

REPORT FOR: **CABINET**

Date of Meeting:	13 March 2014
Subject:	School Expansion Programme
Key Decision:	Yes
Responsible Officer:	Catherine Doran, Corporate Director of Children and Families
Portfolio Holder:	Councillor Janet Mote, Portfolio Holder for Children and Schools
Exempt:	No
Decision subject to Call-in:	Yes
Enclosures:	Appendix 1 – Considerations about the proposal in relation to the Decision Makers Guidance

Section 1 – Summary and Recommendations

Statutory proposals to expand permanently thirteen schools on eleven sites were published on 9 January 2014 for a four week representation period. This report provides information and recommendations to enable Cabinet to determine the statutory proposals.

Recommendations:

Cabinet is requested to:

Approve the statutory proposals to expand permanently the following schools by one form of entry (30 pupils), which will fill incrementally from the point of admission into the school:

Aylward Primary School from 1 September 2014

Belmont School from 1 September 2014

Grange Primary School from 1 September 2014
Norbury School from 1 September 2014
Pinner Wood School from 1 September 2014
Cannon Lane Primary School from 1 September 2015
Kenmore Park Infant and Nursery School from 1 September 2015
Newton Farm Nursery, Infant and Junior School from 1 September 2015
Priestmead Primary School and Nursery from 1 September 2015
St John Fisher Catholic Primary School from 1 September 2015
Whitchurch First School and Nursery from 1 September 2015
Kenmore Park Junior School from 1 September 2017
Whitchurch Junior School from 1 September 2017.

Reason: (For recommendation)

To enable the Local Authority to fulfil its statutory duties to provide sufficient school places in its area.

Section 2 – Report

Introduction

1. The Local Authority has a statutory responsibility to provide sufficient school places for its area. Like many boroughs, Harrow is experiencing significant growth in the pupil population and has a school place planning strategy to increase the number of primary school places. Phase 1 of the primary school expansion programme was implemented in September 2013 with 8 schools in the borough permanently increasing their Reception intakes.
2. Statutory consultations about proposals to expand schools in Phase 2 of the primary school expansion programme were held in autumn 2013. In November and December 2013 Cabinet decided the community schools that will have statutory proposals published for determination by Cabinet in March 2014. A Phase 3 will be planned to meet additional demand for school places beyond 2016.
3. A separate report is being presented to March Cabinet to determine the statutory proposals to expand and extend the age range of Whitefriars Community School and to develop the Harrow Teachers' Centre site.
4. Statutory proposals have been published to expand Elmgrove Primary School and Nursery. A report will be presented to April Cabinet to determine these statutory proposals.

Options considered

5. Statutory consultations about the proposals to expand schools in Phase 2 of the primary school expansion programme were held between 16 September 2013 and 18 October 2013 and the outcomes of the consultations were reported to Cabinet on 21 November 2013. Cabinet decided to publish statutory proposals.
6. Statutory proposals to expand schools were published on 9 January 2014 for a four week representation period which closed on 6 February 2014. These included statutory proposals published by the Governing Body of St John Fisher Catholic Primary School to expand the school. The decision maker for statutory proposals published by a voluntary aided school is the Local Authority.
7. No formal representations in relation to the statutory proposals were received by Harrow Council by the closing date of the representation period on 6 February 2014.
8. All the governing bodies of the schools proposed for expansion have confirmed the agreements they gave in response to the statutory consultations on the expansion proposals. A number of issues in relation to the proposals were identified by the schools which are already being considered and would be addressed as far as possible as implementation planning is progressed. These issues were primarily to do with: traffic congestion and parking concerns; the capital works that will be required to ensure sufficient and appropriate accommodation for the additional pupils attending an expanded school; accommodating bulge classes prior to building works being completed. The governing body responses are summarised in Appendix A under 'Other issues' and are available in Background Papers.
9. Cabinet has the following options:
 - a. Reject the proposals;
 - b. Approve the proposals;
 - c. Approve the proposals with modification;
 - d. Approve the proposals subject to meeting a separate condition.

Recommendation

10. The Corporate Director of Children and Families recommends that Cabinet approves the statutory expansion proposals as published.
11. The statutory proposals for Kenmore Park Infant and Nursery School and Kenmore Park Junior School are related to each other, as are the statutory proposals for Whitchurch First School and Nursery and Whitchurch Junior School, and these related proposals must be considered together.
12. Cabinet must have regard to the statutory and non-statutory decision makers guidance issued by the Secretary of State. The guidance for

decision makers is provided in Background Papers. Appendix 1 of this report outlines the relevant criteria from the decision makers guidance, and contains officer commentary in relation to them. It is considered that the proposals for permanent expansion of schools meet the criteria. If Cabinet approves the statutory proposals, there is a legal duty to implement the proposals.

13. It is not considered necessary to make the approvals subject to meeting any conditions. Separate statutory processes will be followed for planning applications that will deal with issues relevant to planning consents.
14. In order to meet the increasing demand for school places, the schools proposed for permanent expansion in September 2014 have opened temporary Reception classes in September 2013, and the schools proposed for permanent expansion in September 2015 would open temporary Reception classes in September 2014. The schools proposed for expansion in September 2017 are separate junior schools that would expand when the 2014 pupils admitted into separate infant schools in September 2014 progress through to the junior schools.

Financial implications

Revenue

15. Any school expansion will inevitably have significant financial implications and clarity about funding is essential to maintain commitment to the School Expansion Programme. School revenue budgets are funded from the Dedicated Schools Grant (DSG). As the Department for Education (DfE) allocates DSG based on pupil numbers, any increase in pupil numbers results in additional revenue funding for the expanding school. The revenue funding is allocated to schools based on the Harrow Schools' Funding Formula. School budgets are based on pupil numbers in the October prior to the start of the financial year, so there is always a funding lag when schools increase their pupil numbers. To ensure that schools who agree to an additional class are not financially penalised, the Harrow School Funding Formula provides 'Additional Class Funding' for the period from September to the end of March, following which the mainstream funding formula will take effect. This ensures that schools have adequate funding for at least the average costs of a teacher.

Capital

16. It is currently estimated that the cost of permanently expanding the primary schools in Phase 2 is £26m. This does not include costs for two of the schools (Priestmead and Aylward) which will be delivered by the Education Funding Agency (EFA) as part of the Government's Priority School Building Programme (PSBP) to improve the schools in the worst condition across the country.
17. These costs were considered as part of setting the Capital Programme for this financial year (13/14). In October 2013, Cabinet agreed an increase to the Capital Programme for 13/14 due to additional funds

being allocated by the EFA in this financial year. Bids have been submitted via the Capital Strategy capital bid process for the remainder of the programme which will come to Cabinet for approval in due course. Based on current estimates for the cost of the projects and the recent announcements about further yearly allocations from the EFA, it is expected that it is possible to deliver the programme with EFA capital grants, without the need for council capital funding.

18. The breakdown of the revised post-feasibility indicative costs for each school and the funding is detailed in the table below:

School	13/14 £,000	14/15 £,000	15/16 £,000	16/17 £,000	17/18 £,000	Totals £,000
Norbury	450	1,650	900	0	0	3,000
Belmont	370	1,345	735	0	0	2,450
Pinner Wood	190	690	370	0	0	1,250
Grange	230	850	470	0	0	1,550
Aylward		PSBP	PSBP	PSBP		0
Elmgrove	525	1,925	1,050	0	0	3,500
St John Fisher	430	1,570	850	0	0	2,850
Newton Farm	450	1,620	880	0	0	2,950
Cannon Lane	555	2,035	1,110	0	0	3,700
Priestmead		PSBP	PSBP	PSBP		0
Kenmore Park Infant and Junior Schools	470	1,700	930	0	0	3,100
Whitchurch First and Junior Schools	270	990	540	0	0	1,800
TOTALS	3,940	14,375	7,835	0	0	26,150

19. There is considerable range in the cost to achieve permanent expansion which reflects the individual nature of the schools and their sites.
20. The figures are indicative estimates informed by detailed feasibility stage cost plans. If there are major site anomalies or key planning issues then these costs could increase. There will be close monitoring of the affordability of the School Expansion Programme through the Programme Board.
21. The EFA has agreed to transfer the Targeted Basic Need Programme funding from the proposed expansion of St Anselm's Catholic Primary School to Elmgrove Primary School. The project to expand St Anselm's Catholic Primary School proved to be too complex and challenging to deliver because of difficulties to do with Planning constraints, affordability and concerns about playground space and traffic. The EFA also agreed to transfer TBNP funding from St George's Primary Catholic School to Earlsmead Primary School for new additionally resourced provision special educational needs places.
22. In December, the Government announced Basic Need Allocations for local authorities for 2015/16 and 2016/17. Harrow will receive £12.5m over the two years. This will be incorporated into the school expansion

programme budget. In addition, £0.5m will be received in 2014/15 to support universal free school meals for children in reception, year 1 and year 2.

23. Bulge classes are an important part of the strategy to ensure sufficient school places. The Council has a small capital fund available for those schools that will have a bulge class in September 2014 to fund essential works to accommodate bulge classes.

Other funding opportunities

24. Harrow has benefitted from considerable success in the outcome of bids put forward by officers for both the Priority School Building Programme and the Targeted Basic Need Programme which will largely fund and deliver the schools programme.
25. Yearly allocations are expected to continue and officers have worked to ensure Harrow achieves its fair allocation each year with substantial increases announced in March 2013 compared with previous years.
26. Wherever possible officers will seek to maximise the benefits to Harrow from government policies and new housing development. For example, the contribution of Free Schools to school provision, and developer contributions to mitigate the impact of new housing developments within Harrow.

Legal implications

27. The Council has a statutory duty under the Education Act 1996 to ensure sufficient schools for the provision of primary and secondary education in its area.
28. There is a statutory process for permanently expanding maintained schools. This process includes statutory consultation and the publication of proposals with a formal representation period. New school organisation regulations and associated guidance came into force on 28 January 2014. However, the changes apply to statutory proposals published after this date. Therefore, these statutory proposals are being determined under the previous statutory process.
29. The statutory guidance on expansion of schools confirms matters which should be taken into account by local authorities when determining proposals. Appendix 1 to this report sets out considerations about the proposal in relation to the Decision Makers Guidance of the Department for Education.
30. When making public law decisions, the Council must take account of all relevant information, including consultation responses, equality implications, crime and disorder concerns, financial implications and its statutory duty to provide school places.

Equalities implications

31. Section 149 of the Equality Act 2010 requires that public bodies, in exercising their functions, have due regard to the need to (1) eliminate discrimination, harassment, victimisation and other unlawful conduct under the Act, (2) advance equality of opportunity and (3) foster good relations between persons who share a protected characteristic and persons who do not share it.
32. Equalities Impact Assessments have been undertaken on all the schools proposed for permanent expansion. The conclusions of these assessments are that the implications are either positive or neutral in that the expansion of the schools will help to ensure sufficient school places for the increasing numbers of children in Harrow. The assessments have not identified any potential for unlawful conduct or disproportionate impact and conclude that all opportunities to advance equality are being addressed.
33. Harrow's schools are successful, inclusive and provide a diversity of provision. The school expansion programme will ensure sufficient school places for the increasing numbers of children in Harrow and will build on the successful provision that already exists in Harrow's schools.

Performance Issues

34. Schools in Harrow perform well in comparison to national and statistically similar local authorities. The vast majority of primary schools and secondary schools are judged 'good' or 'outstanding' by OfSTED. 92% of Harrow's primary and secondary schools are judged 'good' or 'outstanding', compared to 85% in London and 78% nationally.
35. The table below includes the 2013 Key Stage 2 results of the schools proposed for permanent expansion. The table compares the schools' performance in Reading, Writing and Maths at Level 4+, Reading Expected Progress, Writing Expected Progress and Maths Expected Progress results to the Harrow and national averages.

2013 Key Stage 2	Reading, Writing & Maths L4+	Reading Expected Progress	Writing Expected Progress	Maths Expected Progress
Aylward Primary	79%	94%	100%	94%
Belmont School	71%	90%	92%	94%
Cannon Lane Junior	93%	92%	81%	90%
Grange Primary	75%	86%	94%	88%
Kenmore Park Junior	60%	89%	89%	84%
Newton Farm Primary	NA	100%	100%	NA
Norbury Primary	70%	82%	91%	87%
Pinner Wood	83%	100%	98%	100%

Priestmead Primary	70%	89%	93%	83%
St John Fisher	93%	95%	97%	97%
Whitchurch Junior	97%	99%	93%	100%
Harrow	79%	90%	92%	92%
National	75%	88%	92%	88%

Source: DfE Performance Tables

36. The Schools White Paper and Education Act 2011 maintain a focus on driving up standards in schools, and place more of the responsibility with the schools directly for their improvement. The role of the Local Authority in measuring performance and driving improvement has changed significantly and is reduced from its previous level. However, the Local Authority maintains a strategic oversight and enabling role in local education, and is likely to retain some role in monitoring educational achievement and key measures such as exclusions and absence. The Local Authority is also statutorily responsible for supporting and improving underperforming schools.
37. The Local Authority continues to monitor key education indicators. The indicators are used locally to monitor, improve and support education at both school and local authority level. They are also used within information provided to the Department for Education.
38. The indicators fall within the following areas:
- Attendance and exclusions - remain a statutory duty for the Local Authority to monitor and improve.
 - Underperforming schools – schools are assessed at Key Stage 2 & Key Stage 4 against defined floor standards.
 - Closing the Gap - is a fundamental part of Ofsted’s school inspection process, and accordingly, the Local Authority monitors the attainment of identified groups of pupils in its schools. The table below includes the gap at key stage 2 between pupils eligible for free school meals and their peers and the gap between Harrow’s SEN children and their peers – children with a SEN provision includes School Action, School Action Plus or a Statement.

2013 Key Stage 2 – Closing the Gap	Harrow	National
Achievement gap between pupils eligible for free school meals and their peers, based on pupils achieving level 4 or above in Reading, Writing and mathematics at Key Stage 2.	17%	19%
Achievement gap between pupils with special educational needs and their peers, based on pupils achieving level 4 or above in Reading, Writing and mathematics at Key Stage 2.	49%	53%

39. There is a complex interrelationship between a number of other performance issues such as traffic congestion, road safety, traffic and parking enforcement and travel plan performance, as referred to earlier in the report, and all these considerations are taken into account in assessing school expansion proposals

Environmental Impact

40. The Council's over-arching climate change strategy sets a target to reduce carbon emissions by 4% a year. Schools account for 50% of the council's total carbon emissions. Reducing emissions from schools is therefore a vital component in meeting the Council's target. However there is a significant risk that the expansion programme will increase emissions rather than reduce them. Phase 2 of the School Expansion Programme will have an impact on carbon emissions that will need to be carefully considered in this context.
41. The RE:FIT Schools Programme will be available to retrofit existing school buildings to improve their energy efficiency. For new-build schools, the design standards will need to ensure that they meet high energy use efficiency standards. Of particular importance will be the use of low carbon technologies – particularly for space heating – and these will need to be thoroughly investigated during the design phase.
42. For many of the projects in the school expansion, programme, planning applications will be required and part of the application will be a school travel plan. Through this process and the development of the solutions for the schools, the impact of the additional pupils and their travel modes will be addressed.

Risk Management Implications

43. The directorate and corporate risk management implications for the Council arising from school place planning are included on the directorate and corporate risk registers. A Programme Risk Register is also being formulated and this will be reviewed by the School Expansion Programme Board.
44. The key high level risks for this programme are set out below:

High Level Risks	Consequences	Mitigating/Control Actions
<p>Planning</p>	<p>Planning permission not granted creating delays to programme.</p>	<p>Informal discussions with Planners during feasibility regarding planning polices.</p> <p>Planning Performance Agreement to be agreed.</p> <p>Community engagement through the education statutory consultations and the pre-planning engagement activities. School community and local residents invited to meetings and provided with information about local proposals.</p> <p>Transport Assessments being undertaken to inform School Travel Plans and highways mitigation measures.</p>

		<p>IT improvements are being put in place for the planning applications to be viewed on the Council website.</p> <p>Additional dates have been arranged for Planning Committee to consider the planning applications.</p>
Finance	<p>Unaffordable Programme / individual projects and additional costs to Council.</p> <p>Risk of loss of TBNP funding if the new places are not provided and the allocations spent by September 2015.</p>	<p>Capital Strategy developed to bring together the Government's school funding streams: Basic Need, Capital Maintenance, Targeted Basic Need Programme; and building programmes e.g. Priority School Building Programme.</p> <p>School expansion feasibility designs aligned to the DfE guidance on spaces and areas for schools.</p> <p>Indicative costs calculated from feasibility studies to inform programme budget.</p> <p>Robust financial and programme monitoring through the Programme Board, Capital Forum and Cabinet reports.</p> <p>Exploring how the Government's Free-School Programme for new schools (programme funded directly from government) may be supported in Harrow.</p>
Programme delivery	<p>Delays to programme – school places not available, additional costs.</p>	<p>Capital Team established with appropriate skills, experience and expertise in major construction projects to deliver programme.</p> <p>Programme Board established with Corporate Director and senior officer membership.</p>
Pupil Projections	<p>Over or under estimate of pupil growth leading to a mismatch of provision – shortage of places or over provision of places leading to high levels of vacancies.</p>	<p>GLA commissioned to provide school roll projections. Review of projections against admissions, applications, In-Year movement of pupils. Close working with schools.</p> <p>The permanent expansions are planned to achieve a sustainable level of school places to meet the growth as indicated by the pupil projections. The additional permanent places are created as the demand grows over the years.</p> <p>The peak and variations in demand for school places will be met by continued use</p>

		of temporary additional places. This approach will minimise the risk of having to remove permanent capacity in the years following the peak in demand.
Communication	Lack of understanding of need and proposals leading to delays and complaints.	<p>Communication strategy being developed for overall programme and individual projects.</p> <p>School Expansion Stakeholder Reference Group established with cross-party and representative membership to provide advice and guidance on the implementation of the school expansion programme.</p> <p>Programme communications officer appointed to develop and co-ordinate communications and community engagement.</p>

Corporate Priorities

45. This report incorporates the corporate priorities to deliver a cleaner, safer and fairer Harrow by:
- Ensuring Harrow Council fulfils its statutory duties to provide sufficient school places in its area.
 - Providing high quality local educational provision in schools for children close to where they live.

Section 3 - Statutory Officer Clearance

Name: Jo Frost	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 10 February 2014		
Name: Sarah Wilson	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 7 February 2014		

Section 4 – Performance Officer Clearance

Name:	Kuljit Bisal	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Strategic Commissioning
Date:	6 February 2014		

Section 5 – Environmental Impact Officer Clearance

Name:	Andrew Baker	<input checked="" type="checkbox"/>	on behalf of the Corporate Director (Environment & Enterprise)
Date:	11 February 2014		

Section 6 - Contact Details and Background Papers

Contact: Johanna Morgan, Education Professional Lead, Education Strategy and School Organisation, 020 8736 6841.

Background Papers:

- Department for Education School Choice and Operations Team guidance for decision makers
<http://www.education.gov.uk/schools/leadership/schoolorganisation>
- Primary School Expansion Programme report to Cabinet 21 November 2013. Item 10
<http://www.harrow.gov.uk/www2/ieListDocuments.aspx?CId=249&MId=61433&Ver=4>
- Equality Impact Assessments on the schools proposed for expansion.
- Governing Body responses to the statutory proposals

Call-In Waived by the Chairman of Overview and Scrutiny Committee	NOT APPLICABLE <i>[Call-in applies]</i>
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