



Executive
26 July 2010

**Report from the Director of
Children and Families**

Wards affected:
Wembley Central, Tokyngton, Sudbury,
Alperton, Preston

**Determination of proposal to alter Park Lane Primary
School**

1.0 SUMMARY

- 1.1 This report seeks the Executive's determination of the statutory proposals (published on 20 May 2010) for the alteration of Park Lane Primary School with the net effect that the school expands to a 2fe school.
- 1.2 The report also requests an exemption from contract standing orders in relation to the appointment of a structural engineer to design the expansion scheme.

2.0 RECOMMENDATIONS

The Executive are requested to:

- 2.1 Approve the statutory proposal published on 20 May 2010 for the alteration of Park Lane Primary School so that it expands from 210 places to 420 places with effect from January 2011, conditional upon the grant of planning permission under Part 3 of the Town and Country Planning Act 1990 by January 2011.
- 2.2 Approve an exemption to the requirement in Contract Standing Orders to get three quotes for a Low Value Contract in relation to the appointment of a structural engineer for this expansion project, on the basis of the good operational and financial reasons set out in paragraph 3.5 of the report.

3.0 DETAIL

3.1 Background

- 3.1.1 The diversity and mobility of Brent's population is increasing and this is reflected in the population growth. The Office for National Statistics (ONS) estimates that in 2006 Brent's population was 271,400. However, independent

research commissioned by Brent Council estimates the figure to be nearer 289,000 in March 2007 (347,541 GP registered population).

- 3.1.2 The growth in the Brent's population predominantly comprises of young adults, often with pre-school or young children and this is reflected in the increasing demand for school places. Numbers of four year olds on roll are expected to rise steeply over the next three to four years. Overall the demand for primary school places is forecast to exceed the supply of places.
- 3.1.3 62 Reception (Year R) aged children remained without a place on 9th June 2010. The majority of applicants have been offered a place, but the offers have not been taken up due to varying parental choice. Similarly, 86 pupils remained unplaced on 9 June 2010 between Year 1 (Y1) and Year 6 (Y6) classes.
- 3.1.4 The Local Authority (LA) has been reviewing capacity constraints at all the primary schools to meet its statutory obligation for providing sufficient school places. Park Lane is one such primary school.
- 3.1.5 Brent Council has proposed the expansion of Park Lane Primary School to increase the number of Year R to Y6 places from 1 form of entry (FE) to 2FE and to also improve the quality of accommodation through additional specialist provision, including, building a food & science classroom, library resource, staff PPA room and installation of a lift.
- 3.1.6 Park Lane Primary School is a coeducational, non-denominational Community school for age 3-11 pupils. It is a popular one form of entry school i.e. 30 places per year group and is currently operating Reception to Year 2 as 2fe on a temporary basis.
- 3.1.7 The school's admission capacity currently stands 210 Year R to Y6 places. The school also offers 40 Nursery places. Due to strong pressure on places the Number on Roll (NoR) is more than its capacity(39 pupils in Nursery and 295 pupils in Reception to Year 6):

Number on Roll (Jan 2010)	N	R	Y1	Y2	Y3	Y4	Y5	Y6	Total
Park Lane Primary School	39	60	58	59	30	30	29	29	334

3.2 The Proposal for Reorganisation of Park Lane Primary School

- 3.2.1 Brent Council published the proposal for Park Lane Primary School to become a two form of entry provision. If this proposal is accepted, Park Lane Primary 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. This means the current Year 2 (Y2) class of 60 places (NoR 59 pupils) will progress to Y6 by September 2013, at which time the school will commence operating at full capacity in all the Year Groups.
- 3.2.2 The existing established capacity of the school is 1fe. However, Year R, Y1 and Y2 are operating at 2fe capacity on a temporary basis pending building

adaptations which currently are the subject of town planning processes. This is currently under the bulge class admission. Shortage of Reception places continue in the local area. The school can admit another Year R in September 2010 once adaptation work is completed for progressing temporary Y2 cohort to Y3. The Reception bulge class being planned for September 2010 would convert to a permanent 2fe capacity if the Executive decides to implement this proposal to expand Park Lane Primary School. The Executive can approve the proposals subject to the grant of planning permission under Part 3 of the Town and Country Planning Act 1990. upon of planning permission under Part 3 of the Town and Country Planning Act 1990 for building works by November 2010.

- 3.2.3 In accordance with para 4.75 of the Guidance Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form (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.
- 3.2.4 The enlarged Park Lane Primary School pending Executive determination will continue to offer mixed provision for pupils in Reception to Year 6 and be maintained by the Local Authority. The Local Authority will remain the admitting authority for the school. Admission arrangements for the enlarged school will remain the same as now.
- 3.2.5 The expanded school will be suitable for all pupils who currently attend Park Lane Primary School. Every pupil registered at the school on 31 August 2010 who but for these proposals would have continued their education at Park Lane Primary School is guaranteed a place at the enlarged Park Lane Primary School. Consequently no pupils will be displaced by the alterations proposed for Park Lane Primary School.
- 3.2.6 Park Lane Primary expansion is one of the schemes which are being proposed for allocation of Basic Needs Safety valve funds for undertaking capital works.
- 3.2.7 The proposal complies 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 The expansion of Park lane Primary School from a one form entry to a two form entry school is planned to be achieved by combination of remodelling of the existing school building and extending the school by provision of a permanent new build extension at the south west corner of the site adjacent to the nursery building. No temporary accommodation is envisaged under this proposal although it may be required for decanting during the remodelling stages.
- 3.2.9 The school site being an inner city location has limited external play ground, without competitive playing fields. This is typical of school of a similar period located in London Boroughs and it was identified in the analysis that any expansion of the school should keep the impact on the existing play ground to a

minimum, and to be located on the area of the site between the south boundary and nursery, which has the least impact on the main playground. The school is in the process of formalising an agreement with Brent Parks for the school to have access to the former tennis court areas in King Edward VII Park on the west boundary of the site for supervised play and recreation. At the time of drafting this report these negotiations are well advanced.

3.2.10 The expansion of the school will take place in two phases. Phase one of the building works is planned during Summer 2010, which will provide one extra classroom from September 2010. This will enable the progression of the current Y2 class to Y3 in September 2010 and the school will be able to admit an additional Reception class for the September 2010 intake.

3.2.11 Subject to planning application approval, phase two of the building works planned to commence later in 2010/early 2011 will involve remodelling and new build works in compliance with Department for Education's design guidelines.

3.2.12 Whilst no changes to the existing SEN provision at the school are being proposed, the expanded Park Lane Primary School will include a Group SEN classroom, a disabled toilet, and a lift for improved accessibility.

3.3 Statutory Process

Stage One Consultation

3.3.1 All applicable statutory requirements to consult in relation to these proposals have been complied with.

3.3.2 Brent Council conducted the first, consultative stage of the statutory process, required when changing the organisation of schools, between 25 March 2010 and 03 May 2010. The majority (95.6% i.e. 153 respondents) of the 160 respondents were in favour of expansion of Park Lane Primary School.

Consultation on Proposal

3.3.3 Having undertaken preliminary investigations and informal consultations with stakeholders, the Local Authority organised the first, consultative stage of the statutory process required when changing the organisation of schools. That consultation commenced on 25 March 2010 and closed on 03 May 2010. The Council considered responses received by 04 May 2010.

3.3.4 671 Questionnaires were issued to seek the views and feedback of the stakeholders on the proposal to expand. Consultation with all interested parties included parents and staff at the School, all maintained schools in Brent, neighbouring boroughs, Trade Unions, and DFE. The consultation questionnaire provided two options: agree or disagree with the Local Authority to expand the Park Lane Primary School by an additional form of entry.

3.3.5 160 responses (23.8%) were received by the 04 May 2010.

3.3.6 153 (95.6%) out of 160 respondents are in favour of expansion of Park Lane Primary School.

- 3.3.7 Only 3 (1.8%) out of 160 respondents are against the expansion of Park Lane Primary School.
- 3.3.8 In total 4 out of the 160 responses selected both options (3 respondents) or did not select any of the two options (1 respondent).
- 3.3.9 In addition to informal discussions with parents on the proposal to expand the school, the head teacher of Park Lane Primary School holds regular Parents Meetings. Two such meetings were held at the school to consult with parents and staff on the proposal to expand Park Lane Primary School by one form of entry. The first meeting was held on January 26, 2010 with approximately 20 parents and staff attending and the second meeting took place on May 5, 2010 with attendance of approximately 15 parents and staff. The response from these meetings was positive.
- 3.3.10 During the Stage 1 statutory consultation, the Council had received a concern about the school building's energy rating. The Council had clarified that the new extension at Park Lane Primary School will be required to achieve a BREEAM rating of 'excellent' and seek to incorporate efficient and sustainable measures in the existing building.
- 3.3.11 The report on the Stage One Consultation is attached as a document in Appendix A as part of the complete Proposal.

Publication of Statutory Notice and Representation Period

- 3.3.12 Given the support for the Council's proposals at the Consultation Stage, the Local Authority published the statutory notice on 20 May 2010 to alter Park Lane Primary School through expansion by one form of entry from 1 September 2010 and to also improve the quality of accommodation through additional specialist provision. This means that the school will become a two form of entry provision with improved facilities and its admission capacity will increase from 210 to 420 Reception to Y6 places.
- 3.3.13 Further to paragraphs 3.2.2, 3.2.3 and section 5 of this report, the Council is estimating that the planning permission may be granted under Part 3 of the Town and Country Planning Act 1990 by January 2011. Hence, the Executive is requested to approve the expansion of Park Lane Primary School from January 2011, conditional upon the granting of planning permission.
- 3.3.14 A copy of the statutory proposal is attached in Appendix A, which includes a copy of the statutory notice.
- 3.3.15 The statutory notice was followed by a 4 week statutory period (Representation stage) up to 18 June 2010, during which representations (i.e. objections or comments) could be made. The representation period is the final opportunity for people 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.

3.3.16 The statutory proposal documents for Park Lane Primary School were sent to the following consultees:

Secretary of State, DFE	All schools in Brent, Admissions Forum
Governors	Park Lane School Staff
Parents	Pupils
Westminster Diocesan Education Service & London Diocesan Board for Schools	Ward and other Councillors as per your list plus Brent local MPs
London West Learning and Skills Council /YPLA	Early Years & Extended School Groups at Park Lane
Neighbouring Authorities	Trade Unions
Brent Governors Forum	Brent Officers

Response received during the Representation Stage:

3.3.17 After 95.6% positive responses received at Consultation stage, no further feedback or objections has been received by the Council.

3.4 Next Steps

3.4.1 The milestones following a decision by the Executive to determine this proposal to alter Park Lane Primary School are set out in the timetable below:

Milestone	Date
Park Lane Primary School admit a Reception bulge class	1 September 2010
Park Lane Primary School Admission Capacity increases to 420 places, Reception to Year 6	January 2011
Planning Application submitted by	23 July 2010
Planning Approval anticipated by	January 2011
Executive Decision to award contract for building works by	January 2011
Construction completion by	end August 2011

3.5 Appointment of Structural Engineer

3.5.1 The consultants Frankhams have been appointed from the Council's Property Services Framework to design the scheme and provide the roles of Quantity Surveyors and CDM Co-ordinator. The design role consists of architect, structural engineer, building surveying and mechanical / electrical engineer. Appointing one consultant to all these roles has meant that the Council has secured discounts from the rates set out in the framework and will ensure a seamless service. However Frankhams are not on the Council's framework for structural engineering. The value of this part of the design work is estimated at £15,000. The Executive is therefore asked to approve an exemption from the usual requirement of contract standing orders to obtain three quotations for a contract of this value, to allow Frankhams' appointment as structural engineer.

4.0 FINANCIAL IMPLICATIONS

- 4.1 The capital costs of the expansion of Park Lane Primary School are estimated at approximately £2.2m. The forecast profile for this expenditure is £1.6m in 2011/12, £400k in 2012/13 and £200k in 2013/14.
- 4.2 It is proposed that this expenditure will be met primarily from the 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 dependant on pupil numbers in the January 2012 census meeting those forecast for September 2011 and the Department for Children, Schools and Families (DCSF) 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.
- 4.3 On the basis of the schemes forecast profile there will be a balance of expenditure of approximately £600k that will have to be met from alternative funding sources such as the Primary Capital Programme for which the Council has received a Phase 1 allocation totalling £11.7m.
- 4.4 Members should note that currently there is a total prioritised programme of expansion schemes totalling £51.8m between 2011/12 and 2014/15 for which there is currently identified funding of £44.8m. It is expected that the gap in funding of approximately £7m will be met from further Phases of Primary Capital Programme funding and other grant allocations. In the current climate of grant cuts from central government, there is risk to the council that schemes could be committed to in the future for which the future forecast funding will not be received.
- 4.5 As this scheme is early in the programme of proposed expansion works the degree of risk to the funding stream is significantly reduced and there has been no indication that there will be any adjustment to already allocated funds, although they have not yet been received in full. 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 Children and Families capital programme.
- 4.6 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 DCSF.

5.0 LEGAL IMPLICATIONS

- 5.1 The procedure for the enlargement of Park Lane Primary 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 Local Authority is entitled to make prescribed alterations to Park Lane Primary School pursuant to powers granted by The Education and Inspections Act 2006, Sections 18 and 19 and in accordance with Schedule 4 Part 1 and Schedule 5 of the Regulations.
- 5.2 The Authority has the power to consider and determine proposals published under Section 19 of The Education and Inspections Act 2006, pursuant to Section 21 (2) (f)

of the Act and in accordance with Regulation 30 of The School Organisation Regulations 2007 as amended.

5.3 Under sections 13 and 14 of The Education Act 1996, as amended by The Education and Inspections Act 2006, a local education authority has a general statutory duty to ensure that there are sufficient school places available to meet the needs of the population in its area. 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.

5.4 Under sections 18 and 19 of The Education and Inspections Act 2006 and in accordance with The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2007, as amended, (and in accordance with the school organisation regulations), an LA can publish proposals to expand any category (community, voluntary, foundation, community special and foundation special) of maintained school. The governing body of a maintained school may also publish proposals to expand their school. Where the local education authority propose to make a prescribed alteration to a maintained school, the authority must publish their proposals.

5.5 The Council's legal officer advises on a) to d) that:

- a) Executive should decide this
- b) The published notices meet the requirements
- c) The required statutory consultations have been carried out
- d) The proposals are not related to any other proposals

5.6 The Executive would need to have regard to Guidance issued by the Secretary of State before making a decision upon this proposal.

5.7 The phase 2 works at the school will require the award of a works contract. In view of the value of the works, the contract is below the threshold requiring compliance with the European public procurement regime. However the contract will be a High Value Contract for the purpose of the Council's Contract Standing Orders. Such a contract will need to be tendered, unless it can be procured through a framework. In both cases the Executive will need to approve the contract award, and if there is a full tender exercise, the pre-tender strategy for this. All other contracts required for the delivery of this project are below the threshold at which they require Executive approval, and consequently have been awarded under delegated authority.

5.8 **Decision Making**

5.8.1 LAs are under a statutory duty to ensure that there are sufficient school places in their area, 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, promote diversity and increase parental choice.

5.8.2 LAs can publish expansion proposals for any category of maintained school within the LA. Decisions on school organisation proposals are taken by the LA or by the schools adjudicator. In this chapter both are covered by the form of words “Decision Maker” which applies equally to both.

5.8.3 Section 21 of the EIA 2006 provides for regulations to set out who must decide proposals for any prescribed alterations (i.e. including expansions). The School Organisation (Prescribed Alterations to Maintained Schools)(England) Regulations 2007 (SI:2007 No. 1289) (as amended) make detailed provision for the consideration of prescribed alteration proposals (see in particular Schedules 3 and 5). Decisions on expansions will be taken by the LA with some rights of appeal to the schools adjudicator. Only if the prescribed alteration proposals are “related” to other proposals that fall to be decided by the schools adjudicator, will the LA not be the decision maker in the first instance.

5.8.4 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.

5.8.5 The Brent Executive acting on behalf of the Brent Local Authority is the Decision Maker.

5.8.6 There are 4 key issues which the Decision Maker should consider before judging the respective factors and merits of the statutory proposals:

5.8.6.1 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;

5.8.6.2 Does the published notice comply with statutory requirements?

The statutory notice is complete and in line with the statutory requirements. The initial statutory consultation took place from 25 March 2010 and closed on 03 May 2010. The Council considered responses received by 04 May 2010. This was followed by publication of the statutory notice on 20 May 2010. The proposal is not linked with any other proposal.

5.8.6.3 Has the statutory consultation been carried out prior to the publication of the notice?

Brent Council conducted the first, consultative stage of the statutory process, required when changing the organisation of schools, between 25 March 2010 and 03 May 2010.

5.8.6.4 Are the proposals “related” to other published proposals? Generally, proposals should be regarded as “related” if they are included on the same notice (unless the notice makes it clear that the proposals are not “related”).

The Park Lane Primary School proposal is not 'related' to other proposals.

Statutory Guidance – Factors to be Considered by Decision Makers

5.8.7 Regulation 8 of The Regulations provides that both the LA and schools adjudicator must have regard to guidance issued by the Secretary of State when they take a decision on proposals. Paragraphs 4.17 to 4.73 contained in the attached statutory guidance.

5.8.8 The following factors should not be taken to be exhaustive. Their importance will vary, depending on the type and circumstances of the proposals. All proposals should be considered on their individual merits.

5.8.9 EFFECT ON STANDARDS AND SCHOOL IMPROVEMENT

A System Shaped by Parents

5.8.10 The Government's aim, as set out in the Five Year Strategy for Education and Learners and the Schools White Paper Higher Standards, Better Schools For All, is to create a schools system shaped by parents which delivers excellence and equity. In particular, the Government wishes to see a dynamic system in which:

5.8.10.1 weak schools that need to be closed are closed quickly and replaced by new ones where necessary; and

5.8.10.2 the best schools are able to expand and spread their ethos and success.

153 (95.6%) out of 160 respondents to the statutory consultation are in favour of expansion of Park Lane Primary School.

Standards

5.8.11 The Government wishes to encourage changes to local school provision which will boost standards and opportunities for young people, whilst matching school place supply as closely as possible to pupils' and parents' needs and wishes.

5.8.12 Decision Makers should be satisfied that proposals for a school expansion will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They should pay particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

Effect on Standards and School Improvement and Need for Places

The expansion of Park Lane Primary School is fully in line with the aim of the guidance and the wish of the Secretary of State that local authorities provide school places where demand is high. The school serves a wide range of ethnic minority children, both boys and girls, and the proposals will be of benefit to them. As this is an expansion of school places there is no adverse impact to any disadvantaged group.

Achievement and attainment for Park Lane Primary School in 2009 in comparison with the Local Authority average is as follows:

Performance	English		Mathematics		Science		both English and Mathematics	Average point score
	L4+	L5	L4+	L5	L4+	L5	L4+	
Local Authority Average	80%	28%	78%	37%	85%	40%	72%	27.7
England (maintained schools only)	80%	29%	79%	34%	88%	43%	72%	27.8
England (all schools)	80%	29%	79%	35%	88%	43%	72%	27.9
Park Lane Primary School - Wembley	92%	35%	88%	50%	92%	35%	88%	28.8

Diversity

5.8.13 Decision Makers should be satisfied that when proposals lead to children (who attend provision recognised by the LA as being reserved for pupils with special educational needs) being displaced, any alternative provision will meet the statutory SEN improvement test.

5.8.14 Decision Makers should consider how proposals will contribute to local diversity. They should consider the range of schools in the relevant area of the LA and whether the expansion of the school will meet the aspirations of parents, help raise local standards and narrow attainment gaps.

Please see Diversity section at section 6 of this report.

Every Child Matters

5.8.15 The Decision Maker should consider how proposals will help every child and young person achieve their potential in accordance with “Every Child Matters” principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being. This should include considering how the school will provide a wide range of extended services, opportunities for personal development, access to academic and applied learning training, measures to address barriers to participation and support for children and young people with particular needs, e.g. looked after children or children with special educational needs (SEN) and disabilities.

The school is supportive of Early Years & Extended School Groups at Park Lane Primary School will continue to deliver services.

Equal Opportunity Issues

5.8.16 The Decision Maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example, that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there needs to be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

Please see Diversity section at section 6 of this report.

Need for Places

Creating Additional Places

5.8.17 The Decision Maker should consider whether there is a need for the expansion and should consider the evidence presented for the expansion such as planned housing development or demand for provision. The Decision Maker should take into account not only the existence of spare capacity in neighbouring schools, but also the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for places in the school proposed for expansion. The existence of surplus capacity in neighbouring less popular or successful schools should not in itself prevent the addition of new places.

Currently, there is no spare capacity at neighbouring schools. These include Wembley Primary, Elsley Primary, Barham Primary, Sudbury Primary, Preston Park Primary, Oakington Manor Primary School. Park Lane Primary School's current capacity is 30 Year R places. It had received 316 applications (including in-year applications) for Year R for 2009-10 and has received 267 applications for September 2010 intake to date.

Expansion of Successful and Popular Schools

5.8.18 The Government is committed to ensuring that every parent can choose an excellent school for their child. We have made clear that the wishes of parents should be taken into account in planning and managing school estates. Places should be allocated where parents want them, and as such, it should be easier for successful and popular primary and secondary schools to grow to meet parental demand. For the purposes of this guidance, the Secretary of State is not proposing any single definition of a successful and popular school. It is for the Decision Maker to decide whether a school is successful and popular, however, the following indicators should all be taken into account:

- a) the school's performance;
 - i) in terms of absolute results in key stage assessments and public examinations;

- ii) by comparison with other schools in similar circumstances (both in the same LA and other LAs);
 - iii) in terms of value added;
 - iv) in terms of improvement over time in key stage results and public examinations.
- b) the numbers of applications for places;
- i) the Decision Maker should also take account of any other relevant evidence put forward by schools.

5.8.19 The strong presumption is that proposals to expand successful and popular schools should be approved. In line with the Government's long standing policy that there should be no increase in selection by academic ability, this presumption does not apply to grammar schools or to proposals for the expansion of selective places at partially selective schools.

5.8.20 Before approving proposals the Decision Maker should confirm that the admission arrangements of schools proposed for expansion fully meet the provisions of the School Admissions Code. Although the Decision Maker may not modify proposed admission arrangements, the proposer should be informed that proposals with unsatisfactory admission arrangements are unlikely to be approved, and given the opportunity to revise them in line with the Code of Practice. Where the LA, rather than the governing body, is the admissions authority, we will expect the authority to take action to bring the admission arrangements in to line with the School Admissions Code.

The proposed expansion will fully meet the provisions of the School Admissions Code.

Travel and Accessibility for All

5.8.21 In considering proposals for the reorganisation of schools, Decision Makers should satisfy themselves that accessibility planning has been properly taken into account. Facilities are to be accessible by those concerned, by being located close to those who will use them, and the proposed changes should not adversely impact on disadvantaged groups.

5.8.22 In deciding statutory proposals, the Decision Maker should bear in mind that proposals should not have the effect of unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. The EIA 2006 provides extended free transport rights for low income groups – see Home to School Travel and Transport Guidance ref 00373 – 2007BKT-EN at www.teachernet.gov.uk/publications. Proposals should also be considered on the basis of how they will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

The travel arrangements for pupils are not changed for pupils at Park Lane Primary school. However with the expansion of provision will enable more Brent pupils to be educated in general nearer to where they live.

FUNDING AND LAND

Capital

5.8.23 The Decision Maker should be satisfied that any land, premises or capital required to implement the proposals will be available. Normally, this will be some form of written confirmation from the source of funding on which the promoters rely (e.g. the LA, DCSF, or LSC). In the case of an LA, this should be from an authorised person within the LA, and provide detailed information on the funding, provision of land and premises etc.

5.8.24 Where proposers are relying on DCSF as a source of capital funding, there can be no assumption that the approval of proposals will trigger the release of capital funds from the Department, unless the Department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposals should be rejected, or consideration of them deferred until it is clear that the capital necessary to implement the proposals will be provided.

Please see Finance section at section 4 of this report.

5.8.25 Proposals should not be approved conditionally upon funding being made available, subject to the following specific exceptions: For proposals being funded under the Private Finance Initiative (PFI) or through the BSF programme, the Decision Maker should be satisfied that funding has been agreed 'in principle', but the proposals should be approved conditionally on the entering into of the necessary agreements and the release of funding. A conditional approval will protect proposers so that they are not under a statutory duty to implement the proposals until the relevant contracts have been signed and/or funding is finally released.

New Site or Playing Fields

5.8.26 Proposals dependent on the acquisition of an additional site or playing field may not receive full approval but should be approved conditionally upon the acquisition of a site or playing field.

5.8.27 The Education (School Premises) Regulations 1999 set out the standards for school premises, including minimum areas of team game playing fields to which schools should have access. The Decision Maker will need to be satisfied that either:

- a) the premises will meet minimum requirements of The Education (School Premises) Regulations 1999; or

- b) if the premises do not meet those requirements, the proposers have secured the Secretary of State's agreement in principle to grant a relaxation.

5.8.28 Where the Secretary of State has given 'in principle' agreement as at paragraph 4.60(b) of Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form Guide, the Decision Maker should consider issuing conditional approval so that when the Secretary of State gives his agreement, the proposals will automatically gain full approval.

The school site being an inner city location has limited external play ground, without competitive playing fields. This is typical of school of a similar period located in London Boroughs and it was identified in the analysis that any expansion of the school should keep the impact on the existing play ground to a minimum, and to be located on the area of the site between the south boundary and nursery, which has the least impact on the main playground. The school is in the process of formalising an agreement with Brent Parks for the school to have access to the former tennis court areas in King Edward VII Park on the west boundary of the site for supervised play and recreation. At the time of drafting this report these negotiations are well advanced.

SPECIAL EDUCATIONAL NEEDS (SEN) PROVISION

Initial Considerations

5.8.29 SEN provision, in the context of School Organisation legislation and this guidance, is provision recognised by the LA as specifically reserved for pupils with special educational needs. When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change LAs should aim for a flexible range of provision and support that can respond to the special educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories of provision according to special educational need or disability. There are a number of initial considerations for LAs to take account of in relation to proposals for change. These are listed in the attached Expansion Guide.

The Special Educational Needs Improvement Test

5.8.30 When considering any reorganisation of provision that would be recognised by the LA as reserved for pupils with special educational needs, including that which might lead to some children being displaced through closures or alterations, LAs, and all other proposers for new schools or new provision, will need to demonstrate to parents, the local community and Decision Makers how the proposed alternative arrangements are likely to lead to improvements in the standard, quality and/or range of educational provision for children with special educational needs. All consultation documents and reorganisation plans that LAs publish and all relevant documentation LAs and other proposers submit to Decision Makers should show how the key factors set out in paragraphs 4.69 to 4.72 of the Expanding a Maintained Mainstream School by Enlargement or

Adding a Sixth Form Guide have been taken into account by applying the SEN improvement test. Proposals which do not credibly meet these requirements should not be approved and Decision Makers should take proper account of parental or independent representations which question the LA's own assessment in this regard.

Whilst no changes to the existing SEN provision at the school are being proposed, the expanded Park Lane Primary School will include a Group SEN classroom, a disabled toilet, and a lift for improved accessibility.

Views of Interested Parties

5.8.31 The Decision Maker should consider the views of all those affected by the proposals or who have an interest in them including: pupils; families of pupils; staff; other schools and colleges; local residents; diocesan bodies and other providers; LAs; the LSC (where proposals affect 14-19 provision) and the Early Years Development and Childcare Partnership if one exists, or any local partnership or group that exists in place of an EYDCP (where proposals affect early years and/or childcare provision). This includes statutory objections and comments submitted during the representation period. The Decision Maker should not simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead the Decision Maker should give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals.

After 95.6% positive responses received at Consultation stage, no further feedback or objections has been received by the Council.

Types of Decision

5.8.32 In considering proposals for the expansion of a school, 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.

Conditional Approval

5.8.33 The regulations provide for a conditional approval to be given where the Decision Maker is otherwise satisfied that the proposals can be approved, and approval can automatically follow an outstanding event. Conditional approval can only be granted in the limited circumstances specified in the regulations i.e. as follows:

- a) the grant of planning permission under Part 3 of the Town and Country Planning Act 1990;
- b) the acquisition of any site required for the implementation of the proposals;

- c) the acquisition of playing fields required for the implementation of the proposals;
- d) the securing of any necessary access to a site referred to in sub-paragraph (b) or playing fields referred to in sub-paragraph (c);
- e) the private finance credit approval given by the DCSF following the entering into a private finance contract by an LA;
- f) the entering into an agreement for any necessary building project supported by the DCSF in connection with BSF programme;
- g) the agreement to any change to admission arrangements specified in the approval, relating to the school or any other school or schools (this allows the approval of proposals to enlarge the premises of a school to be conditional on the decision of adjudicators to approve any related change in admission numbers);
- h) the making of any scheme relating to any charity connected with the school;
- i) the formation of any federation (within the meaning of section 24(2) of the 2002 Act) of which it is intended that the proposed school should form part, or the fulfilling of any other condition relating to the school forming part of a federation;
- j) the Secretary of State giving approval under regulation 5(4) of the Education (Foundation Body) (England) Regulations 2000 to a proposal that a foundation body must be established and that the school must form part of a group for which a foundation must act;
- k) the Secretary of State making a declaration under regulation 22(3) of the Education (Foundation Body) (England) Regulations 2000 that the school should form part of a group for which a foundation body acts;
- ka) where the proposals are to alter the upper age limit of the school, the decision of the Secretary of State to establish a new FE college under s16 of the Further and Higher Education Act 1992;
- l) where the proposals in question depend upon any of the events specified in paragraphs (a) to (ka) occurring by a specified date in relation to proposals relating to any other school or proposed school, the occurrence of such an event; and
- m) where proposals are related to proposals for the establishment of new schools or discontinuance of schools, and those proposals depend on the occurrence of events specified in regulation 20 of the School Organisation (Establishment and Discontinuance of Schools) (England) Regulations 2007 the occurrence of such an event.

5.8.34 The Decision Maker must set a date by which the condition must be met, but will be able to modify the date if the proposers confirm (preferably before the date expires), that the condition will be met later than originally thought. The condition-to-be-met-by date must be before the proposed implementation date of the proposal (which can also be modified if necessary). Therefore care should be taken when setting condition-to-be-met-by dates, particularly if proposals are “related” e.g. if a school is proposed to add a sixth form on 1st September one year, and enlarge on 1st September the following year, and the enlargement requires planning permission, the condition set must be met before the addition of a sixth form can be implemented (the earlier proposal). This is because as “related” proposals, they should both have the same decision, which in this case, would have been approval conditional upon planning permission being met. The proposer should inform the Decision Maker and the Department (SOCU, DCSF, Mowden Hall, Staindrop Road, Darlington DL3 9BG or by email to school.organisation@dcsf.gsi.gov.uk) of the date when a condition is modified or met in order for the Department’s records, and those of Edubase to be kept up to date. If a condition is not met by the date specified, the proposals must be referred back to the Decision Maker for fresh consideration.

Decisions

5.8.35 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.

5.8.36 A copy of all decisions must be forwarded to the Secretary of State (via the School Organisation & Competitions Unit, DCSF, Mowden Hall, Darlington DL3 9BG or by email to school.organisation@dcsf.gsi.gov.uk); the governing body; the local CofE diocese; the bishop of the RC diocese; and each objector except where a petition has been received. Where a petition is received a decision letter must be sent to the person who submitted the petition, or where this is unknown, the signatory whose name appears first on the petition.

5.8.37 In addition, where proposals are decided by the LA, a copy of the decision must be sent to the Office of the Schools Adjudicator, Mowden Hall, Darlington DL3 9BG. Where proposals are decided by the schools adjudicator, a copy of the decision must be sent to the LA that it is proposed should maintain the school.

5.8.38 The following bodies may appeal against an LA decision:

5.8.38.1 The local Church of England diocese;

5.8.38.2 The Bishop of the local Roman Catholic diocese;

5.8.38.3 The governing body of the Community School that is proposed for expansion.

5.8.39 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.

5.8.40 The Executive is aware though it is important to repeat, that in reaching a decision on a statutory proposal the decision maker i.e. the Executive in this case, must have regard to DFE Guidance. Excerpts from the Guidance Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form are attached at Appendix B of this Report, which sets out the nature of the decision making role that it is undertaking and the factors that it must take into account when determining a statutory proposal of this kind. A full set of the Guidance forms part of the background papers and is available from the Council's Asset Management Service, Children & Families or at www.dcsf.gov.uk/schoolorg.

6.0 DIVERSITY IMPLICATIONS

- 6.1 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.
- 6.2 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.
- 6.3 The schools proposed for expansion have a diverse ethnic representation of children. Expanding the schools listed in this report would enable the Council to provide additional new places required for Brent's growing pupil population.
- 6.4 Overall the expansion strategy will improve choice and diversity. The impact on Equalities will be kept under review and reported to the member level Strategy board on a regular basis together with proposals for the implementation of specific proposals within the Strategy.

7.0 STAFFING ISSUES

- 7.1 With the expansion of pupil numbers there is likely to be an expansion of posts rather than a reduction. The costs relating to the need to provide for additional pupils will be covered by the schools' budgets.
- 7.2 There are no implications for the immediate purpose of this report.

8.0 BACKGROUND PAPERS

- (i) Statutory Proposal Files

- (ii) Expanding a Maintained Mainstream School by Enlargement or Adding a Sixth Form (complete guidance document available from Asset Management Service or at www.dcsf.gov.uk/schoolorg).
- (iii) 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>
- (iv) Research Study - A Good School Places for Every Child in Brent, 2008
<http://intranet.brent.gov.uk/consultation.nsf/0/38c39cab7915e95c802573b8003feb74?OpenDocument>

Any person wishing to inspect the papers in connection with the above proposals should contact the originating officer at:

Head of Asset Management Service, Children and Families Department,
Chesterfield House, 9 Park Lane, Wembley, HA9 7RJ

Contact Officers :

Nitin Parshotam,
Head of Asset Management Service (Children and Families), Chesterfield House, 9
Park Lane, Wembley Middlesex HA9 7RW.
Tel: 020 8 937 3080 Fax: 020 8 937 3023
E-mail: nitin.parshotam@brent.gov.uk

JOHN CHRISTIE
Director of Children and Families