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|  | <b>Cabinet</b><br>19 May 2025   |
|   | <b>Report from the Corporate Director<br/> of Children, Young People and<br/> Community Development</b>           |
|   | <b>Lead Member - Cabinet Member<br/> for Children, Young People and<br/> Schools<br/> (Councillor Gwen Grahl)</b> |
| <b>The Future of Islamia Primary School</b>                                       |   |

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| <b>Wards Affected:</b>   | Queens Park, Preston & Stonebridge   |
| <b>Key or Non-Key Decision:</b>  | Key  |
| <b>Open or Part/Fully Exempt:</b><br>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act) | Part Exempt – This report refers to legal implications that have been classified as exempt pursuant to paragraph 5 of Schedule 12A of the Local Government Act 1972: “Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings”  |
| <b>List of Appendices:</b>   | One<br>Appendix A: Additional Legal Considerations (exempt)  |
| <b>Background Papers:</b>  | None   |
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## 1.0 Executive Summary

- 1.1 This report sets out proposals on the relocation of Islamia Primary School to the Gwenneth Rickus site as a 2 Form Entry school, subject to statutory consultation, from September 2027.

- 1.2 The Yusuf Islam Foundation (YIF) served eviction notices to its Voluntary Aided Islamia Primary School (IPS) in 2022. As the Local Authority has a duty to maintain Islamia Primary School as a Voluntary Aided school, officers have been working since then with the YIF and the school's Governing Board to find an alternative site.
- 1.3 The report sets out the statutory consultation process that the Governing Board of Islamia Primary School would need to follow to undertake consultation on a proposal to relocate to the Gwenneth Rickus site in 2027.

## **2.0 Recommendations**

That Cabinet:

- 2.1 notes the historical context and background set out in this report.
- 2.2 notes that the YIF has issued eviction notices to its Voluntary Aided Islamia Primary School and that the future options for the school are for the school to either relocate or close.
- 2.3 notes the proposal to relocate Islamia Primary School to the Gwenneth Rickus site as a 2FE school, subject to statutory consultation.
- 2.4 notes that the Governing Board would be responsible for making this proposal through statutory consultation, with Cabinet the final decision-maker.
- 2.5 notes that if the school relocated to the Gwenneth Rickus site, the site could be transferred into the name of the YIF, who would be required to hold the site for the benefit of the Islamia Primary School. Further details in terms of ownership would be set out in a Trust Deed. This would ensure that the primary school would be protected from eviction in future.

## **3.0 Detail**

### **3.1 Cabinet Member Foreword:**

- 3.1.1 Islamia Primary School has had voluntary aided status since 1998 and, as the only Muslim state primary school in the borough, is a popular school with 420 pupils on roll. It is important that the Local Authority supports the continuation of the school and a move to the Gwenneth Rickus site would make this possible.
- 3.1.2 School organisation and place planning supports the Borough Plan Strategic Priority 4: The Best Start in Life, by ensuring there are sufficient school places for children and young people in Brent and supporting every child and young person to access high quality education in the borough.

### **3.2 Background**

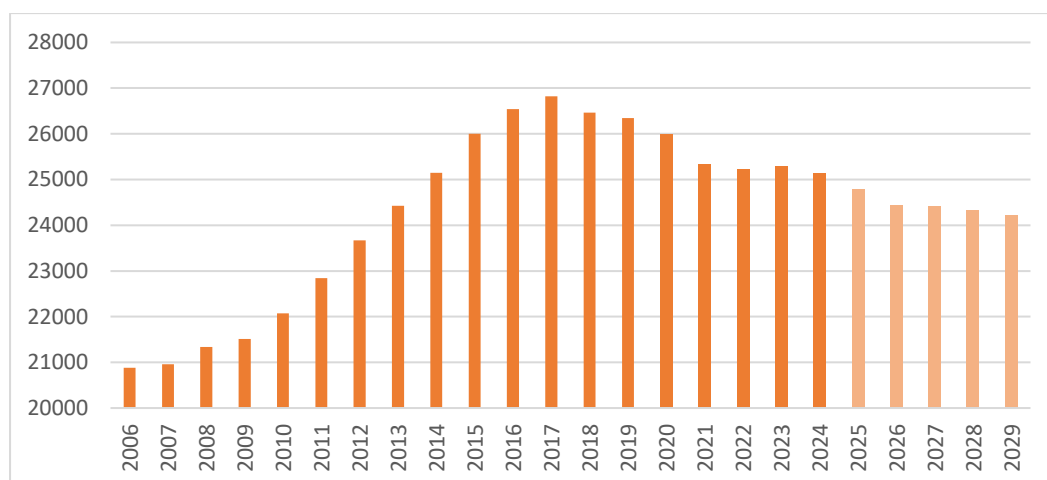
#### **Islamia Primary School Background**

- 3.2.1 Islamia Primary School (IPS) was established as an independent school in 1983 by the Islamia Schools Trust. The school was granted public funded status as a Grant Maintained school (GM) and then Voluntary Aided status in 1998 as a one form of entry school. The school is located buildings at a site in Salusbury Road that are owned by the YIF, having been purchased from Brent Council in March 1990. The buildings also house the Islamia Girls School, an independent fee paying school established by the Islamia Schools Trust, which became incorporated with the YIF in 2017.
- 3.2.2 In 2006 when the Trustees of another Voluntary Aided Muslim faith primary school, the Avenue, decided to close their school, the Governing Board of IPS agreed to publish proposals to accommodate former Avenue pupils with a view to formally expand the school through development of a new-build 2FE primary school on the Salusbury Road site. This, however, has not progressed and the school has continued to operate as a de facto two form of entry school based at the school's main site on the Salusbury Road site and occupying the top floors of Winkworth Hall on Chevening Road via a lease agreement with the Council, which was the temporary solution to meet the school's additional accommodation needs.
- 3.2.3 The Council has undertaken significant efforts since 2015 to progress build of a new primary school building on the existing Salusbury Road site. Design development work was completed for a new 2FE primary school for Islamia Primary School on the existing Salusbury Road site in 2015, but the building project was not progressed by the YIF. This would have been provided with capital funding to the sum of £10m, including ring-fenced funding secured from the Education Skills and Funding Agency (ESFA) of £2.8m as part of a targeted capital programme aimed at meeting the then demand for primary school places.
- 3.2.4 During July and October 2020, the YIF as owners of the Salusbury Road site, served notice on IPS and the Council. During January 2022, the YIF served new eviction notices on IPS and the Council requiring IPS to vacate the premises they currently occupy on Salusbury Road only by 31 July 2022 and 31 July 2023 respectively. In December 2023 a new eviction notice was served requiring the school to vacate the premises by January 2026. The YIF has agreed to further extend the current eviction notice until August 2026 to allow time for consultation on a move to the proposed new site and to extend the eviction notice for a further 12 months until August 2027 subject to a positive outcome of the final decision-making process on relocation to the new site. If an alternative site is not identified, then the only other option would be to close the school.
- 3.2.5 IPS is one of Brent's most popular schools as the only state Muslim school in the borough. The school has 418 pupils on roll (School Census January 2025) and each year the 60 Reception places are usually offered to families who applied for the school as their first preference. The school has a high sibling factor with 43% of Reception places in both September 2025 and September 2024 offered to siblings. The majority of pupils on roll are from Brent. The

numbers of out-of-borough children offered was historically low. However, this has changed since the school removed a local catchment area from its admission arrangements in 2020. 21.5% of current students live outside Brent. This is an increase on the figures from January 2024 (17.2%) and January 2023 (14.4%). 36.7% of offers made for Reception in September 2025 are for children who live outside Brent.

- 3.2.6 The initial proposal to formally expand the school in a permanent 2FE building on the Salusbury Road site was made at a time when there was a shortfall of primary school places across the borough in the context of unprecedented growth in demand for primary school places. The current position is a very different one. The latest forecasts in the refresh of the School Place Planning Strategy agreed by Cabinet in November 2024 show a reduction in demand across the borough since 2017 (Graph 1) and that demand is not anticipated to increase over the next few years. Due to falling demand, there is now a significant surplus of places across the borough (15% of capacity across all primary year groups in 2024/25).

**Graph 1: Primary numbers on roll and projections as at January each year**



### **The Future of Islamia Primary School**

- 3.2.7 As a Voluntary Aided school, Brent Council has a duty to maintain IPS, which includes considering alternative site options. IPS is a popular school and the only Islamic faith Primary School in the borough. For this reason, the Council has been working with the Governing Board of IPS and the YIF to identify an alternative site for the school.
- 3.2.8 On 12 September 2022, Cabinet considered a report on a proposal to relocate IPS to the Strathcona site on Strathcona Road, Wembley, that was used for primary provision by Roe Green Infant School until July 2022. Relocation to this site would have required significant capital investment to increase capacity on the site to accommodate a two form of entry school. Informal consultation was subsequently undertaken by the Governing Board with staff, parents and the local community in Preston ward. Several concerns were raised during the consultation, including concerns from parents about access to the site and

concerns from local residents about increased local traffic and associated parking issues if provision on the site increased. The Governing Board did not move forward with statutory consultation on the proposal and has informed the Council that they do not wish to locate to the Strathcona site.

3.2.9 The Council has continued to consider sites across the borough for an alternative site for the school. The only site that has been identified as an alternative to the Strathcona site is the Gwenneth Rickus site on Brentfield Road. Following a site visit, the YIF and the Governing Board agreed that it could provide a suitable alternative for the school.

3.2.10 When previous consideration was given to use of the Strathcona site by IPS, the Council was asked to consider the new school in South Kilburn that will be built as part of the South Kilburn Regeneration Scheme be allocated to IPS. The new South Kilburn School is a key part of the infrastructure of the South Kilburn Regeneration Scheme and will provide a community school that will provide primary provision for families of all faiths within the area to ensure that families have choice. The school is replacing Carlton Vale Infant School and Kilburn Park Junior School and should be delivered by January 2029.

### **3.3 The Gwenneth Rickus Site**

3.3.1 Following a period of formal consultation in February/March 2024, on 28 May 2024, Cabinet took the decision to approve a reduction in the Published Admission Number of Leopold Primary School and a phased closure of the school's provision on the Gwenneth Rickus site between September 2025 and the end of July 2027. The decision to cease the provision was taken due to the significant number of spare mainstream primary school places in the local area (Planning Area 4) linked to a decreasing primary school population. Alongside the closure of Leopold Primary School's provision on the Gwenneth Rickus site, the Published Admission Number at Mitchell Brook Primary School was reduced removing mainstream capacity to support intakes at other local schools.

3.3.2 During the public consultation phase, it was made clear that the Council would aim to retain the site for educational use, for example children and young people with special educational needs and disabilities (SEND). Officers are in the process of developing a second phase of the SEND Capital Programme that aims to increase local special school places to meet increasing demand for children and young people who have an Education, Health and Care Plan and need special provision. The programme will include development of special school satellite provision as well as new Additionally Resourced Provision using spare capacity across the school estate. While the Gwenneth Rickus site would not be available to support this programme if used by IPS, the Strathcona site would no longer be required for IPS and could be considered for special school provision.

3.3.3 It is recognised that relocating Islamia Primary School to the Gwenneth Rickus site could give concern to parents and staff who are impacted by and objected to the closure of the Leopold Primary School provision on the site. Other local

schools may also be concerned that the location of the IPS on the Gwenneth Rickus site could impact on their pupil numbers. It is the case that Islamia Primary School may attract local pupils in the future. However, as the only Muslim faith school in Brent, IPS draws from a wide area across the borough and for some pupils attending the school the site will be closer to where they live. The school also recruits pupils from other boroughs. Furthermore, the high sibling factor in the school's intakes (over 40%) means that many families currently attending the school will continue to access places in the future. Given the wide geographic area that the school serves, the school would be expected to develop a sustainable travel plan that includes public transport.

3.3.4 If there are families attending IPS who did not want to relocate to the Gwenneth Rickus site, the local authority would offer them a place in an alternative school close to where they live.

3.3.5 The relocation of IPS to the Gwenneth Rickus site would contribute to the borough's strategic objective to ensure that all children have the Best Start in Life. It would:

- Help meet the Council's statutory duty to provide a diversity of school places for all Brent pupils applying to the Council for a school place
- Provide a new site for IPS to sustain its Ofsted rating of "Good"
- Ensure that children are taught in a suitable provision setting.

### **3.4 Statutory Consultation**

3.4.1 The relocation of IPS would require the statutory process for making a prescribed change at a maintained school to be followed. This involves informal consultation followed by a formal statutory representation period. As a Voluntary Aided school, the Governing Board would be responsible for the proposal and complying with each step of the statutory process. The Local Authority is the decision maker and Cabinet would need to either agree or reject the proposal within two calendar months of the end of the representation period.

3.4.2 The Council would support the Governing Board in delivering the statutory consultation process. The Governing Board would need to draft a consultation document that sets out the case for the relocation and alternative options and will need to engage with stakeholders in both Queen's Park and Stonebridge wards.

3.4.3 It is proposed that the statutory process would commence with informal consultation in May 2025 and the statutory representation period would be completed by the end of the summer term in 2025. This would allow the formal proposal to relocate the school to be submitted to Cabinet for determination in September 2025.

### **4.0 Stakeholder and Ward Member Consultation**

4.1 The Leader of the Council and the Cabinet Member for Children, Young People and Schools have been briefed on this proposal.

4.2 A meeting has taken place with ward councillors representing Stonebridge, Preston, and Queens Park Wards and the Cabinet Member for Children, Young People and Schools to make them aware of the proposal. Queens Park and Stonebridge ward members will be kept updated on the consultation process going forward.

## **5.0 Financial Implications**

### **5.1 Capital Funding**

5.1.1 The Gwenneth Rickus site has been used by Leopold Primary School since 2013. It has sufficient capacity for a 2FE school and does not require capital investment in additional accommodation to be utilised by IPS. A condition survey would be undertaken to determine any essential condition works that should be completed by the Council in line with the Council's Asset Management Plan before any potential transfer of the site.

5.1.2 £2.8m of Targeted Capital Fund was transferred from IPS to Brent by the DfE in 2012 in order to manage and deliver the planned IPS new build following the school's unsuccessful attempt at delivering the project. The design of the Salusbury Road site expansion referred to in paragraph 3.2.3 was funded using £200K of the TCF and therefore £2.6m remains. The DfE has agreed on an annual basis for this funding to be rolled forward until such time as a permanent solution for IPS has been identified. They have been asked to consider if this funding could be made available for investment in the Gwenneth Rickus site, recognizing that it is not required to provide basic need accommodation. As this would not meet the criteria for the targeted capital programme under which this funding was provided, the DfE may require it to be returned.

5.1.3 The DfE expects Voluntary Aided bodies to contribute towards capital works that improve their school buildings at a rate of 10% of total costs. As a voluntary aided school, IPS can apply for capital funding to support condition related works through the DfE's Condition Improvement Fund.

### **5.2 Revenue Funding**

5.2.1 The school's DSG allocation currently includes £63K in split site funding, which is an element in the national funding formula allocated to schools that operate from more than one site. The school would no longer be eligible for this funding if it relocated to the Gwenneth Rickus site, reducing its per pupil funding by £150 per pupil.

## **6.0 Legal Implications**

### **6.1 Agreement between parties**

6.1.1 On 8 July and 23 October 2020 and, subsequently in 19 January 2022, the Foundation served eviction notices on IPS and the Council. The notices were served under section 30 of the School Standards and Framework Act 1998

(SSFA) and section 25 of the Landlord and Tenant Act 1954 (LTA). They required IPS to vacate the premises they currently occupy at 129 Salusbury Road by “31 July 2022 or the end of academic year 2021/22 if later” (in the case of the July 2020 and January 2022 notices) and by “31 July 2023 or the end of academic year 2022/23 if later” (in the case of the October 2020 notice). A further eviction notice was served in December 2024 requiring the school to vacate the Salusbury Road site by January 2026.

6.1.2 The Council has agreed with the YIF and the Governing Board of IPS that:

- a) the Foundation will extend the current eviction notice until August 2026 while the statutory process to relocate to the Gwenneth Rickus site is undertaken. In the event that a decision is taken following consultation to relocate the school, the notice will be extended until August 2027, requiring the school to vacate the YIF’s Salusbury Road premises by August 2027.
- b) The Local Authority will provide advice and guidance on the statutory process. Providing the statutory procedures (as required by SSFA 1998) once concluded confirm it is feasible to do so, the School will be relocated to the new site;
- c) The SSFA 1998 requires local authorities to transfer any site provided for the use of a Voluntary Aided school (a) “to the trustees of the school” or (b) if the school has no trustees, “to the schools’ foundation body”. This includes all buildings and amenity space but excludes any area defined as playing fields. The obligation is a statutory one under Paragraph 4(3) of Schedule 3 to the SSFA 1998, and typically these transfers will be referred to as “statutory transfers”. This duty is acknowledged in local authorities’ place planning function and, in partnership with trustees, operates alongside a local authority’s statutory duty to ensure there are enough school places in its area (Section 13(1) Education Act 1996).
- d) The local authority will take all reasonable measures to support the relocation of the school, if the proposal is agreed.
- e) The Yusuf Islam Foundation will be responsible for deciding the future use of the school’s current Salusbury Road site. The lease between the Council and the school for use of accommodation on the Winkworth Hall site would cease when the school relocates in 2027.

6.1.3 Further confidential legal advice can be found in Appendix A.

## **6.2 The relocation of Islamia Primary School**

6.2.1 The legal implications associated with the Council’s statutory duty to ensure that there are sufficient school places available to meet the needs of the local population were set out in the School Place Planning Strategy 2024-28.

6.2.2 There is a requirement to follow statutory processes for the relocation of the school in line with DfE Guidance on Prescribed Changes to Maintained Schools (Statutory Guidance for Proposers and Decision-makers, Department for Education, October 2024). There is a requirement to follow statutory processes



in line with DfE Guidance on Opening and Closing Maintained Schools should a decision be taken not to retain the school.

6.2.3 The Council currently owns the Gwenneth Rickus site and the transfer would be undertaken in accordance with paragraph 6.1.2 (c)

6.2.4 Paragraph 11.8 of Part 3 of the Constitution makes it clear that nothing should prevent the Corporate Director, Finance and Resources from acquiring or disposing of freehold land or acquiring, granting or disposing of leasehold land (for any term of years) or from entering into licences and easements in respect of land and buildings so long as doing so is (or would be) in accordance with the Academies Act 2010 or any other education legislation, regulation, order, direction, circular or guidance.

## **7.0 Equity, Diversity & Inclusion (EDI) Considerations**

7.1 The Public Sector Equality Duty under section 149 of the Equality Act 2010 requires the Local Authority when exercising its functions to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and foster good relations between those who have a protected characteristic and those who do not share that protected characteristic. The protected characteristics covered under the Act are age, disability, gender reassignment, marriage and civil partnership (only in respect of eliminating unlawful discrimination) pregnancy and maternity, race (this includes ethnic or national origins, colour or nationality) religion or belief (this includes lack of belief) sex and sexual orientation. Due regard means giving relevant and proportionate consideration to the duty, in that whenever significant decisions are being made consideration must be given to the impact/affect that implementing a particular decision will have in relation to equality before making that decision. Brent Council also has a policy of considering Human Rights and socio-economic impact.

7.2 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. The proposals set out in this report aim to ensure that there are sufficient and suitable school places for Brent children.

7.3 The Governing Board will be expected to undertake an equalities impact analysis as part of the formal relocation consultation process, that includes understanding any impacts on children with SEND. Any concerns about the equality implications of this proposal would need to be considered during the informal and formal consultation processes.

## **8.0 Climate Change and Environmental Considerations**

8.1 School place planning and admissions policies aim to ensure primary children can attend a local school and therefore can walk to school or take public transport. There are transport links to the Gwenneth Rickus site, including a bus from IPS current site. All schools in Brent can access support to develop

a sustainable travel plan and this would be encouraged for the new site if the proposal proceeds.

## **9.0 Human Resources/Property Implications (if appropriate)**

- 9.1 The Council currently owns the Gwenneth Rickus site, which would be vacant from July 2027. If the proposal is agreed, the site would transfer to the school's Foundation or trustees as set out in paragraph 6.1.2 (c).

## **10.0 Communication Considerations**

- 10.1 The distance between the main entrance of Islamia Primary School (129 Salusbury Road, London NW6 6PE) and the main entrance of the Gwenneth Rickus Building (242-250 Brentfield Road, London NW10 8HE) is 3.65km or 2.27 miles. As this is more than 2 miles, the statutory process must be followed to progress a proposal to relocate the school from its current site to the Gwenneth Rickus Building. This means that following a period of informal consultation, formal consultation is required to relocate the school in line with statutory guidance for making significant changes (prescribed alterations) to maintained schools (Statutory Guidance for Proposers and Decision-makers, Department for Education, October 2024) and Opening and closing maintained schools (Statutory guidance for proposers and decision makers, Department for Education, October 2024).
- 10.2 The statutory consultation process for significant changes to school provision has four stages - Stage 1 Publication of a Statutory Notice, Stage 2 Representation (formal consultation for a period of 4 weeks), Stage 3 Decision and Stage 4 Implementation. This process will be led by the Governing Board of IPS, supported by the local authority. Brent Cabinet is the decision-maker and will receive a report in the autumn following completion of the formal consultation process.

### **Document(s) for reference**

School Place Planning Strategy 2024 – 2028 1<sup>st</sup> Refresh Cabinet Report 12 November 2024

**Report sign off:**

***Nigel Chapman***

Corporate Director Children, Young People &  
Community Development