



**Cabinet**  
11 November 2019

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

**School Place Planning Strategy 2019-2023 Refresh**

<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: Appendix 1 - Brent School Place Planning Strategy 2019-23
<b>Background Papers:</b>	N/A
<b>Contact Officer(s):</b>	Brian Grady Operational Director, Safeguarding, Partnerships and Strategy Email: <a href="mailto:Brian.grady@brent.gov.uk">Brian.grady@brent.gov.uk</a> Tel: 020 8937 4713  Shirley Parks, Head of Forward Planning, Performance and Partnerships Email: <a href="mailto:Shirley.parks@brent.gov.uk">Shirley.parks@brent.gov.uk</a> Tel: 020 8937 4259

**1.0 Purpose of the Report**

1.0 This report provides Cabinet with a refresh of the School Place Planning Strategy 2019-2023 that was approved by Cabinet in November 2018.

**2.0 Recommendations**

That Cabinet:

- 2.1 Approve the refresh of the School Place Planning Strategy 2019-2023 provided as Appendix 1.
- 2.2 Note that following a reduction in demand, the demand for Reception places is expected to gradually increase over the next five years. This demand will be met by current school place capacity.

- 2.3 Note that demand for secondary places is increasing with a need for an additional 10 forms of entry by 2023/24 to meet forecast demand and ensure there is sufficient capacity to manage in-year admissions and unanticipated demand. Planning is underway to provide additional capacity through a combination of new schools and school expansions.
- 2.4 Note that demand for places that meet the needs of children and young people with SEND aged 0-25 is expected to increase and the planned strategies for addressing this need.
- 2.5 Note the strategies for developing Early Years provision.

### **3.0 Detail**

- 3.1 In November 2018 Cabinet approved the Brent School Place Planning Strategy 2019-2023. The annual refresh of the strategy is provided as Appendix 1.
- 3.2 The School Place Planning Strategy 2019-23 presents the objectives and operating principles that underpin the Council's approach to school organisation to deliver high quality 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.
- 3.3 The refresh of the Brent School Place Planning Strategy 2019-2023 provides an updated assessment of school place demand across the borough based on the latest pupil projections from 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. 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.

- 3.4 The latest forecasts reflect an adjustment upwards in the forecasting methodology of anticipated pupil yield from new housing in Brent. As a result of this change to the forecasting model, the latest forecasts are higher than the 2018 forecasts.

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

- 4.1 Following unprecedented growth in demand for primary school places in Brent from 2006-2015, primary demand has reduced since September 2017. This has resulted in Brent currently having spare primary school place capacity. The latest Greater London Authority (GLA) projections (based on January 2019 school census) indicate that demand for Reception will gradually increase over the next few years which will utilise some of this spare capacity. At a borough level, Brent has sufficient capacity to meet the gradual increase in demand for mainstream primary places and maintain 5% spare places to ensure that there are sufficient places to respond to in-year movement and migration.
- 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 While at a borough level forecasts indicate increasing demand, at a planning area level, forecasts for planning areas 2, 4 and 5 are showing sustained lower demand than available places, resulting in a significant number of spare places. While this means that overall parents will have an increased choice of places, reduced intakes can present organisational challenges for schools. Provision in these areas will be kept under review. A number of actions have already been taken to ensure sustainable provision in these areas, including a temporary reduction in the Published Admission Number of two schools (Harlesden and Uxendon Manor Primary Schools) and consultation on the phased closure of the Roe Green Infant School provision on the Strathcona site.
- 4.4 It is difficult to predict the impact of Brexit on demand for school places and in particular any potential change to demand from families of Eastern European origin. Anecdotal evidence suggests that some families have not returned to the borough following the summer holiday period. A number of primary schools have a high number of children of Eastern European origin and may feel the impact any demographic shift in response to Brexit, including Fryent Primary School, Chalkhill Primary School, Roe Green Infants School, Roe Green Junior School, Kingsbury Green Primary School, Preston Park Primary School, Uxendon Manor Primary School, Sir Robert Southwell Primary School and Wembley Primary School.

- 4.5 Forecasts for Planning Area 3 indicate a shortfall of places over the next five years due to the intensive house building programme in the Wembley Central and Alperton growth areas. The Department for Education is currently planning to open a new school, Ark Somerville Primary School, on the York House site in Wembley to meet future demand.

## **5.0 Secondary Place Need**

- 5.1 The latest GLA forecasts (2019) suggest that over the next few years Year 7 intakes will be lower than previously forecast, but they still indicate increasing demand as larger primary cohorts progress into the secondary phase. The forecasts also indicate significant in-year growth as cohorts move through the system. This School Place Planning Strategy 2019-23 refresh identifies the need for an additional 10 forms of entry by 2023/24 to meet forecast demand and provide 5% spare places to ensure there is sufficient capacity to manage in-year admissions and any unanticipated growth in demand.
- 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.
- 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 School is proposed to open in September 2020 offering 4 forms of entry from the Wembley High Technology College site, before moving to its permanent site in Neasden in 2022 where it will provide 6 forms of entry.
- 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 School does not open in 2020, the Council will nevertheless have the statutory duty to provide the necessary school places.

## **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 3.2% of children and young people resident in Brent have an EHCP, compared to 3.1% of the national school-age population. The number of children and young people with EHCPs increased by 8% between 2017 and 2019. As of January 2019 there were 2110 (SEN2 Return) Brent resident children and young people with an EHCP, of whom 1909 were attending a school (Reception to year 14) and 201 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 2019 (SEN2 return) 46% of children and young people with EHCPs attended a mainstream provision, compared to 45% the previous year, and 54% attended a special provision, including SEND units and Additionally Resourced Provisions.
- 6.4 Despite an increase in the number of places in Brent special schools, including 31 additional places in September 2019, and 6 mainstream schools providing places in Additionally Resourced Provision (ARP), there are insufficient local places for Brent children with SEND particularly for children of secondary age and the 16-25 age group. Brent continues to be reliant on sourcing places in out-of-borough maintained special schools or Independent schools or colleges. 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 special free school sponsored by Brent Specialist Academy Trust (BSAT) opened in September 2019 in temporary accommodation on the Queens Park Community School site. The Avenue School will provide up to 100 places for children aged 5-18 with complex ASD needs when it moves to its permanent site in Brondesbury in September 2021. However, to ensure sufficient local places, additional secondary special places are required to cater for pupils with ASD/MLD/SLD.
- 6.6 There is a need for the borough to develop post-19 SEND provision to meet demand for places for young people with SEND, in particular young people aged 19-24 with complex learning difficulties. Brent is scoping options to provide additional provision for young people with ASD/SLD aged 16-25 to support their successful transition to adulthood. This will include developing vocational pathways for young people aged 19-25 with ASD/SLD/complex needs so they can be supported locally to develop their independence and participation in community life.
- 6.7 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. The council provides support to 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.

6.8 Where pupils have been excluded or require provision that includes a vocational element to best meet their needs, Brent places children and young people in Alternative Provision both in and out of the borough. Schools also commission places in Alternative Provision to meet the needs of individual pupils. The local authority is running a free school presumption process, as agreed by Cabinet in April 2019, to establish an Alternative Provision free school 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. In 2019, 4868 places were offered by PVI providers and 2728 places in the maintained sector. 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 92% take-up achieved in the summer term 2019. There is evidence of increased numbers of children with SEND accessing specialist nursery places. The council is working with partners to ensure that the early years system is flexible enough to help meet the needs of parents, alongside the challenge of the 30 hour offer. In 2019, all the specialist nurseries were full and consideration of demand for types of specialist need in these settings is underway to identify gaps in provision.

## **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). Recent funding announcements state that in 2020/21 an increase to the High Needs block of at least 8% per head of the 2-18 population is guaranteed, which equates to approximately £4.5m for Brent. However, growing demand will continue to cause pressures on the DSG. Therefore, 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 will be required to support the delivery of additional secondary school places projected. In terms of capital funding, since the 2011/12 financial year, the Council has received £164.1m 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 - £1.17m
- 2019/20 Basic Need Grant Allocated - £4.17m
- 2020/21 Basic Need Grant Allocated - £0
- 2018/19 Special School Capital Grant Allocated - £2.8m

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 mainstream and special school places in the coming years.

8.6 The nature of secondary and SEND education means that the development of additional places presents additional complexities, and thus higher costs than 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) up to the age of

25 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 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 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 School Place Planning Strategy 2019-23 show that there is currently a slowdown in demand for primary school places and a demand increase for secondary school places. Demand for Special Education

Needs school places in the borough is also increasing and the strategy identifies the need for additional local places for children with Autism and Social Emotional and Mental Health needs and children whose needs are best met in Alternative Provision.

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

11.1 Ward members will be consulted on the impact of this strategy where mainstream planning area capacity is reviewed or where additional SEND places are being considered.

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

12.1 N/A

**Report sign off:**

***Gail Tolley  
Strategic Director, Children and Young People***

#### **APPENDICES**

**Appendix 1:** School Place Planning Strategy 2019-2023 Refresh