used for any capital purpose. However, the ESFA has stated that it is expected to be used for investment in schools, joining up with other capital resources when it is beneficial for schools to do so. Based on current knowledge, it is expected that there will be insufficient basic need capital grant funding to meet the demand for special school places in the coming years.
- 8.6 The nature of SEND education means that the development of additional places presents additional complexities, and thus higher costs than primary expansions. Predicting the future costs of providing places remains inherently difficult to forecast. The nature of any construction work required to provide additional school places, combined with the site location and layout all affect the cost per place. As proposals to address the forecast demand set out in the School Place Planning Strategy are developed, further reports will be provided to Cabinet with relevant financial information as required.

9.0 Legal Implications

- 9.1 The council has a general statutory duty under Education Legislation to ensure that there are sufficient school places available to meet the needs of the population in its area. The council must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential and increase parental choice. To discharge this duty, the council has to undertake a planning function to ensure that the supply of school places balances the demand for them.
- 9.2 In addition to securing school places for pupils aged five to 16, the local authority has related statutory responsibilities in relation to children and young people with special educational needs and disabilities (SEND) up to the age of 25 where the council has to make suitable provision to meet their needs and early years provision, where responsibility for childcare sufficiency and for provision for disadvantaged two year olds and all three and four year olds, as well as children's centres, overlaps with school provision.
- 9.3 As a contingency, to support the admission to school of children as quickly as possible, the In Year Fair Access Protocol allows for the admission of children over schools' planned admission numbers in the event that a school place is not available. Schools are not required to maintain classes over the planned admission number but revert to the usual admission number when children leave.
- 9.4 Statutory processes should be followed for any proposed enlargement of the school premises that would increase the capacity of the school by both more than 30 pupils and 25 per cent or 200 pupils (whichever is the lesser). Governing boards can propose smaller expansions without the need to follow the statutory process. Proposals may also be required for some cumulative expansions. A review of any earlier enlargements that were made without the need for statutory proposals would need to be made before determining if the

statutory process should be followed. This means adding those enlargements made:

- in the 5 year period that precedes the proposed expansion date
- since the last approved statutory proposal to enlarge the school (within this 5 year period)
- exclude any temporary enlargements (i.e. where the enlargement was in place for less than 3 years)
- add the making permanent of any temporary enlargement.

9.5 The above provision, which appeared in 2007 legislation, has been removed from 2013 regulations. The status of this change has not been tested in the courts. It is therefore advisable that the Council still takes such earlier enlargements into account in order to avoid the risk of a public law challenge until the legal position is clarified.

9.6 Under the current admissions code children can be admitted above the Published Admission Number (PAN). For community/voluntary controlled schools the council as admission authority must consult the Governing Board of the school where it proposes to either increase or keep the same PAN.

9.7 Under Section 19 of the Education Act 2006 and School Organisation Regulations, the council can decide to propose an enlargement or amalgamation, follow the statutory process and resolve to do so without requiring the consent of the Governing Board whose redress would be to object to the Schools Adjudicator.

9.8 Under section 37 of the Education Act 2011 if the council considers a new school needs to be established in its area, the council must seek proposals for the establishment of an academy.

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

10.0 Equality Implications

10.1 Under Section 149 of the Equality Act 2010, the Council has a duty when exercising its public functions to have 'due regard' to the need to eliminate discrimination harassment and victimisation and other conduct prohibited under the Act; advance equality of opportunity, and foster good relations between those who share a "protected characteristic" and those who do not. This duty is

known as the public sector equality duty (PSED). The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. All providers that are commissioned to deliver public services on behalf of or in partnership with Brent Council are required to comply with the PSED and the Council's Equality and Diversity policies.

- 10.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 10.3 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.
- 10.4 The School Place Planning Strategy 2019-23 aims to ensure that there are sufficient and suitable school places for all Brent children and that their changing diverse and special education needs are met. It also aims to raise the education standards for all and address inequality due to social disadvantage, disability (including multiple complex needs) and/or other protected characteristics, and contributes to the delivery of the Council's equality duties.
- 10.5 The strategy will be reviewed and updated every year to reflect changing demographics and to ensure that the diverse and special education needs of Brent children continue to be effectively met. The findings and the equality analysis screening of the School Place Planning Strategy 2019-23 show that there is currently a slowdown in demand for primary school places and a slow increase in demand for secondary school places. Demand for Special Education Needs school places in the borough is increasing and the strategy identifies the need for additional local places for children with Autism and Social Emotional and Mental Health needs.

11.0 Consultation with Ward Members and Stakeholders

- 11.1 Ward members will be consulted on the impact of this strategy where mainstream planning area capacity is reviewed or where additional SEND places are being considered.

12.0 Human Resources/Property Implications (if appropriate)

- 12.1 N/A

Report sign off:

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Related Documents: Cabinet Paper (11 November 2019): School Place Planning Strategy 2019 – 2023 November 2019 Refresh