



Cabinet
16 November 2015

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

Wards:
ALL

School Place Planning Strategy 2014-18 - update

1.0 Summary

1.1 This report provides Cabinet with an update to the School Place Planning Strategy 2014-18. The strategy was approved by the Cabinet in October 2014.

1.2 The report updates Cabinet with regard to pupil projections and asks Cabinet to approve a number of amendments to the Strategy.

2.0 Recommendations

Cabinet are asked to:-

2.1 **Approve** the refresh of the Brent Pupil Place Planning Strategy provided as Appendix 1.

2.2 **Approve** the amendments to five of the sixteen operating principles which underpin the strategy outlined in section 3 of this report.

2.3 **Note** that whilst Primary School place projections indicate that demand for Reception places will slow down from 2016, recent changes in the birth rate mean that future projections are likely to be revised upwards. There will be a continued growth in demand for places in primary years other than Reception. All current planned expansions remain necessary.

2.4 **Note** that the demand for secondary places will increase from September 2016 with demand outstripping supply from 2018. Depending on the size of sites, the equivalent of two or three additional secondary schools will be needed by the 2022/23 academic year.

- 2.5 Approve** officers to work with the Education Funding Agency (EFA) to secure sites for new secondary schools to meeting the anticipated growth in demand for additional secondary places.
- 2.6 Note** the need to provide an additional 140 Special Educational Needs (SEND) specialist places.
- 2.7 Approve** the strategy of meeting the need for SEND places by providing 40 Additional Resources Provision (ARP) places in mainstream schools together with 100 places at new specialist Free School provision at the site of the former Avenue School in NW6
- 2.8 Approve** the revised financial profile.
- 2.9 Delegate authority for the** allocation of capital funding for future projects and programmes to the Chief Finance Officer in consultation with the Lead Members for Regeneration and Growth and Children and Young People.
- 3.0 School Place Planning Principles**
- 3.1** In October 2014 Cabinet approved the Brent School Place Planning Strategy 2014 -2018. Our strategy was underpinned by a commitment to improving the educational outcomes of all children and young people in Brent. A refresh to the strategy is provided as Appendix 1.
- 3.2** The Brent School Place Planning Strategy articulated our aspirations for Brent Schools:
- All Brent schools should be good or outstanding
 - All Brent schools should be part of a ‘family of schools’ which promotes resilience, mutual support and improvement
 - The Council and schools should work together to meet the challenge of providing sufficient school places
 - Schools should operate in good quality, safe premises
 - Children should be educated close to home
 - Schools should work with their local communities
 - Meeting the needs of children with special educational needs and disabilities should be central to our vision for education in Brent
 - We should make efficient use of resources.
- 3.3** The strategy also outlined a set of sixteen operating principles which would underpin our aspirations. These principles would be used to determine decision-making on future expansion and new build schemes.
- 3.4** The November 2015 refresh of the strategy proposes amendments to five of these principles. These amendments largely reflect changes to legislation and the anticipated demand for secondary places. They also enable the Council to use a more comprehensive and current indicator of quality. The proposed changes are outlined in the table below.

Principle No.	Original	Amendment
1	We will only undertake expansions at good and outstanding schools where leadership is secure	We will only undertake expansions at <i>high quality or improving</i> schools where leadership is secure
Rationale for change	A change of the quality indicator to use the wider intelligence gathered by the LA School Effectiveness Service, rather than the last Ofsted judgement as the sole quality indicator when assessing school suitability for expansion. The School Effectiveness Service include a wider range of school improvement criteria including the last Ofsted judgement, in agreeing intervention levels with schools. In particular this change allows for the fact that schools may have declined or improved since their last inspection.	
3	We will actively consider two site schools and 5FE primary schools where there is leadership and management capacity	We will actively consider two-site schools and 5FE primary schools where there is leadership and management capacity <i>and where this is a genuine expansion and not a new school</i>
Rationale for change	Change to take account of DfE Statutory Guidance on School organisations which prohibit expansion onto a second site which might be deemed a new school	
4.	We will develop local capacity to sponsor or promote new schools working with <i>primary</i> academies	We will develop local capacity to sponsor or promote new schools working with academies in all phases
Rationale for change	Change to enable this principle to be applied to all phases	
10.	We will as far as possible incorporate proposals for additional <i>primary</i> schools into new regeneration schemes	We will as far as possible incorporate proposals for new schools into regeneration schemes
Rationale for change	Change to enable this principle to be applied to all phases	
16.	After assessing educational suitability, schemes for expansion or new schools will be judged in terms of value for money and deliverability	After assessing educational suitability, schemes for expansion or new schools will be judged in terms of value for money, deliverability <i>and strategic fit with other Council investment programmes</i>
Rationale for change	Change that acknowledges that the provision of new schools and expansion of existing schools can be critical in supporting the Council in meeting wider regeneration ambitions for an area	

4.0 Primary Place Need

- 4.1** Along with most London Local Authorities, Brent commissions the Greater London Authority (GLA) School Roll Projection Services to provide school place forecasts. The GLA projections are informed by both centrally held demographic data, such as the Office of National Statistics (ONS) census data, fertility rates and birth rates together with locally held information such as migration patterns and planned housing growth. The methodology also takes account of “survival ratios” which are the percentage of children who historically move into the following academic year in an area. This is particularly important in Brent where there is a high level of pupil mobility and migration to schools in other boroughs.
- 4.2** In October 2014 officers informed Cabinet that the most recent data provided to the authority by the GLA indicated a substantial reduction in births across London, with a subsequent decrease in demand for Reception places. Birth numbers in Brent reached a peak of 5340 in 2012 before declining in 2013 and 2014 to 5078. GLA projections therefore currently indicate that, following a period of rapid growth, there will be an overall surplus in Reception places from 2016. Full detail of the primary projections can be found in Appendix 1, page 25, Figure i.
- 4.3** We are mindful however, that having declined in 2013 and 2014, birth rates have increased again in 2015. Most recent birth data indicates that around 5200 births are expected for 2015. These children will require a Reception place from 2019. We therefore expect that future projections will be revised upwards.
- 4.4** The GLA projections are a very good indicator of place need, but they remain a statistical model which should be seen as a valuable tool rather than a definitive position. Demand for school places can be highly localised as parents seek entry to popular schools but refuse places at others. As outlined above fluctuations in birth rates can also quickly lead to the projections being revised up or down. Additionally in recent years we have seen dramatic growth in confirmed and potential housing developments. We expect to see projections increase in the Council Growth Areas as additional developments are confirmed. The overall trend in primary place need remains an upward one.
- 4.5** In the recent past Brent has been forced, at very short notice, to open temporary annexe provision and bulge classes to meet a sudden sharp increase in demand for primary places. Whilst there may be still be a limited need for additional bulge classes, we would wish to reduce our reliance on such temporary provision, as it is neither educationally desirable nor cost effective. In recognition of this, together with the anticipated changes to projections outlined above and the growth in primary cohort size from Reception to Year 6, Cabinet recommended, in October 2014, that Brent should aim to maintain a 5% surplus in Reception places. The current primary surplus across the Borough is 2.02% and even with all planned expansions and proposed Free Schools it does not rise above 3% until 2022. This will

quickly be accounted for if, as expected, pupil numbers increase above current projections.

- 4.6** Following a detailed review by officers, it is recommended to continue with current permanent expansion plans, as per the School Expansion report to cabinet in July 2015, with the exception of that at Oakington Manor Primary School, who have withdrawn from the programme. Details of the approved current expansion programme can be found in Section 9 of the Appendix 1
- 4.7** In making this recommendation officers have taken account of a number of important considerations.
- I. Whilst the projections indicate an overall surplus on Reception places from 2016 this does not apply to all parts of the borough. In particular we anticipate a continued deficit of places in the North of the Borough (Planning Area 1 and potentially in PA3). Given the proximity of PA 2 to PA 1 and PA 3 we anticipate that any surplus in this area will help to meet this need.
 - II. Whilst demand for Reception places is projected to fall, demand for places in Year groups other than Reception will continue to rise. The current Reception cohort of 4157 is projected to increase to 4384 by Year 6. (*Appendix 1 Figure 1*). This demand is likely to absorb much of the planned additional primary capacity.
 - III. As outlined in Paragraphs 4.2 to 4.5 GLA projections can change very quickly and are expected to be revised upwards. Cabinet have agreed, if possible, to maintain a 5% surplus in Reception places. The Reception surplus across the borough is within the 5% target agreed by Cabinet in October 2014. The total primary surplus is much lower than this.
- 4.8** At this stage, no further proposals to permanently expand primary schools are being put forward. A reduction in the approved budget to reflect the withdrawal of Oakington Manor has been made in the revised financial profile at Appendix 2.
- 4.9** 2 primary Free Schools have been approved to open in Brent. Floreat School currently hope to open in a temporary location from 2017 and move to a permanent site in 2018. The proposed Ark Somerville Primary School does not yet have a confirmed site or opening date.
- 4.10** Officers will continue to work with the EFA to find a suitable free school provider to deliver the new primary school in the Oriental City/Edgware Road development as this is in a Planning Area of high need and the site is secured for the Council to enable a primary school to be provided.

5.0 Secondary Place Need

- 5.1** Secondary school roll projections, provided by the GLA, indicate the need for the equivalent of 2 or 3 new secondary schools in Brent by 2022 (Depending on the size of any available sites). This reflects the fact that the significant growth in the Primary population will be moving into the secondary phase. The number of children in Brent Primary Schools has increased by 10.81 per cent between May 2008 and May 2015, from 23,488 to 26,028 through years Reception to Year 6.
- 5.2** Additional secondary places can either be met by the expansion of existing schools or by the provision of new Free Schools.
- 5.3** There are no secondary community schools in Brent and the local authority does not have the power to require Academies to expand. Any expansion of an academy would need the approval of the Regional Schools Commissioner.
- 5.4** The costs of expansion of secondary schools to meet a demand for places would need to be met by the Council from Basic Need funding. Such costs are likely to be significant. Secondary expansion is generally more complex and costly than that for primary. The revised financial profile includes an indicative allowance of £3.7m per FE for additional secondary provision. Appendix 2
- 5.5** The cost of building new Free Schools would largely be met by the EFA, although the Council may be expected to make a contribution if a school is needed to meet basic need.
- 5.6** There is a however a risk to the Council in making assumptions on the delivery of school places through proposed free school developments. The Gladstone Secondary Free School has been approved to open in Brent, but the proposal has been delayed, until at least 2017, due to the inability of EFA to find a suitable site. If this proposal is not delivered, or there are delays in provision, the Council will have a statutory duty to provide and fund the required school places. This risk is reduced if the Council is pro-active in seeking proposers for new schools and working with the EFA to identify potential sites for new schools. The EFA is able to purchase commercial sites for Free Schools.
- 5.7** Given the level of the need for places in the secondary phase and the high costs of expansion; new Free Schools are therefore recommended as the preferred option to meet the projected increase in demand for secondary places.
- 5.8** It is also recommended that officers conduct an initial review of secondary sites to determine those which may be suitable for expansion should this prove necessary.

6.0 SEND and Alternative Provision Place Need

- 6.1** As of the May 2015 census in Brent schools there were 4,036 children assessed as requiring SEN support in primary schools and 1,393 in secondary schools. There is cross borough movement with Brent pupils attending out borough schools and other borough children attending Brent

schools. The number of children and young people attending Brent schools with an Education, Health and Care plan (EHCP) or a statement in May 2015 was 1424, 3 per cent of the total Brent school population of 47,762.

The total number of Brent resident children and young people with an EHCP or Statement at May 2015 was 1726, of these 1317 are in Brent provision and 409 attend out borough provision.

- 6.2** There are four special schools in Brent. The total capacity is currently 678 places broadly split between primary and secondary. There are also 5 mainstream schools with Additionally Resourced Provisions (ARP) which provide 105 additional specialist places, 54 in the primary phase and 51 in the secondary phase. 48 per cent of pupils with a statement or EHCP currently attend specialist provision, and 52 per cent are placed in mainstream schools. This is in line with national averages.
- 6.3** Since 2010, significant efforts have been made to increase the amount of special school places within the borough and to broaden their specialisms. All Brent special schools now provide for a wider range of needs than they did historically. This flexibility is important to meet emerging needs. Many of the children allocated to special schools now have complex needs which encompass a range of conditions.
- 6.4** All four of the boroughs special schools have expanded in the last four years, and this has helped to meet growth in demand. However, there are currently 61 pupils attending out borough maintained and academy special schools and 150 pupils attending independent provision also outside of the borough.
- 6.5** Children are often placed in these provisions because there is no appropriate place for them in Brent. The lower number of specialist secondary places has led to greater numbers of secondary aged pupils attending out borough provision. Of the 150 pupils currently placed in independent provision, 76 have Autism Spectrum Disorder (ASD) of which 58 are secondary aged, and 18 are primary. 32 pupils have SEBD needs, 28 in secondary and 4 in primary. There are 14 pupils with Speech, Language Communication Needs (SLCN) in independent provision, 12 secondary aged and two primary aged.
- 6.6** Placement costs in independent schools ranged from £25,692 to £104,000 in 2014/15, with an average cost of £40,483. Providing transport to independent provision is currently costing the Council in excess of £1.3million. The costs of providing additional specialist places in borough therefore need to be offset against the potential reduction in transport costs.
- 6.7** Notwithstanding the financial case, there is a strong educational and social rationale for the borough to place students within its own boundaries. The time taken to travel to more distant schools can be stressful to children and young people, especially those with physical needs, with more risk of traffic delays leading to loss of education. They are also less likely to develop friendship groups in their own communities, and the parents less able to take part in their support networks.
- 6.8** Once children are placed out borough it is very difficult to bring them back to in borough provision. This has meant long term reliance on out borough and independent placements often until children and young people are 19. Some children have such specific needs that cannot be met other than in very

specialist provision, but there is considerable scope to reduce these placements.

- 6.9** In May this year a review of the number of SEN specialist places was undertaken, reviewing existing provision and patterns of placement and forecasting future need.
- 6.10** The numbers of children with SEN will increase as a proportion of the overall rise in pupil numbers. By 2025 the numbers of Brent resident pupils with an Education, Health and Care Plan (EHCP) are expected to increase to 2,044. This may well be a conservative estimate as the Special Education Needs reforms introduced from 2014 will increase the number of pupils with EHCPs given the expansion of the age remit from 2 to 19 to 0 to 25.
- 6.11** In addition to predictable population growth, Brent also receives unpredictable inward migration of children with SEN. Between October 2013 and January 2015 22 children with a special educational need moved into the borough. While this is a small proportion of applications, it can have a disproportionate impact. SEN reforms mean that we can no longer fund schools to hold places in case they are needed later in the year, meaning these students often end up in expensive independent placements where they may remain for several years.
- 6.12** Whilst this increase has largely been seen in the primary phase to date it is now beginning to move into the secondary phase. There is increasing demand for places for children and young people with ASD, social, emotional and behavioural difficulties (SEBD) and speech and language needs (SLCN). It is expected that any new specialist provision will focus on providing for these cohorts of pupils.
- 6.13** Nationally the proportion of children in specialist provision has increased by 4% since 2010. If the current Brent proportion of 48 per cent of children with EHCP is maintained there will be a demand of 981 places by 2025, creating a gap between supply and demand of 198 specialist places.
- 6.14** To meet SEN demand to 2025 and reduce reliance on out borough special and independent schools, ensuring as many pupils as possible are placed locally, up to 140 SEN specialist places would need to be provided. Setting the requirement for 140 specialist places assumes a continuing need for 58 independent places to meet very specialist needs.
- 6.15** The requirement for additional SEND places could be met by the provision of a new SEN Free School and a number of new Additionally Resourced Provisions (ARPs). We expect that 100 of these places will be provided by a new special Free School at little or no cost to the Council and the balance of 40 places by ARP in mainstream schools.
- 6.16** Brent Special School heads have expressed interest in collectively sponsoring a new SEN/Alternative Education free school and are expected to make an application to the DfE to do so. The site of the former Avenue School in NW6 has been purchased by the EFA as a temporary location for a Westminster Council Free School. This will become available in 2018 and initial

discussions have been held with the EFA about the possibility of securing this site for a new special school.

- 6.17** The average size of a special school in London and England is 100 pupils. The Council would work with the EFA and any potential provider to ensure places at a new special school would be appropriate for pupils with ASD and severe learning difficulties.
- 6.18** The usual pupil capacity of an ARP is between 10 –15 and the balance of 40 places needed should be provided through ARP provision. There is a need for ARP provision for up to 25 SEBD places at primary and secondary phases and additional secondary provision of up to 15 SLCN places to provide an in borough pathway for those pupils who attend primary in borough SLCN provision.
- 6.19** 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 place.
- 6.20** Exclusion figures remain on a steady upward trajectory. Of particular concern is the steep increase in fixed term exclusions from primary schools. This increase reflects the national picture. Recently the service has seen a small increase in the number of very young pupils being permanently excluded. Currently such students are placed out of borough. Most are placed at the Family School in Islington.
- 6.21** Although an excellent provision with a focus on both academic and therapeutic progress the Family School takes pupils from other boroughs and has limited capacity. Its geography also means a long daily journey for young pupils and presents challenges in terms of successful implementation of re-integration programmes for the pupils back into mainstream school in Brent. There is therefore a clear need to develop additional in borough Primary pupil referral unit (PRU) provision of this kind. Officers are currently working to identify potential locations for this provision and will bring forward a further report if necessary.

7.0 Consultation

Headteachers, chairs of governors and unions were all consulted on the draft Strategy in 2014. The strategy was also placed on the Council consultation portal. The proposed changes to the operating principles outlined in section 3 of this report were discussed and supported by the Strategic School Effectiveness Partnership Board on 30 September 2015. This board includes representation from all primary, secondary and special schools, together with the Brent Schools Partnership. The board is chaired by the Strategic Director for Children and Young People .

8.0 Financial implications

8.1 Since the 2011/12 financial year, the Council has received **£154.14m** from Basic Need, Targeted Basic Need and Targeted Capital Fund grant allocations from central government to provide school places, as follows:

- 2011/12 to 2013/14 Basic Need Grant Received - £91.16m
- 2014/15 to 2016/17 Basic Need Grant Allocated - £40.95m
- 2013/14 Targeted Basic Need Grant Allocated - £3.87m
- 2017/18 Basic Need Grant Allocated - £15.32m
- Retention of Targeted Capital Funding Allocated - £2.83m

8.2 A further **£16.88m** has been secured through S106, school and diocesan board contributions and the Council's own capital programme, as follows:

- Council Contributions - £2.90m
- School/Diocese Contribution - £1.44m
- Unsupported Borrowing (funded by Dedicated Schools Grant) - £1.3m
- S106 Funding - £8.65m.
- Capital Maintenance Fund - £2.59m

8.3 A total of £43.81m (including 0.23m in 2011/12) has been spent on both temporary and permanent school places to the end of the 2014/15 financial year from these funding sources. A further £103.25m.(including 3.33m for the Schools Capital Portfolio Team) has been committed to the delivery of schemes adopted as part of the School Place Planning Strategy approved in October 2014 (projects listed in Section 10 of Appendix 1) and the additional Temporary School Expansion projects approved by Cabinet in July 2015. Approved expenditure and commitment costs total £147.07m in the period from 2011/12 to 2020/21. See appendix 2 for revised financial profile of the period 2012/13 to 2020/21.

8.4 The Council's ability to fund further schemes beyond those already approved and underway will be dependent upon the remaining levels of secured funding being allocated for the purpose and on future allocations of Basic Need Grant funding being made. Work is ongoing to identify and secure additional funding sources for the future requirements of this programme, for example through the Community Infrastructure Levy.

8.5 Basic Need capital grant is not time bound or ring-fenced, it can be used for any capital purpose. However, the EFA have stated that it is expected to be used for investment in schools, joining up with other capital resources when it is beneficial for schools to do so. There is currently a surplus of £23.96m secured capital funding over approved schemes and as such it is recommended that the allocation of capital funding for future projects and programmes be delegated to the Chief Finance Officer, through the Capital Investment Panel and in consultation with the Lead Members for Regeneration and Growth and Children and Young People, taking into account other priorities in the Council's capital programme.

- 8.6** Predicting the future costs of providing school places remains inherently difficult to forecast. Construction costs are currently rising at a rate significantly in excess of inflation, as identified in a study undertaken by London Councils in 2014 and, more recently, by both the West London Alliance across the group of neighbouring boroughs and by Brent officers in relation to our own costs. 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.
- 8.7** The nature of secondary and SEN education means that the development of additional places in these phases presents additional complexities, and thus costs, than those found in primary expansion. If required, the cost of land acquisition and assembly could significantly alter whole project costs. The indicative forecast costs shown in the attached revised financial profile assume that the Council would entirely fund the building of three new secondary schools at a cost of £70.30m, but they do not include the cost of any land acquisition as such costs cannot be funded from the Basic Needs Capital Grant.
- 8.8** For future planning it is important to consider the ways in which additional school places can be provided with limited or no cost to the Council. This is described in section 5 of this report in relation to working with the EFA to establish new schools.
- 8.9** The strategy refresh includes an update on existing and proposed free schools for the borough. To date Free Schools have provided 2FE primary school places and 3.1FE Secondary places funded directly by the Education Funding Agency at no cost to the Council. Additional proposals will potentially provide a total of 8FE primary school places and 6FE secondary school places in the 2015-18 period. This is subject to the EFA being able to secure permanent sites.
- 8.10** There is risk to the Council in making assumptions on the delivery of school places via Free School developments. If proposals are not forthcoming or if the EFA are not able to secure sites the Council will nevertheless have the statutory duty to provide and fund the necessary school places. This risk is reduced if the Council is pro-active in seeking proposers for new schools and working with the EFA to secure sites. However the future costs outlined in Appendix 2 include an indicative funding allowance to enable the Council to provide an additional 19FE secondary school places.
- 8.11** The revenue funding for schools is based on an annual census of pupil numbers, in line with the National Funding Formula. If, at the request of the local authority, a school takes on additional pupils, bulge classes, expansions and new provision in satellites after the census has been taken, the school will receive funding from the Council's Dedicated Schools Grant (DSG). This funding is for a full class for the remainder of the financial year and the following financial year and has been put in place to ensure that schools are not adversely financially affected by expansion. The funding has been set at differing rates dependent on the nature of the expansion, where schools will receive £3,300 per pupil or £3,600 per pupil if they are placed in an annexe or off site building to the school. The funding model and budget for expansions is agreed by the Brent Schools Forum on an annual basis.

9.0 Legal implications

- 9.1** The Council has a general statutory duty under Education Legislation to ensure that there are sufficient school places available to meet the needs of the population in its area. The Council must promote high educational standards, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential and increase parental choice. To discharge this duty the Council has to undertake a planning function to ensure that the supply of school places balances the demand for them
- 9.2** As a contingency, to support the admission to school of children as quickly as possible, the In Year Fair Access Protocol allows for the admission of children over schools' planned admission numbers in the event that a school place is not available. Schools are not required to maintain classes over the planned admission number but revert to the usual admission number when children leave.
- 9.3** Statutory proposals are required for a 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). Proposals may also be required for some cumulative expansions and a review of any other enlargements that were made without the need for statutory proposals would need to be made before determining if statutory proposals would be required.
- 9.4** This means adding those enlargements made:
- in the 5 year period that precedes the proposed expansion date
 - since the last approved statutory proposal to enlarge the school (within this 5 year period)
 - exclude any temporary enlargements (i.e. where the enlargement was in place for less than 3 years)
 - add the making permanent of any temporary enlargement.
- 9.5** Under current admissions code children can be admitted above the Published Admission Number (PAN). For community/voluntary controlled schools the Council as admission authority must consult the Governing Body of the school where it proposes to either to increase or keep the same PAN.
- 9.6** 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 Body whose redress would be to object to the schools adjudicator.
- 9.7** The Council is required under section 149 of the Equality Act 2010 when exercising its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, and 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, 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 or policies developed consideration must be given to the impact/affect that implementing a particular policy or decision will have in relation to equality before making that decision.

- 9.8** Under section 37 of the Education Act 2011 if the Council considers a new school needs to be established in its area, the Council must seek proposals for the establishment of an Academy.
- 9.9** Given there is a presumption that any new school site provided by a local authority would be for a sponsored academy, the Council would in general be expected to grant a 125 year lease at a peppercorn rent to the academy. This approach is intended to be consistent with the existing guidance on community schools converting to academies where a local authority grants to the new academy a 125 lease of the community school site at a peppercorn rent. If in the alternative the Council is asked by the Department of Education to provide a new site for a free school it would also be expected to grant a peppercorn lease to the free school in accordance with Department of Education Guidance updated January 2014.
- 10.0 Diversity implications**
- 10.1** The strategy aims to address equality issues around social disadvantage and disability. This was tested during the consultation period and is reflected as far as possible in the final strategy. An Equality Analysis Screen has been completed. Any proposals to expand existing schools are subject to a full Equality Analysis.

11.0 Staffing/accommodation implications (if appropriate)

None specific to this report

Background Papers

October 2014 Report to Cabinet

<http://democracy.brent.gov.uk/ieListDocuments.aspx?CId=455&MId=2559&Ver=4>

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