



Cabinet
14 November 2022

**Report from Corporate 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: <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	Open
No. of Appendices:	One: Appendix 1 Brent School Place Planning Strategy 2019-23 November 2022 Refresh
Background Papers:	N/A
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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 approved by Cabinet in November 2018.

2.0 Recommendations

That Cabinet:

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

- 2.2 Notes that Planning Areas have been reviewed to align with the new ward boundaries and that Planning Area 5 has been divided into two Planning Areas to support analysis of school places in the south of the borough.
- 2.3 Notes current forecasts for primary and secondary places indicate a fall in demand the short term, with larger impacts on some planning areas than others.
- 2.4 Notes 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 (including the SEN Capital Programme of £44.19m approved by Cabinet in January 2022).
- 2.5 Notes the reported impact of the COVID-19 pandemic on Early Years provision and the strategies to support recovery in 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 2017-2022
 - 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 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 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 and are therefore driven by the number of pupils on roll in the January 2022 school census. The GLA projections are an indicator of need refreshed annually, taking into account changes in any key factors such as the birth rate, the new housing trajectory or migration patterns. The projections will therefore reflect the impacts of Brexit and the Covid-19 pandemic on local populations. Given that it is difficult to predict migration patterns, the GLA has provided Brent with variant population models to consider in planning places. Of the variant models, the School Place Planning Strategy 2019-23 November 2022 refresh includes the projections that assume the highest in-migration.
- 3.5 This is the final refresh of the 2019-2023 School Place Planning Strategy. The local authority will develop a new five-year School Place Planning Strategy for 2024-2028.

4.0 Planning Area Review

- 4.1 The Council has a duty to provide a “reasonable offer” of a school place to all children residing in the borough. In the primary phase a “reasonable offer” is one within 2 miles of home for children under 8 years old and three miles for secondary aged children. By dividing the borough into planning areas officers can more easily ensure places are provided near to where children live and therefore to meet our statutory duty. However, they are only a guide to help officers and in reality children can travel across planning areas to attend school, and children may also attend school in a different borough to the one in which they live. Demand for school places can also be highly localised as parents seek entry to schools perceived as popular.
- 4.2 Five Planning Areas have been used to date for planning primary school places, using major roads such as the North Circular, East Lane and Forty Lane as boundaries since 2005. Although geographically similar in size, the planning areas varied in terms of the number of primary schools they covered. Three larger secondary planning areas were set in 2019 predominantly aligned to the five Primary Planning Area borders.
- 4.3 In line with DfE guidance ‘Local Authority Pupil Planning Areas Guide for local authorities September 2021’, the boundaries of all planning areas (primary and secondary) have been revised to adhere to the new 2022 ward boundaries rather than major roads. Aligning the planning area boundaries to the new 2022 ward boundaries will support more reliable forecasting of school place demand, as the GLA projections are based on ward data.
- 4.4 A new Primary Planning Area 6 has been established by splitting Primary Planning Area 5 into two planning areas. Primary Planning Area 5 is the most populous of the five Planning Areas with 25 primary schools, compared to an

average of 10 in other areas. Dividing schools in the south of the borough into two Primary Planning Areas will allow improved analysis of supply and demand, in particular of the schools closest to inner London and the Camden/Westminster borders and the South Kilburn regeneration area.

5.0 Primary Place Need

- 5.1 Primary demand has been reducing since September 2017. The latest Greater London Authority (GLA) projections (based on January 2021 school census) indicates demand for Reception will continue to decrease over the next few years. At a borough level, Brent has sufficient capacity to meet forecast demand for mainstream primary places and maintain 5% spare places to ensure there are sufficient places to respond to in-year movement and migration or any unforeseen increase in demand. However, all planning areas are showing sustained lower demand than available places, resulting in a significant number of spare places in some areas. While this means that overall parents will have an increased choice of places, reduced intakes can present organisational challenges for schools.
- 5.2 Over the past few years, the local authority has been working with schools to put in place strategies to manage changing demand and to support schools to ensure the sustainability of provision. Measures to support reduced intakes include temporarily reducing admission numbers or placing an informal cap on admission numbers and repurposing spare capacity, for example, to provide Additionally Resourced Provision for children with Special Educational Needs (SEND).
- 5.3 The sustained reduction in primary demand and the resulting level of spare places means that ad-hoc measures may not be sufficient to support the sustainability of schools longer term and a more formal review of supply and demand by Planning Areas is required to identify solutions. A School Place Planning Working Group is being established that will include officers and school representatives to lead this work.

6.0 Secondary Place Need

- 6.1 The latest GLA secondary forecasts project a fall in demand for year 7 places in the short term before demand returns to current levels. The 2022 forecasts confirm the position there will be sufficient capacity to meet forecast demand and provide the required 5% spare places in Year 7 to manage any forecast in-year growth and any unforeseen increase in demand up to at least 2030/31. This includes capacity that will be provided by The North Brent School (180 places per year group). The school will move to its permanent site in Neasden in 2023, and has set its Published Admission Number (PAN) as 60 since 2020 to manage on a temporary site.
- 6.2 Across Brent in-year demand for secondary places is expected to continue to increase. Brent is working with secondary schools who admit fewer children or have published admission numbers lower than the capacity their building could support to ensure these children can be offered places.

7.0 Special Educational Needs and Disability (SEND) and Alternative Provision Place Need

- 7.1 Despite overall lower pupil projections, demand for places that meet the needs of children and young people with SEND is continuing to increase. 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.
- 7.2 In January 2022, 2938 children and young people had ECHPs compared to 2784 the previous year. During the last two academic years a focus has been on developing the capacity of mainstream schools in Brent to identify pupils with SEN needs earlier through the Brent graduated approach framework and the development of the capacity of school staff to meet needs through the SEN Intervention Fund. The impact of this is beginning to gain traction as the numbers of pupils on SEN support is beginning to increase and requests for an EHCP rose by only 5% in 2021 compared to 15% in 2020. Furthermore, in February 2022 69% of pupils with SEND were in mainstream settings, compared to 48% in 2020. This work is being extended into early years settings, ensuring needs are identified earlier and enabling more effective specialist place planning.
- 7.3 In 2021 the highest number of new EHC Plans were issued to children age 5 to 10, who represent 39.9% of the whole Brent cohort of children and young people with an EHC Plan. This means that increased cohorts of primary children with EHC Plans will be moving through to the secondary phase over the next five years.
- 7.4 Despite an increase in special school places over the past three years, there remain insufficient local places for Brent children with SEND for children of both primary and secondary age. In January 2022 Cabinet approved a capital investment programme of £44m to provide an additional 400 special places, including a new Special School, expansions of existing special schools and new Additionally Resourced Provisions. Until these come on stream, Brent will continue to be reliant on sourcing places in out-of-borough maintained special schools or independent schools or colleges.
- 7.5 There is a need to develop additional 16-25 SEND provision to meet the needs of young people aged 16-25 with complex learning difficulties. Working with parents, young people and partners including Further Education colleges, consideration is being given to a 16-25 Skills Resource Centre that would support young people locally to develop their independence and participate in Brent community life.
- 7.6 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. 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. Alongside Brent River College and Ashley College, the Roundwood School and Community Centre that opened in January 2021, is providing places for secondary aged children with Social, Emotional and Mental Health (SEMH) needs that cannot be met within mainstream schools.

8.0 Early Years

- 8.1 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 300 early years providers in the borough and a good balance of free entitlement places across 248 providers of different types. Take-up of free entitlement places in 2022 for Brent has increased at 57% for eligible 2 year olds (compared with 49% in 2021), and 77% for the 3 and 4 year old entitlement (compared to 74% in 2021, against a national average of 92%).
- 8.2 Settings have reported reduced demand for private hours and while take up of the free entitlements has increased this year compared with 2021, numbers have not yet returned to pre-pandemic levels and are being affected by cost of living concerns. This is continuing to cause concern among some Private, Voluntary and Independent (PVI) providers, with many worried about their long-term financial viability. A number of actions are planned to support provider recovery. These include a provider business support programme with monthly workshops covering pressure points such as recruitment and retention and how to market a business. Ward level outreach work across the borough is promoting the take-up of free entitlements to families.
- 8.3 There continues to be evidence of increased numbers of children with SEND accessing specialist nursery places. Alongside the specialist places at Willow Nursery School, the Council is continuing to work with partners to ensure flexibility in the early years system to help meet the needs of parents of children with SEND, alongside the challenge of the 30 hour offer.

9.0 Financial Implications

- 9.1 Mainstream school places are funded from the annual Dedicated School Grant (DSG) 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.
- 9.2 School budgets are devolved to respective school governing boards but are under pressure from real terms funding reductions to the Dedicated School Grant (DSG). As schools are funded on the basis of pupil numbers, it is likely smaller 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.

- 9.3 Expanding funded high needs provision will have revenue implications, as it is funded from the High Needs Block of the Dedicated Schools Grant (DSG). In order to help manage the financial pressure on the High Needs block, 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 to transport children and young people to out of borough provisions.
- 9.4 The SEN Capital Programme is expected to deliver 427 SEND places and reduce the need to send children to schools out of borough, which will reduce the financial pressure on the High Needs Block of the Dedicated Schools Grant by £5.9m each year. The projects within the programme are expected to be completed by 2024.
- 9.5 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 Education and Skills Funding Agency (ESFA) has stated 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.
- 9.6 The nature of SEND education means 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.

10.0 Legal Implications

- 10.1 The council has a general statutory duty under Education Legislation to ensure 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 the supply of school places balances the demand for them.
- 10.2 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, has responsibility for childcare sufficiency, for provision for disadvantaged two year olds and all three and four year olds, as well as children's centers, and ensure all overlaps with school provision.
- 10.3 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 a school place is not

available. Schools are not required to maintain classes over the planned admission number (PAN) but revert to the usual admission number when children leave.

- 10.4 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.
- 10.5. 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 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.
- 10.6. Under the current admissions code children can be admitted above the Published Admission Number (PAN). For community/voluntary controlled schools the council as the admission authority must consult the Governing Board of the school where it proposes to either increase or keep the same PAN.
- 10.7. 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.
- 10.8. 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.
- 10.9. Given there is a presumption 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 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.

11.0 Equality Implications

- 11.1. 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 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.
- 11.2. 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.
- 11.3. 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.
- 11.4. The School Place Planning Strategy 2019-23 aims to ensure there are sufficient and suitable school places for all Brent children and their diverse and changing needs are met including special education needs. 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.
- 11.5. The findings and the equality analysis screening of the School Place Planning Strategy 2019-23 show a slowdown in demand for primary school places and a short term increase for secondary school places before returning to current levels. Demand for Special Education Needs school places in the borough is also increasing and the strategy identifies the need for additional local places to meet their needs.

12.0 Consultation with Ward Members and Stakeholders

- 12.1 The Lead Member for Children, Young People and Schools has been briefed about school place planning issues.
- 12.2 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.

12.3 School representatives will be involved in discussions about school places through the School Place Planning Working Group.

12.4 Any proposed changes to provision would be subject to public consultation with parents and stakeholders.

13.0 Human Resources/Property Implications (if appropriate)

13.1 Any future changes to provision could impact on staffing and the use of school buildings.

Report sign off:

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