

	<b>Cabinet</b> 12 November 2018
	<b>Report from the Strategic Director of Children and Young People</b>
<b>School Place Planning Strategy 2019 – 2023</b>	

<b>Wards Affected:</b>	All
<b>Key or Non-Key Decision:</b>	Information
<b>Open or Part/Fully Exempt:</b> <small>(If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)</small>	N/A
<b>No. of Appendices:</b>	One: • London Borough of Brent School Place Planning Strategy 2019-2023
<b>Background Papers:</b>	N/A
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## 1.0 Purpose of the Report

- 1.0 This report provides Cabinet with a new School Place Planning Strategy covering the period 2019 to 2023. The School Place Planning Strategy 2019-23 includes the latest projections for primary and secondary school places and demand for places for children with Special Educational Needs and Disabilities (SEND) and early years provision.

## 2.0 Recommendations

That Cabinet:

- 2.1 Approve the new School Place Planning Strategy 2019–2023 provided as Appendix 1.
- 2.2 Note that demand for Reception places is expected to continue to reduce over the next five years before recovering to the 2018 level of demand in 2022/23.

- 2.3 Note that demand for secondary places is increasing with a need for an additional 13 forms of entry by 2023/24 to meet demand and ensure there is sufficient capacity to manage in-year admissions. This capacity could be provided through a combination of new schools and expanded provision.
- 2.4 Note the anticipated increase in demand for places that meet the needs of children and young people with SEND places and planned strategies for addressing this need.
- 2.5 Note the strategy for ensuring sufficient Early Years provision.

### **3.0 Detail**

- 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. Over the last four years, Brent's self-improving school-led system has become firmly embedded in the Borough, with a shared responsibility for school effectiveness and improvement between the Local Authority and schools. Since 2014 the number of good and outstanding schools in Brent has increased from 78% to 96% in September 2018. Within this context, the 2019-2023 School Place Planning Strategy presents the objectives and operating principles that underpin the Council's approach to school organisation to deliver the best quality of education provision to support the best outcomes for Brent children. The Brent School Place Planning Strategy 2019-2023 sets the following expectations:
- All Brent schools are good or outstanding, with an increased proportion of schools outstanding, over the duration of this strategy
  - All Brent schools thrive in effective partnerships with other schools, promoting resilience and mutual support
  - The Council and schools work together to meet the challenge of providing sufficient school places
  - The delivery of sufficient school places enables the achievement of the aims and objectives of the Brent Strategic Framework for School Effectiveness 2017-2020
  - All schools operate in good quality, safe premises
  - Children are educated close to home
  - Schools work with the local communities they serve
  - The Council and schools work in partnership to effectively meet the needs of children with Special Educational Needs and Disabilities
  - The Council and schools make efficient use of resources.
- 3.2 The Brent School Place Planning Strategy 2019-2023 provides an assessment of school place demand across the Borough based on the latest pupil projections. The projections that Brent and most other London authorities use to inform place planning are provided by the Greater London Authority (GLA). The GLA projections are refreshed each year and are informed by centrally held demographic data, such as the Office of National Statistics (ONS) census data and fertility and birth rates, as well as locally held information, such as migration

patterns and planned housing growth that is provided by the Local Authority. The methodology also takes account of the percentage of children who historically move into the following academic year in an area. This is particularly important in Brent where there is a high level of pupil mobility and migration to schools in other boroughs. 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.

- 3.3 The latest forecasts reflect adjustments the GLA has made to the projection model in 2018 due to an over estimation by Office of National Statistics (ONS) of 0-4 year olds in London over the period 2012-2016. Based on analysis of the ONS mid-year population estimates, the GLA has reduced its population estimates of 0-4 year olds for London in 2016 by 24,000. The impact on Brent and other London boroughs is a reduction in pupil populations compared to previous projections.

#### **4.0 Primary Place Need**

- 4.1 Following unprecedented growth in demand for primary school places in Brent from 2006-2015, demand for Reception places across the Borough plateaued in September 2016 and reduced in September 2017. The latest Greater London Authority (GLA) projections (based on January 2018 school census) indicate that demand for Reception will continue to reduce before recovering to the 2018 level of demand in 2022 (Appendix 1). This pattern of reducing primary demand in Brent is consistent with many other London boroughs. Full detail of the primary projections can be found in Appendix 1.
- 4.2 Brent has five primary planning areas based on the geographic grouping of schools. By dividing the Borough into planning areas officers can more easily ensure that places are provided near to where children live, although in reality some children travel across planning areas to attend school. Demand for school places can also be highly localised as parents seek entry to schools perceived as popular.
- 4.3 Brent aims to maintain a minimum 5% spare places to ensure that there are sufficient places to respond to in-year movement and migration. Forecasts for planning areas 2, 4 and 5 are showing sustained lower demand and increasing spare places. While this means that overall parents will have an increased choice of places, reduced intakes can present organisational challenges for schools. The 2019-23 School Place Planning Strategy identifies a number of areas where, in the context of increasing spare places, a review of primary provision is planned to ensure that provision is sustainable over the next five years. In the short-term the Local Authority will be supporting schools in managing reduced school intakes with measures such as temporarily reducing Published Admission Numbers (PANs).
- 4.4 Only Planning Area 3 is indicating a significant shortage of places over the next five years due to the intensive house building programme in the Wembley Central and Alperton growth areas. A new free school, Ark Somerville Primary School, has been approved by the Department for Education (DfE) to open in this area on the York House site in Wembley to meet future demand.

## **5.0 Secondary Place Need**

- 5.1 The number of children in Brent primary schools increased by 12.8% between May 2008 and May 2017 (from 23,488 to 26,502). Demand for places in Year 7 increased in 2017 and is expected to continue to increase as the significant growth in pupil numbers in the Primary phase in Brent progresses into the secondary phase. The 2019-23 School Place Planning Strategy identifies the need for an additional 13 forms of entry by 2023/24. Brent aims to retain 5% spare places in Year 7 to meet demand and ensure there is sufficient capacity to manage in-year admissions.
- 5.2 Additional secondary places can either be met by the expansion of existing schools or by the provision of new Free Schools. A number of secondary schools have expressed an interest in expanding. The local authority cannot direct any secondary schools to expand as they are all either voluntary aided schools or academies. The expansion of an academy requires the approval of the Regional Schools Commissioner.
- 5.3 The costs of expanding secondary schools to meet demand for places would need to be met by the Council from Basic Need grant funding or other sources available to the Council should that be insufficient. Secondary expansion is generally more complex and costly than that for primary. The current working assumption is an indicative cost of £4.5m per form of entry for additional secondary provision.
- 5.4 Two new Free Schools were approved by DfE in November 2016 that, if located in Brent, will expand secondary capacity. The 'North Brent' Free School (working title) is expected to open in September 2020 on the Chancel House site, providing 6 forms of entry. The Avanti Free School, an all-through school, will provide 6 secondary forms of entry and 2 primary forms of entry. This 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. A site for this school has not yet been identified and it may not be located in Brent.
- 5.5 There is a risk to the Council in assuming that new Free School developments will help to address the forecast shortfall in secondary places. For example, if the 'North Brent' Free School does not open in 2020, the Council will nevertheless have the statutory duty to provide the necessary school places. Council officers are engaging with Brent secondary schools to discuss potential expansions to meet anticipated demand.

## **6.0 SEND and Alternative Provision Place Need**

- 6.1 Demand for places that meet the needs of children and young people with SEND is increasing. This is in part in proportion to the overall rise in pupil numbers, but also due to increased diagnosis and the extension of services to children and young people aged 0-25 with SEND. Increased demand is indicating the need for additional local provision.

- 6.2 4% of children and young people resident in Brent have an EHCP, compared to 2.9% of the national school-age population. The number of children and young people with EHCPs increased by 8.6% from 2016 to 2017 and by 6.0% from 2017 to 2018. As of January 2018 there were 2076 (SEN2 Return) Brent resident children and young people with an EHCP, of whom 1900 were attending a school (Reception to year 14) and 176 were attending a further education provision (age-range 16-25). The main areas of identified growing need are Autistic Spectrum Disorder (ASD) and Social, Emotional and Mental Health (SEMH) difficulties.
- 6.3 Many children with EHCPs can have their needs met in a mainstream setting. However, over the past three years the proportion of children and young people with EHCPs attending a mainstream setting has reduced. In 2018 (SEN2 return) 45% of children and young people with EHCPs attended a mainstream provision compared to 49% in 2016. The number of children and young people with EHCPs attending a special provision, including SEND units and Additionally Resourced Provisions, has increased from 51% in 2016 to 55% in 2018.
- 6.4 The number of places in Brent special schools has increased since 2010. There are also 7 mainstream schools with Additionally Resourced Provision (ARP), providing 81 primary places and 31 secondary places. However, despite an increase of 162 special places since 2012 to bring the number of places available to 809, there are not sufficient local places for Brent children with SEND and Brent continues to be reliant on sourcing places in out-of-borough maintained special schools or Independent schools. This provision is expensive and can limit children and their families' access to local support networks.
- 6.5 Increased cohorts of primary children with EHCPs will be moving through to the secondary phase over the next five years. A new Free School sponsored by Brent Special Schools Academy Trust (BSSAT) will provide 100 places for children aged 5-18 with complex ASD needs. The school is expected to open on The Avenue site in September 2020. However, to ensure sufficient local places, additional secondary special places are required to cater for pupils with ASD/MLD/SLD.
- 6.6 A new independent provision, the Corner School, will open in 2018 to cater for up to 35 primary aged children who have social, emotional and/or mental health difficulties (SEMH). The school will provide access to mental well-being therapeutic support. Brent will commission places at this provision (along with other local authorities) to reduce the number of primary aged children with an SEMH need being placed out of the Borough.
- 6.6 The Council has a statutory duty to provide an appropriate full-time education for pupils who have been permanently excluded from school or who are otherwise without a mainstream school. Overall, exclusion figures for all Brent pupils have shown a decrease over the last 5 years (since 2014-15) for both fixed term and permanent exclusions. This is very positive and does not reflect the national trend. Support is available from the Council for Brent schools to reduce the number of exclusions, with a focus on early identification and

prevention strategies working closely alongside pastoral teams in mainstream settings.

- 6.7 Brent continues to place secondary aged pupils 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 based at the Roundwood Centre to increase the availability of local, high quality provision, including individualised packages for secondary age pupils.

## **7.0 Early Years**

- 7.1 Under the Childcare Act 2006 local authorities have a statutory duty to secure sufficient childcare for the needs of most working parents/carers in their area. There has been an overall increase in the number of places with PVI providers in the Borough and a reduction in places in maintained and childminder provision. In 2018 there are 5077 places at PVI providers, compared to 4186 in 2015. The number of places in maintained and childminder provision has reduced from 4426 to 4263 over the same period. There is a good balance of free entitlement places being delivered across different setting types. Free childcare for 30 hours per week for 3 and 4 year olds with working parents became a statutory entitlement in September 2017 and implementation of this has been successful, with 94% take-up achieved in the summer term 2018. There is evidence of increased numbers of children with SEND accessing specialist nursery places. However, additional specialist nursery places will be required to meet the challenge of children with SEND accessing the 30 hour offer.

## **8.0 Financial Implications**

- 8.1 Mainstream school places are funded from the annual Dedicated School Grant based on pupil numbers as per the October school census in the preceding year. This means that, although there is a time lag, the revenue cost of mainstream pupil growth is recognised and funded by the DfE.
- 8.2 School budgets are devolved to respective school governing boards but are under pressure from real terms funding reductions to the DSG. As schools are funded on the basis of pupil numbers, it is likely that small schools and those with falling numbers on roll will find it most difficult to balance their budgets in the medium term. Larger and growing schools are more likely to successfully manage the funding reductions.
- 8.3 Expanding the number of funded places in Alternative Provision and high needs provision will have revenue implications, as they are funded from the High Needs Block of the Dedicated Schools Grant (DSG). The High Needs funding guidance for 2019/20 onwards indicates that Brent is unlikely to receive sufficient growth funding to meet the demand pressures. Consequently expanding in-borough provision must be managed from within existing High Needs block resources. In order to help manage the financial pressure new in-

borough provision must replace current out-of-borough arrangements at lower cost. Reducing out-of-borough provision will also help mitigate the financial pressure on the transport budgets held in the General Fund.

- 8.4 There are no further primary school expansions included in the Council Capital Programme. Capital investment to support the delivery of additional secondary school places projected as needed is being considered through the Capital Investment Panel. In terms of capital funding, since the 2011/12 financial year, the Council has received £161.17m from Basic Need, Targeted Basic Need and Targeted Capital Fund grant allocations from central government to provide school places, the most recent allocations are as follows:

- 2017/18 Basic Need Grant Allocated - £15.32m (allocation increased in January 2018)
- 2018/19 Basic Need Grant Allocated - £0
- 2019/20 Basic Need Grant Allocated - £5.34m
- 2020/21 Basic Need Grant Allocated - £0
- 2018/19 Special School Capital Grant Allocated - £1.7m

- 8.5 Basic Need capital grant and the Special School Capital Grant are not time bound or ring-fenced and can be used for any capital purpose. However, the ESFA has 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. Based on current knowledge, it is expected that there will be insufficient basic need capital grant funding to meet the demand for secondary school places in the coming years.

- 8.6 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. The nature of any construction work required to provide additional school places, combined with the site location and layout all affect the cost per place. As proposals to address the forecast demand set out in the School Place Planning Strategy are developed, further reports will be provided to Cabinet with relevant financial information as required.

## **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 In addition to securing school places for pupils aged five to 16, the Local Authority has related statutory responsibilities in relation to children and young

people with special educational needs and disabilities (SEND) where the Council has to make suitable provision to meet their needs and early years provision, where responsibility for childcare sufficiency and for provision for disadvantaged two year olds and all three and four year olds, as well as children's centres, overlaps with school provision.

- 9.3 As a contingency, to support the admission to school of children as quickly as possible, the In Year Fair Access Protocol allows for the admission of children over schools' planned admission numbers in the event 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.
- 9.4 Statutory processes should be followed for any proposed enlargement of the school premises that would increase the capacity of the school by both more than 30 pupils and 25 per cent or 200 pupils (whichever is the lesser). Governing boards can propose smaller expansions without the need to follow the statutory process. Proposals may also be required for some cumulative expansions. A review of any earlier enlargements that were made without the need for statutory proposals would need to be made before determining if the statutory process should be followed. This means adding those enlargements made:
- in the 5 year period that precedes the proposed expansion date
  - since the last approved statutory proposal to enlarge the school (within this 5 year period)
  - exclude any temporary enlargements (i.e. where the enlargement was in place for less than 3 years)
  - add the making permanent of any temporary enlargement.
- 9.5 The above provision, which appeared in 2007 legislation, has been removed from 2013 regulations. The status of this change has not been tested in the courts. It is therefore advisable 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.
- 9.6 Under the 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 Board of the school where it proposes to either increase or keep the same PAN.
- 9.7 Under Section 19 of the Education Act 2006 and School Organisation Regulations the Council can decide to propose an enlargement or amalgamation, follow the statutory process and resolve to do so without requiring the consent of the Governing Board whose redress would be to object to the schools adjudicator.
- 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 for 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 for Education Guidance updated January 2014.

## **10.0 Equality Implications**

- 10.1 Under Section 149 of the Equality Act 2010, the Council has a duty when exercising its public functions to have 'due regard' to the need to eliminate discrimination harassment and victimisation and other conduct prohibited under the Act; advance equality of opportunity, and foster good relations between those who share a "protected characteristic" and those who do not. This duty is known as the public sector equality duty (PSED). The protected characteristics are: age, disability, gender reassignment, pregnancy and maternity, marriage and civil partnership, race, religion or belief, sex, and sexual orientation. All providers that are commissioned to deliver public services on behalf of or in partnership with Brent Council are required to comply with the PSED and the Council's Equality and Diversity policies.
- 10.2 Having due regard involves the need to enquire into whether and how a proposed decision disproportionately affects people with a protected characteristic and the need to consider taking steps to meet the needs of persons who share a protected characteristic that are different from the needs of persons who do not share it. This includes removing or minimising disadvantages suffered by persons who share a protected characteristic that are connected to that characteristic.
- 10.3 There is no prescribed manner in which the council must exercise its public sector equality duty but having an adequate evidence base for its decision is necessary.
- 10.4 The School Place Planning Strategy 2019-23 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.
- 10.5 The strategy will be reviewed and updated every year to reflect changing demographics and to ensure that the diverse and special education needs of Brent children continue to be effectively met. The findings and the equality analysis screening of the Strategy show that there is currently a slowdown in demand for primary school places but a demand increase for secondary school places. Demand for Special Education Needs school places in the Borough is

also increasing and while the proposed changes will help alleviate some of the pressure, the report highlights the increasing need for additional provision of school places in Brent for children with Autism and Social Emotional and Mental Health needs.

## **11.0 Consultation with Ward Members and Stakeholders**

- 11.1 Ward members will be consulted on the impact of this strategy where planning area capacity is reviewed.

**Report sign off:**

**GAIL TOLLEY**

Strategic Director of Children and Young People