



Cabinet
24 July 2017

**Report from Strategic Director of
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 that was approved by Cabinet in October 2014 and updated in November 2015.

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 Note that demand for Reception places from September 2017 is expected to reduce over the next few years, before recovering to near 2017 levels. This reduced demand is underpinned by lower birth rates. As birth rates fluctuate and further housing developments are delivered, it is possible that projections may be revised upwards. It is likely that there will be growth and continued pressures in some areas of the Borough or in specific year groups.

2.3 Note that the demand for secondary places is forecast to increase and outstrip supply by 2020. The equivalent of two additional secondary schools will be needed by the 2023/24 academic year. This capacity could be provided through a combination of new schools and expanded provision.

2.4 Note that the number of children and young people with Education, Health and Care (EHC) Plans is expected to increase. Exclusions from schools are also on an upward trend and many of these pupils have complex needs.

2.5 Note the strategy for meeting additional SEND places.

3.0 School Place Planning Principles

3.1 In October 2014 Cabinet approved the Brent School Place Planning Strategy 2014 -2018 that was underpinned by a commitment to improving the educational outcomes of all children and young people in Brent. The strategy was refreshed in November 2015. A further 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 that underpin our aspirations, which were updated in November 2015. These principles are used to determine decision-making on future expansion and new build schemes.

4.0 Primary Place Need

4.1 Along with most London Local Authorities, Brent commissions the Greater London Authority (GLA) School Roll Projection Service 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 and fertility and birth rates, and locally held information, such as migration patterns and planned housing growth. The methodology also takes account of 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. Following many years of rapid growth, the forecasts indicate an overall surplus in Reception places from 2017. Full detail of the primary projections can be found in Appendix 1.

- 4.3** Brent divides schools into 5 Primary Planning Areas. However, given pupil movement across areas, they are not considered in isolation. The data show that there is sufficient capacity across the three planning areas to the north of the North Circular (Primary Planning Areas 1, 2 and 3) to meet anticipated demand.
- 4.4** Forecasts in Planning Areas 4 and 5 show sustained lower demand and increasing surplus places. The impact of this is currently being considered in the context of both school places and the school capital investment budget. Planning Area 5 includes the South Kilburn Regeneration Area.
- 4.5** The GLA projections are an indicator of need that can be revised if key factors change, such as the birth rate or the new housing trajectory. Brent has in the past experienced volatility in the primary-aged population. While overall projections indicate a downward trend, it is likely that there will be growth in some areas, such as the Council Growth Areas as additional housing developments are confirmed, or in specific year groups as they move through the primary system. Demand for school places can also be highly localised as parents seek entry to popular schools.
- 4.6** In recognition of the need to ensure that the Council can respond to increases in demand through permanent, high quality provision, Cabinet recommended, in October 2014, that Brent should aim to maintain a minimum 5% surplus in Reception places. The current (2016/17) primary surplus across the Borough is 4%. At this stage, no further proposals to permanently expand primary schools are proposed.
- 4.7** Two primary Free Schools have been approved to open in Brent. The DfE has delayed opening Floreat Colindale Primary until 2019 to allow the school to open on its permanent site. Ark Somerville Primary School is also planned to open in September 2019 on the York House site.

5.0 Secondary Place Need

- 5.1** The number of children in Brent primary schools increased by 12.8% between May 2008 and May 2016 (from 23,488 to 26,502). Larger year groups are now moving into the secondary phase. Secondary school roll projections, provided by the GLA, indicate that demand will outstrip supply by 2020 and the need for the equivalent of two new secondary schools in Brent by 2023 (12 forms of entry).
- 5.2** Additional secondary places can either be met by the expansion of existing schools or by the provision of new Free Schools. There are no secondary community schools in Brent and the local authority does not have the power to direct Academies to expand. Any expansion of an academy would need the approval of the Regional Schools Commissioner.
- 5.3** In the short term, Alperton is planning to expand by a further 2FE from 2018 (on its Stanley Avenue site), subject to approval by the Regional Schools Commissioner. This will address immediate pressures for Year 7 places. It should also be noted that Crest Academy has the capacity to support its

published admission number of 330, even though recent intakes have been lower.

- 5.4** The costs of expansion of secondary schools to meet demand for places would need to be met by the Council from Basic Need funding (see Section 7). Secondary expansion is generally more complex and costly than that for primary. The revised financial profile includes an indicative allowance of £3.7m per form of entry for additional secondary provision.
- 5.5** The cost of building new Free Schools would largely be met by the Education and Skills Funding Agency (ESFA), including purchasing commercial sites. Given the level of the need for places in the secondary phase and the high costs of expansion, new Free Schools are considered a preferred option to meet the projected increase in demand for secondary places.
- 5.6** Two new Free Schools were approved by DfE in November 2016 that will expand secondary capacity. The North Brent Free School is planned to provide 6 forms of entry and the Avanti Free School, an all-through school, will provide 6 secondary forms of entry and 2 primary forms of entry. These schools will be unable to open until permanent sites are identified. The Council is working closely with the ESFA to identify suitable sites. The Avanti Free School will have a Hindu ethos and is expected to attract students from a wide geographic area and, therefore, to have limited impact on Brent's basic need. Given the difficulty in finding sites, this school may not be located in Brent.
- 5.7** There is risk to the Council in making assumptions on meeting all basic need through Free School developments. If the ESFA is not able to secure sites, the Council will nevertheless have the statutory duty to provide the necessary school places. The Council reduces this risk by being pro-active in seeking proposers for new schools and working with the ESFA to secure sites. It could theoretically be possible to meet anticipated demand by expansions of some existing schools and officers are engaging with secondary schools to discuss this potential.

6.0 SEND and Alternative Provision Place Need

- 6.1** There continues to be a rise in demand for specialist provision given the increasing population, the extension of the age range for Education, Health and Care Plans (EHC Plan) from 0-25 and children new to the Borough with SEND, together with an increasing complexity of needs. This includes children and young people assessed as requiring SEN Support and the number of children and young people with an EHC Plan.
- 6.2** As of January 2017 there were 1960 (SEN 2 Return) Brent resident children and young people with an EHCP or statement, of whom 1824 Brent resident were attending a school and 136 were attending a further education provision. This includes 413 children and young people with an EHCP Plan or statement in out-of-borough mainstream, specialist or independent provision. 52% of pupils with a statement or EHCP currently attend specialist provision, and 48% are placed in mainstream schools.

- 6.3** Since 2010, significant efforts have been made to increase the number 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 complex needs which encompass a range of conditions.
- 6.4** All four of the Borough's special schools have expanded in the last four years, and this has helped to meet growth in demand. There are also 5 mainstream schools with Additionally Resourced Provision (ARP), which provide 98 additional specialist places (51 primary and 47 secondary). However, there are currently 114 pupils attending out-of-borough maintained and academy special schools and 131 pupils attending out-of-borough independent provision.
- 6.5** Children are often placed in these provisions because there is no appropriate school place for them in Brent. Of the 131 pupils currently placed in independent provision 68 have a diagnosis of Autism Spectrum Disorder (ASD), 23 pupils have SEMH (Social, Emotional and Mental Health difficulties), 10 pupils have MLD (Moderate Learning Difficulty) and 10 pupils have SLCN (Speech, Language And Communication Needs). This provision is expensive, but there are also strong education and social reasons for placing students within the Borough.
- 6.6** Working with local schools, the Council needs to develop additional provision locally. The main areas of identified growing need are Autistic Spectrum Disorder (ASD) and Social, Emotional and Mental Health (SEMH) difficulties. It is anticipated that the requirement for additional SEND places will be met by the provision of a new SEN Free School and new Additionally Resourced Provision.
- 6.7** Brent Special Schools Academy Trust (BSSAT), which comprises Manor, The Village and Woodfield Special Schools, is sponsoring a new Free School for 100 places for children with complex ASD needs. The Council is waiting for the ESFA to confirm arrangements regarding the Avenue site, where it is hoped the school will open in September 2018. In the meantime, the Manor School will expand by 18 places through the establishment of satellite provision on the Queens Park Community School site (in accommodation previously used by the Village School while being rebuilt). This will provide three classes - Early years (age 4-6), KS 2 (lower end) and KS2 (upper).
- 6.8** An additionally resourced provision is being planned for Children with ASD at Fryent Primary School from September 2017 providing 14 places and a further 14 places by 2018.
- 6.9** 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.
- 6.10** Exclusion figures remain on a steady upward trajectory. Of particular concern is the steep increase in fixed term exclusions from primary schools, which is in line with the national picture. Recently there has been a small increase in the number of very young pupils being permanently excluded. Currently such students are placed out-of-borough, which does not help reintegration. Most are

placed at the Family School in Islington, a therapeutic provision. To address local need, 6 additional places for Key Stage 1 and Key Stage 2 pupils are being created at Brent Pupil Referral Unit (Brent River College) from September 2017. BRC is also planning to create 6 additional preventative places for children at risk of permanent exclusion (commissioned directly by schools). Two primary schools are now offering part-time preventative programmes for early intervention – 3 Key Stage 1 places at Sudbury Primary School and 3 Key Stage 2 places at Roe Green Junior School.

6.11 62 secondary aged pupils (mainly Key Stage 4) are currently placed by the local authority in Alternative Provision both in and out of the Borough. Some have been excluded and some require provision that includes a vocational element to best meet their needs. Schools also commission places in Alternative Provision to meet the needs of individual pupils. Planning has begun on the development of additional Alternative Provision within the Borough to increase availability and the quality of provision, including individualised packages for secondary age pupils. Key to this will be to have the right accommodation.

7.0 Funding

7.1 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
- 2018/19 Basic Need Grant Allocated - £0
- 2019/20 Basic Need Grant Allocated - £1.87m
- Retention of Targeted Capital Funding Allocated - £2.83m
- 2018/18 Special School Capital Grant Allocated - £1.7m

7.2 A further £16.8m 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 - £1.26m
- Unsupported Borrowing (funded by Dedicated Schools Grant) - £1.3m
- S106 Funding - £8.68m
- Capital Maintenance Fund - £2.66m

7.3 Basic Need capital grant is not time bound or ring-fenced, it can be used for any capital purpose. However, the ESFA 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. A total of £73.22m has been spent on both temporary and permanent school places to the end of the 2016/17 financial year

from these funding sources. A further £70.84m (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.

7.4 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.

7.5 The nature of secondary and SEN education means that the development of additional places in these phases presents additional complexities, and thus higher costs than for primary expansions. Predicting the future costs of providing 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 the National School Delivery Cost Benchmarking survey, undertaken by the Local Government Authorities Association identifying actual delivery costs of primary, secondary and SEND schools. The Royal Institution of Chartered Surveyors (RICS) and Building Cost Information Service (BCIS) note that following the BREXIT vote, this will result in a potential period of uncertainty within the construction industry. 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.

8.0 Financial implications

8.1 The changes in primary and secondary pupil numbers will be reflected in the DSG revenue funding allocated to Brent as per the proposals for a national funding formula from 2018/19. Expanding the number of funded places in alternative provision and high needs will have revenue implications. All provision is to be funded from the High Needs Block of the Dedicated Schools Grant (DSG). The High Needs funding proposals for 2018/19 onwards indicate that Brent is unlikely to receive growth funding in the medium term, but that funding will instead be protected at existing funding levels. Consequently expanding in-borough provision must be managed from within existing High Needs resources. This is achievable provided, as outlined in the report, that the new provision replaces current out of-borough arrangements at lower or equal cost.

8.2 School Places are funded primarily from Capital Grant allocations from Central Government. There is a gap between the resources available and the places required (whether through a new school or additional classrooms). However, there is a piece of work underway to understand whether the gap can be covered by future years' capital allocation from DfE.

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 processes should be followed for any proposed enlargement of the school premises that would increase the capacity of the school by both more than 30 pupils and 25 per cent or 200 pupils (whichever is the lesser). Governing bodies can propose smaller expansions without the need to follow the statutory process. Proposals may also be required for some cumulative expansions. A review of any earlier enlargements that were made without the need for statutory proposals would need to be made before determining if the statutory process should be followed.
- 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.

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

- 9.5** 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 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 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.

9.8 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 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), 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 or change.

10.2 The School Place Planning Strategy 2014-18 aims to ensure that there are sufficient and suitable school places for all Brent children and that their changing diverse and special education needs are met. It also aims to raise the education standards for all and address inequality due to social disadvantage, disability (including multiple complex needs) and/or other protected characteristics, and contributes to the delivery of the council's equality duties.

10.3 The strategy is reviewed and updated every year to reflect the changing demographics and ensure that the diverse and special education needs of Brent children continue to be effectively met. The findings and the equality analysis screening of this year's review show that there is currently a slowdown in demand for primary school places but a demand increase for secondary school places, The demand for Special Education Needs school places in the Borough is exacerbated and while the proposed changes will help alleviate some of the pressure, the report highlights the increasing need for additional

provision of Brent school places for children with Autism and Social Emotional and Mental Health needs.

10.4 A new strategy will be developed in autumn 2017, which will be subject to a comprehensive consultation with key stakeholders and a full Equality Analysis (EA). In the meantime, any proposals to expand existing schools will continue to be subject to a full Equality Analysis.

11.0 Staffing/accommodation implications (if appropriate)

None specific to this report

Background Papers

November 2015 Report to Cabinet

<http://democracy.brent.gov.uk/ieListDocuments.aspx?CId=455&MId=2767&Ver=4>

October 2014 Report to Cabinet

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

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