

REPORT FOR: **CABINET**

Date of Meeting:	10 April 2014
Subject:	Elmgrove Primary School and Nursery
Key Decision:	Yes
Responsible Officer:	Chris Spencer, Interim Director of Children's Services
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 Elmgrove Primary School and Nursery were published on 13 February 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 Elmgrove Primary School and Nursery by one form of entry (30 pupils) from 1 September 2015.

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 and these were determined by Cabinet in March 2014. A Phase 3 will be planned to meet additional demand for school places beyond 2016.
3. In January 2014 the Department for Education agreed to the transfer of funds to enable Elmgrove Primary School and Nursery to be expanded. Consultation has been held and statutory proposals published to expand Elmgrove Primary School and Nursery.

Options considered

4. Harrow submitted bids to the Government's Targeted Basic Need Programme (TBNP) for the expansion of a number of primary schools. One of the successful TBNP bids was to expand St Anselm's Catholic Primary School, a voluntary aided school. However, this project proved to be too complex and challenging to deliver because of a number of difficulties, including planning issues and affordability, and it was decided the expansion of St Anselm's Catholic Primary School will not be progressed.
5. Application was made to the Government for the TBNP expansion funding to be transferred from St Anselm's Catholic Primary School to Elmgrove Primary School. In order to be able to meet TBNP conditions if the funds were transferred, consultation about the proposal to expand

Elmgrove Primary School and Nursery was held from 7 January 2014 for three weeks closing on 28 January 2014.

6. On 22 January 2014 the Department for Education informed Harrow that the Minister has agreed to the request to expand Elmgrove Primary School and Nursery rather than St Anselm's Catholic Primary School as it matches the TBNP criteria and would be an appropriate replacement providing exactly the same number of places as the original application.
7. On 4 February 2014 a Portfolio Holder Decision was made by the Portfolio Holder for Children and Schools to publish statutory proposals as early as possible in February for Cabinet to be able to make the key decision to determine them at its meeting in April.
8. Statutory proposals to expand to expand Elmgrove Primary School and Nursery were published on 13 February 2014 for a four week representation period which closed on 13 March 2014.
9. No formal representations in relation to the statutory proposals were received by Harrow Council by the closing date of the representation period on 13 March 2014.
10. The Governing Body of Elmgrove Primary School and Nursery has confirmed the agreement in principle it gave in response to the consultation on the expansion proposal. A number of issues in relation to the proposal were raised by the school in its consultation response. Officers attended a Resources Committee meeting to discuss these fully with governors and relevant matters will continue to be addressed as implementation planning is progressed.
11. 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

12. The Corporate Director of Children and Families recommends that Cabinet approves the statutory expansion proposals as published. Elmgrove Primary School and Nursery will expand permanently by one form of entry (30 pupils) from 1 September 2015. The school will fill incrementally from the point of admission into the school.
13. Cabinet must have regard to the 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 factors to consider 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 factors. If

Cabinet approves the statutory proposals, there is a legal duty to implement the proposals.

14. It is not considered necessary to make the approval subject to meeting any conditions. Separate statutory processes will be followed for the planning application that will deal with issues relevant to planning consents.
15. In order to meet the increasing demand for school places, it is proposed that Elmgrove Primary School and Nursery will open a temporary Reception class in September 2014. This has been the consistent practice with schools that are permanently expanded in Harrow.

Financial implications

Revenue

16. 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

17. Harrow will receive £2.01m for this project under the Government's Targeted Basic Need Programme (TBNP). In accordance with the grant condition, this funding has to be expended by September 2015.
18. There is considerable range in the cost to achieve permanent expansion which reflects the individual nature of the schools and their sites. Current post-feasibility indicative costing for the expansion of the school indicate the cost of the scheme is likely to be in the region of £3.5m. This current estimate is above the TBNP funding of £2.01m and officers will need to ensure an affordable solution is achieved. 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 School Expansion Programme Board.

19. If the project cannot be reduced to the TBNP level of funding, resources from other school funding streams will need to be identified so that it is affordable within the overall School Expansion Programme.
20. It is currently estimated that the cost of permanently expanding the primary schools in Phase 2 is £26m. This includes Elmgrove Primary School, but does not include costs for two of the schools in the Priority School Building Programme which will be delivered by the Education Funding Agency (EFA). These costs were considered as part of setting the Capital Programme for this financial year (13/14), and 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.

Legal implications

21. The Council has a statutory duty under the Education Act 1996 to ensure the provision of sufficient schools for the provision of primary and secondary education in their area.
22. For maintained schools, there are prescribed requirements in order to make specific alterations. This includes expanding existing schools to add additional form groups. The requirements are set out in the Education and Inspections Act 2006 and associated regulations.
23. There is a statutory process for permanently expanding maintained schools. New school organisation regulations and associated guidance came into force on 28 January 2014 and the process has been amended to streamline the process. The new statutory requirements and national guidance have been followed when publishing the statutory proposals for the expansion of Elmgrove Primary School and Nursery.
24. The statutory guidance on expansion of schools confirms factors 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 Department for Education School Organisation Guidance for proposers and decision-makers.
25. The Council must ensure it meets its public law duties when making decisions, including meeting its public sector equality duty. It must consider all relevant information, disregard irrelevant information, act in accordance with the statutory requirements and make its decision in a fair and transparent manner.

Equalities implications

26. 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.
27. Equalities Impact Assessment has been undertaken on the proposal to permanently expand Elmgrove Primary School and Nursery. The conclusion of this assessment is that the implications are either positive or neutral in that the expansion of the school will help to ensure sufficient school places for the increasing numbers of children in Harrow. The assessment has not identified any potential for unlawful conduct or disproportionate impact and concludes that all opportunities to advance equality are being addressed.
28. 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

29. 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. Elmgrove Primary School's most recent inspection resulted in a judgement of 'Good'.
30. The table below includes the 2013 Key Stage 2 results of Elmgrove Primary School. The table compares the school's 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+	KS1-KS2 Expected Progress - Reading	KS1-KS2 Expected Progress - Writing	KS1-KS2 Expected Progress - Maths
Elmgrove	75%	86%	89%	82%
Harrow	79%	90%	92%	92%
National	75%	88%	92%	88%

Source: DfE Performance Tables

31. 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.

32. 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.
33. 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%

34. 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

35. 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.

36. 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.
37. 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

38. 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.
39. The key high level risks for this programme are set out below:

High Level Risks	Consequences	Mitigating/Control Actions
Planning	Planning permission not granted creating delays to programme.	<p>Informal discussions with Planners during feasibility regarding planning polices.</p> <p>Planning Performance Agreement has been 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	Unaffordable Programme / individual projects and	Capital Strategy developed to bring together the Government's school funding streams: Basic Need, Capital Maintenance, Targeted Basic Need Programme; and

	<p>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>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 of temporary additional places. This approach will minimise the risk of having to remove permanent capacity in the years following the peak in demand.</p>
Communication	<p>Lack of understanding of need and proposals leading to delays and complaints.</p>	<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</p>

		<p>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>
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Corporate Priorities

40. 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: 14 March 2014		
Name: Sarah Wilson	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 18 March 2014		

Section 4 – Performance Officer Clearance

Name: Kuljit Bisal	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Strategic Commissioning
Date: 17 March 2014		

Section 5 – Environmental Impact Officer Clearance

Name: Andrew Baker	<input checked="" type="checkbox"/>	on behalf of the Corporate Director (Environment & Enterprise)
Date: 17 March 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 Organisation statutory guidance for decision-makers <https://www.gov.uk/government/publications/school-organisation-maintained-schools>
- Portfolio Holder Decision 4 February 2014. School Expansion Programme – Publication of statutory proposals to expand Elmgrove Primary School and Nursery <http://moderngov:8080/ieDecisionDetails.aspx?Id=60843>
- Equality Impact Assessment on Elmgrove Primary School and Nursery.
- Governing Body response 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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