

Considerations about the proposal in relation to the Decision-Makers Guidance

The decision maker for these statutory proposals is the local authority, and this report presents the proposals to Cabinet for determination. If the local authority fails to decide proposals within two months of the end of the representation period the local authority must forward proposals, and any received representations, to the Office of the Schools Adjudicator for decision. This two month period will end on 13 May 2014.

Decision Makers are required to have regard to guidance issued by the Secretary of State when they take a decision on proposals. New school organisation regulations and associated guidance came into force on 28 January 2014. The guidance documents are available at <https://www.gov.uk/government/publications/school-organisation-maintained-schools>.

'Annex B: Guidance for Decision-makers' sets out some the factors that decision-makers should consider when deciding a proposal. These factors are not exhaustive and the importance of each will vary depending on the type and circumstances of the proposal. All proposals must be considered on their individual merits.

The format of this Appendix follows the framework of the Annex B guidance. The text in italics at the start of each section contains extracts from the guidance to assist members to understand the context. The text beneath the extracts in each section contains officer comment in relation to the factors.

Consideration of consultation and representation period

The decision-maker will need to be satisfied that the appropriate consultation and/or representation period has been carried out and that the proposer has had regard to the responses received. If the proposer has failed to meet the statutory requirements, a proposal may be deemed invalid and therefore should be rejected. The decision-maker must consider all the views submitted, including all objections to and comments on the proposal.

Consultation about the proposal to expand Elmgrove Primary School and Nursery was conducted from 7 January to 28 January 2014. The consultation responses and outcomes (see 'Views submitted' section below) were reported to Portfolio Holder for Children and Schools when making the decision to publish statutory proposals.

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. In order to make the nature of the proposals explicit and clear for all stakeholders, the brief notice and the full proposal stated as full information as possible. It is considered that all necessary information was provided and made available for stakeholders and interested parties to see.

The brief notice and full proposal were developed with close reference to the Government guidance. It is considered that the published brief notice and full proposal comply with the statutory requirements.

Education standards and diversity of provision

Decision-makers should consider the quality and diversity of schools in the relevant area and whether the proposal will meet or affect the aspirations of parents, raise local standards and narrow attainment gaps.

The decision-maker should also take into account the extent to which the proposal is consistent with the government's policy on academies as set out on the department's website.

Quality of schools

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.

Diversity of schools

There is a range of schools in Harrow offering diversity to parents both in terms of ethos and size. Harrow has a Church of England primary school, a Hindu primary school, a Jewish primary school, six Roman Catholic primary schools and two Roman Catholic high schools. Primary sector community schools are organised as separate and combined infant and junior schools and have a range of planned admission numbers from one to four forms of entry.

Harrow is committed to securing greater autonomy, flexibility and scope for schools to drive their own agendas within a collaborative whole-borough framework. Harrow's success in this approach is demonstrated through the Harrow School Improvement Partnership and the Harrow Collegiate.

The community of Harrow schools has a tradition of collaboration and cooperation and is confident to develop and embrace innovative solutions. Within this context the local authority, in partnership with schools, will continue to explore routes that provide creative and innovative solutions for challenges faced by individual schools and groups of schools, and provide a means to secure school improvement.

Two schools are currently planning to establish an academy trust to drive improvements in education attainment.

Aspirations of parents

The responses to the consultation undertaken on school expansion proposals in September – October 2013 indicate broad agreement with the Council's approach to creating additional school places in Harrow. Over 60% of respondents agreed with the Council's approach to creating additional school places in Harrow.

The responses to the consultation undertaken in January 2014 on the proposal to expand Elmgrove Primary School and Nursery indicate strong agreement with the Council's approach to creating additional school places in Harrow. 85% of respondents agreed with the Council's approach to creating additional school places in Harrow.

The responses made to the second consultation question about the specific proposal to expand Elmgrove Primary School and Nursery indicate strong overall agreement with the Council's proposal to expand the school, including agreement across all the stakeholder groups. 79% of respondents agreed with the Council's approach to permanently expand Elmgrove Primary School and Nursery.

Raise local standards and narrow attainment gaps

A key principle identified by officers and representative primary headteachers in the work to develop expansion proposals was the maintenance of high quality education standards, and all schools with council support as necessary will work to ensure high education standards are promoted through the expansions. The governing bodies and senior leadership teams of the schools will ensure appropriate structures are in place to manage the increased numbers of pupils and deliver the curriculum.

Suitable accommodation and facilities will be provided to accommodate the increased pupil numbers. Revenue funding is based on pupil numbers and the funding for increased numbers of pupils can enable opportunities for schools to be creative in use of resources to promote pupils' learning.

Narrowing 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.

Government policy on academies

The Government's policy on academies is not directly applicable to this expansion proposal. The proposal does not create a new school which is when the 'academy presumption' applies. The governing body of the school is at liberty to consider conversion to academy school status regardless of whether the school is expanded or not.

Demand

In assessing the demand for new school places the decision-maker should consider the evidence presented for any projected increase in pupil population (such as planned housing developments) and any new provision opening in the area (including free schools).

The decision-maker should take into account the quality and popularity of the schools in which spare capacity exists and evidence of parents' aspirations for a new school or for places in a school proposed for expansion. The existence of surplus capacity in neighbouring less popular schools should not in itself prevent the addition of new places.

Reducing surplus places is not a priority (unless running at very high levels). For parental choice to work effectively there may be some surplus capacity in the system as a whole. Competition from additional schools and places in the system will lead to pressure on existing schools to improve standards.

Harrow Council commissions the Greater London Authority (GLA) to provide pupil projections. The projections are prepared by the GLA School Roll Projection Service and are based on the latest 2012 round of population projections released by the GLA and on school roll data collected in the January 2013 School Census and previous school censuses.

In Harrow's primary sector schools in September 2013 there are a total of 2,790 permanent Reception class places. With the temporary additional places that have been opened (9 additional temporary classes) this is increased to 3,060 Reception places in September 2013. In order to ensure sufficient school places to meet the predicted increased demand by September 2015, the number of permanent Reception places need to be increased by at least 360 places to a total of 3,150 permanent places that would be supplemented by additional temporary classes as needed. The Phase 2 proposals, together with the proposals for Elmgrove Primary School, aim to ensure sufficient school places at the right time and in the right location to meet the increased demand up to 2015/16.

It is currently projected that the peak of the increased demand for Reception places in Harrow will occur in January 2019 at 3,437 Reception aged pupils and will be sustained at that high level with a slight reduction in numbers in subsequent years. It is expected that a third phase of primary school expansions will need to be brought forward in due course. The projections and actual pupil numbers will continue to be monitored carefully, as well as any variations in demand in planning areas within Harrow, and will be considered alongside any school developments in Harrow that may provide additional school places.

The total number of parental preferences in applications for Reception places at Elmgrove Primary School increased this year, and the first and second preference numbers are at the proposed expanded admission number.

School size

Decision-makers should not make blanket assumptions that schools should be of a certain size to be good schools, although the viability and cost-effectiveness of a proposal is an important factor for consideration. The decision-maker should also consider the impact on the LA's budget of the need to provide additional funding to a small school to compensate for its size.

Harrow's school expansion programme is very significant and is expected to involve all schools in opening additional classes on either a permanent or temporary basis. Over half the primary schools in Harrow will be permanently expanded by the end of 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

Proposed admission arrangements (including post-16 provision)

In assessing demand the decision-maker should consider all expected admission applications, not only those from the area of the LA in which the school is situated.

Before approving a proposal that is likely to affect admissions to the school the decision-maker should confirm that the admission arrangements of the school are compliant with the School Admissions Code. Although the decision-maker cannot modify proposed admission arrangements, the decision-maker should inform the proposer where arrangements seem unsatisfactory and the admissions authority should be given the opportunity to revise them.

No changes to admission arrangements arise from these proposals. Elmgrove Primary School and Nursery is a community school that draws pupils from its local area and the admission arrangements of the school are compliant with the School Admissions Code.

No changes to post-16 provision arise from the proposals.

National Curriculum

All maintained schools must follow the National Curriculum unless they have secured an exemption for groups of pupils or the school community.

Elmgrove Primary School and Nursery follows the National Curriculum and no changes to this arise from these proposals.

Equal opportunity issues

The decision-maker must have regard to the Public Sector Equality Duty (PSED) of LAs/governing bodies, which requires them to have 'due regard' to the need to:

- *eliminate discrimination;*
- *advance equality of opportunity; and*
- *foster good relations.*

The decision-maker should consider whether there are any sex, race or disability discrimination issues that arise from the changes being proposed, for example that where there is a proposed change to single sex provision in an area, there is equal access to single sex provision for the other sex to meet parental demand. Similarly there should be a commitment to provide access to a range of opportunities which reflect the ethnic and cultural mix of the area, while ensuring that such opportunities are open to all.

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.

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.

Community cohesion

Schools have a key part to play in providing opportunities for young people from different backgrounds to learn with, from and about each other; by encouraging, through their teaching, an understanding of, and respect for, other cultures, faiths and communities. When considering a proposal, the decision-maker must consider its impact on community cohesion. This will need to be considered on a case-by-case basis, taking account of the community served by the school and the views of different sections within the community.

This is a community school which draws pupils from its local area and the pupil profile reflects the ethnicity of its area. The January 2013 School Census demonstrates that the school has an ethnically diverse pupil population.

Travel and accessibility

Decision-makers should satisfy themselves that accessibility planning has been properly taken into account and the proposed changes should not adversely impact on disadvantaged groups.

The decision-maker should bear in mind that a proposal should not unreasonably extend journey times or increase transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable walking or cycling routes.

A proposal should also be considered on the basis of how it will support and contribute to the LA's duty to promote the use of sustainable travel and transport to school.

The schools that are proposed for expansion are located around the borough so that additional school places are available locally to where the children live. . This approach will minimise distances that children and parents have to travel to school and will serve to promote accessibility. This helps to limit the need for car use by parents at the beginning and end of the school day. As far as possible, it is believed the schools chosen for expansion would be a popular choice amongst parents wishing to secure a place at their local schools.

The schools proposed for expansion, as is the case at many schools in Harrow, already have a degree of traffic and congestion issues from the current school intake and the expansions will exacerbate the problems if no mitigating measures are taken. To minimise the impact of the additional pupils a cross-council approach is being adopted to bring officers together from Children's Services, Community and Environment to work with schools and local residents. Transport Assessments at Phase 2 expansion schools and Transport Statements at additional special educational needs place provision have been undertaken and will be submitted as part of the planning application for building work at the schools. Particular emphasis is being given to School Travel Plans as a means of focusing attention of the issues and to seek to bring about change in people's behaviour in delivering and collecting children.

Capital

The decision-maker should be satisfied that any land, premises or capital required to implement the proposal will be available and that all relevant local parties (e.g. trustees or religious authority) have given their agreement. A proposal cannot be approved conditionally upon funding being made available.

Where proposers are relying on the department as the source of capital funding, there can be no assumption that the approval of a proposal will trigger the release of capital funds from the department, unless the department has previously confirmed in writing that such resources will be available; nor can any allocation 'in principle' be increased. In such circumstances the proposal should be rejected, or consideration deferred until it is clear that the capital necessary to implement the proposal will be provided.

If these statutory proposals are approved, Elmgrove Primary School would require building work to be undertaken to provide appropriate accommodation for the additional children.

Successful application for funding to expand the school was made by Harrow Council on the school's behalf to the Government's Targeted Basic Need Programme (TBNP). This funding has been transferred from the originally proposed expansion of St Anselm's Catholic Primary School. It was decided not to continue with the expansion of St Anselm's Catholic Primary School because of a number of difficulties, including planning issues and affordability, in delivering the expansion of that school. £2.01million has been allocated by the Education

Funding Agency (EFA) to deliver the new school places at Elmgrove Primary School. Under the conditions of the TBNP, the capital allocation has to be spent by September 2015.

Initial site feasibility work has been undertaken by architects and has indicated how the additional school places could be accommodated through a combination of new build and remodelling of the existing school accommodation. The revised post-feasibility indicative cost of the proposals is £3.5million. If additional funding to the TBNP allocation is required, this will be provided through the basic need allocation to Harrow Council for school places.

There will be close monitoring of the affordability of the School Expansion Programme. It was reported to Cabinet on 21 November 2013 that it is expected to be able to deliver the programme with Education Funding Agency school places basic need capital grants, without the need for Council capital funding.

School premises and playing fields

Under the School Premises Regulations all schools are required to provide suitable outdoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

Guidelines setting out suggested areas for pitches and games courts are in place although the department has been clear that these are non-statutory.

Government regulations and guidelines are considered in relation to all the schools proposed for expansion in the school expansion programme when undertaking the design work to accommodate the additional pupils. All schools are considered in the same fair and transparent manner when identifying the design for building works. The current school facilities are considered against Building Bulletin 99 to analyse any current and potential shortfalls. Full consideration is given to suitable outdoor and indoor space in order to enable physical education to be provided to pupils in accordance with the school curriculum; and for pupils to play outside safely.

Views submitted

Consultation about the proposal to expand Elmgrove Primary School and Nursery was held between Tuesday 7 January and 28 January 2014. All requirements for consultation in relation to the proposals that were applicable at the time were complied with.

Officers and architects attended an open consultation meeting at the school about the expansion proposal to give presentations and answer questions.

Consultation responses

158 responses were received to the consultation. Respondents were primarily parents/carers, staff and residents. A number of comments were included with the responses and are summarised in section (d) below. Officer response to the comments is in section (e).

The responses made to the first consultation question indicate strong agreement with the Council's approach to creating additional school places in Harrow. The Governing Body also agrees with the approach to creating additional school places in Harrow as outlined in the consultation paper.

Question 1: “Do you agree with the approach to creating additional school places in Harrow?”

Response	Number	Percentage
Yes	135	85.44%
No	16	10.13%
Not Sure	7	4.43%
Total	158	100.00%

The responses made to the second consultation question indicate strong overall agreement with the Council’s proposal to expand Elmgrove Primary School and Nursery including agreement across all the stakeholder groups. The Governing Body agrees in principle with the expansion of Elmgrove to four-form entry and will keep its initial position of support under review as further information emerges. The letter sets out five areas of concern for consideration by officers to provide the Governing Body with additional information and assurance: funding; traffic; building work; the adjacent park; and kitchen. Officers will attend the Governing Body Resources Committee on 3 March to discuss these concerns and to update the governors on other matters.

Question 2: “Do you agree with the approach to permanently expand Elmgrove Primary School and Nursery?”

Response	Number	Percentage
Yes	125	79.11%
No	23	14.56%
Not Sure	9	5.70%
No Response	1	0.63%
Total	158	100.00%

The Harrow East MP completed a consultation response form and sent a cover letter with remarks to complement the response. The MP is fully in agreement with the wider strategy being implemented by Harrow Council to meet the demand for more school places for its residents. The MP considers the expansion plans are sound and that the school can competently continue to operate whilst expansion work is carried out.

The Environment and Enterprise Directorate of Harrow Council responded and commented that the Mayor’s London Plan cites the need to improve London’s skills base, improve employment opportunities and remove barriers to employment, and identifies learning and skills as two key priorities. The Elmgrove expansion offers an excellent opportunity to provide employment and training opportunities for young people (and older residents) during the construction phase.

Themed analysis of comments received

The comments made by respondents in response to the first question include the following main themes:

- Shortage of parking and inconsiderate parking behaviour
- Pressure on roads, traffic congestion and dangerous driving behaviour
- A four forms of entry primary school is too big
- Primary education should be small scale
- New schools should be built
- High quality education standards should be maintained
- Good for the community and will give more places in local schools

The comments made by respondents to the second question include the following main themes (additional to those that were the same as made to the first question):

- Access difficulties for residents and to the school because there is only one road in and out
- The school has limited space currently for existing pupil numbers
- Expansion would be detrimental to education and welfare
- More children would benefit from the high standards of teaching, learning and leadership
- Support to all children, including those with special needs, must be maintained

Officer response to the consultation comments

Officer responses to the consultation comments are given below under five main headings that encompass the themes. It should be noted that proportionately more written comments were made by those not agreeing with the proposed expansion than by those that agreed.

Traffic and congestion issues

The concerns expressed about traffic congestion, parking and road safety in the area are fully recognised. Increased traffic and congestion at the start and end of the school day is a characteristic of many schools and has been the major consistent theme of concern in the consultation responses about expansion proposals in the school expansion programme consultations. To minimise the impact of the additional pupils attending the schools proposed for expansion in Phase 2 of the school expansion programme, including this proposal, a cross-council approach is being implemented. This approach brings officers together from Children and Families, Enterprise and Environment and Communications to co-ordinate work.

Additional resource is being committed to ensure an appropriate profile to all the Phase 2 school expansion projects in particular.

- Transport Assessments are being undertaken at each of the schools proposed for expansion. The assessments will provide an independent view of the proposals by reviewing baseline information about current traffic volumes and current issues and make recommendations about any impact as well as setting out any actions required. This assessment will take account of the consultation responses already received.
- Appointment of a Transport and Travel Planner Officer for the expansion projects to develop and implement effective travel strategies in conjunction with the schools. This position also coordinates inputs and actions from other council departments to assist the change process. This is a key role in influencing and engaging with all stakeholders to change attitudes to travel through the review and the development of School Travel Plans in order to minimise the use of private car travel to the school, particularly by parents. This role also liaises with the Highways, Traffic Management and Enforcement teams to ensure that any necessary engineering work and enforcement action, including Safer Neighbourhood Teams, is provided in line with the travel plans developed. This officer is also involved in the pre-planning engagement activities and input into the planning applications.
- There is a communication strategy for the Phase 2 expansion projects which includes raising the profile of school travel planning. An additional Communications Officer has been appointed to give communication and engagement work a high profile

This proposal would require a building programme, for which planning permission would be needed. If an application is submitted, a decision on this would be a matter for the Planning Committee. This committee would consider highways and traffic concerns and the impact of the development on the local area. Residents and parents who believe they would be impacted by the development are entitled to make representations to the planning committee during the statutory planning consent timescales.

Size of school and maintaining high education standards

There is no evidence to suggest that the size of the school affects the ability of the teachers and staff to provide a high quality education to all pupils. A key principle identified by officers and

representative primary headteachers in the work to develop expansion proposals was the maintenance of high quality education standards, and all schools, with council support as necessary, will work to ensure high education standards are promoted through the expansions. The governing body and senior leadership team of the school would ensure appropriate structures are in place to manage the increased numbers of pupils and deliver the curriculum. Suitable accommodation and facilities would be provided to accommodate the increased pupil numbers. Revenue funding is based on pupil numbers and the funding for increased numbers of pupils can enable opportunities for schools to be creative in use of resources to promote pupils' learning.

Space at the school

Architects would work with the school to ensure the space and facilities at the school meet the requirements for the numbers of pupils. Initial site feasibility work has demonstrated potential developments that offer the required additional accommodation and a number of advantages to the school, including: new larger classrooms for the junior phase; improved circulation in the school; removal of temporary units; new kitchen; new two storey teaching block that would be well-placed strategically for long-term development of the school site in the future.

Local school places

Harrow Council is proposing school expansions across the borough to ensure that additional school places are available as close as possible to where the increased demand is. First and second preferences by parents for Reception places at the school are at the proposed increased intake of 120 places.

Support to children with special needs

There are no plans to change existing provision for pupils with special educational needs at Elmgrove Primary School and Nursery. The school is a mainstream school that makes appropriate provision for pupils with SEN who attend mainstream schools. The school has specialist resourced provision for children with physical impairment and would continue to build on existing good practice within the school.

Representations about the statutory proposals

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.

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.