

REPORT FOR: **CABINET**

Date of Meeting:	10 April 2014
Subject:	School Expansion Programme
Key Decision:	No
Responsible Officer:	Chris Spencer, Interim Director of Children's Services Caroline Bruce, Corporate Director of Environment and Enterprise
Portfolio Holder:	Councillor Janet Mote, Portfolio Holder for Children and Schools Councillor Stephen Wright, Portfolio Holder for Property and Major Contracts
Exempt:	No
Decision subject to Call-in:	Yes
Enclosures:	Annexe A – Indicative Capital Costs

Section 1 – Summary and Recommendations

This report provides a quarterly update to Cabinet on the implementation of the school expansion programme and requests authority to determine the terms of any lease back of land required by the Council as part of the academy conversion process.

Recommendations:

Cabinet is requested to:

1. Note this update on the implementation of the school expansion programme.
2. Delegate authority to the Corporate Director of Environment and Enterprise in consultation with the Portfolio Holder for Property and Major Contracts to determine the terms of any lease back of land required by the Council as part of the academy conversion process, to include Children's Centres, on the best possible terms available.

Reason: (For recommendation)

To enable the Local Authority to fulfil its statutory duties to provide sufficient school places in its area and secure lease back of land required by the Council as part of the academy conversion process.

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. There are several key strands to the delivery of sufficient school places because an increasing pupil population impacts across primary, secondary and special school provision.
2. This is the second quarterly report to Cabinet on the School Expansion Programme covering primary, secondary and special school places. It outlines the progress to date on the planned programme implementation.

Options considered

3. Cabinet agreed its School Place Planning Strategy in February 2010 to meet the increasing demand for school places that is primarily birth rate driven. In July 2011, Cabinet agreed on a Primary School Expansion Programme as part of the School Place Planning Strategy. The strategy aims to secure sufficient primary school places through the creation of additional permanent places, supplemented by planned bulge classes and contingency bulge classes, opened if required.

4. In July 2013 Cabinet approved the Special School SEN Placements Planning Framework for bringing forward proposals over the next 3-5 years to increase provision for children and young people with special educational needs.
5. In November 2013, Cabinet approved the Secondary School Place Planning Strategy which outlines the proposed approach to increase capacity within the secondary sector by September 2015 for the demand expected by September 2018.
6. Statutory proposals for 14 schools on 12 sites in Phase 2 of the Primary School Expansion Programme were agreed by Cabinet at their meeting in March 2014. A further permanent expansion, of Elmgrove Primary School and Nursery is being considered by Cabinet at their meeting in April 2014.

Whitefriars Community School and the Harrow Teachers' Centre

7. Statutory proposals to expand Whitefriars Community School and extend the age range to make provision for secondary aged pupils were agreed by Cabinet in March 2014.
8. Heathland Whitefriars Federation Governing Body has resolved that the two schools will become academy with effect from 1 July 2014. Officers are working with the school on the conversion.
9. The contractor for the development on the Whitefriars/Teachers' Centre site will be appointed through the EFA's Contractors Framework. The indicative timescale is for the contractor to be appointed by June 2014 with a view to planning consent in September 2014 and building programme completion by Spring 2016.
10. An area approach to the traffic issues in the surrounding area of the school is being developed. This approach is being adopted because of the current traffic issues raised during the consultations and the extensive development in the Wealdstone area which includes the development of the ColArt site, proposed Whitefriars Community School expansion and Kodak development. The outcome of the approach will be an implementation plan, including funding strategy, for traffic mitigation over the short, medium and long terms.

Future PRU Locations

11. The development of the Harrow Teachers' Centre site requires the relocation of the Harrow Tuition Service including the Pupil Referral Unit (PRU). Providing an appropriate location is essential for the PRU and a number of locations have been explored, although identifying appropriate sites in Harrow is very challenging. A school site is preferred for the primary PRU. The secondary PRU requires self-contained accommodation, ideally located near other facilities that the students will access. The new locations will need to require minimal capital investment and to be available for the PRU to be operational from September 2014. Capital costs will be assessed for proposed sites. An alternative location for the secondary PRU is under

investigation. The Governing Body of Aylward Primary School has agreed to the location of the primary PRU at the school on a temporary two year basis. A Portfolio Holder Decision was made on 21 March 2014 to authorise the Council to enter into a lease on the best terms available for premises at Aylward Primary School which became an academy school on 1 April 2014.

Academy and Free School Programme

12. The Avanti House primary and secondary phases remain located in Harrow on a temporary basis while the permanent locations are resolved. The EFA is considering Whitchurch playing fields as a permanent location in Harrow. If the school is permanently located in Harrow this would make a significant contribution to meeting increased future demand for primary and secondary school places.
13. On the 1 April Aylward Primary School converted to an academy school and became part of the Bentley Wood Trust. Heathland Whitefriars Federation will convert to academy status on 1 July 2014.
14. In October 2012, Cabinet agreed the Council's position statement on academy schools and delegated authorities to:
 - negotiate and sign Commercial Transfer Agreement with the school/sponsor in relation to assets, third party contracts, staffing and information transfer when schools convert to academy status;
 - determine the terms of the land transfer based on the model 125 year lease issued by the Department for Education (DfE), including the extent of the school premises and licences for land outside of the lease arrangements;
 - negotiate and enter into contract for services with academies and out of Borough schools in accordance with the position statement.
15. In order to permit lease back arrangements in future for schools with Children's Centres converting to academy status this report seeks Members' agreement to delegate authority to the Corporate Director of Environment and Enterprise in consultation with the Portfolio Holder for Property and Major Contracts to determine the terms of any lease back of land required by the Council as part of the academy conversion process, to include Children's Centres, on the best possible terms available.

Special Educational Needs

16. On 28 January 2014, new regulations came into force amending the process for expanding community schools. Statutory proposals are required for making significant changes to special schools and for adding or removing specialist special educational need provision within mainstream schools.
17. Statutory proposals to expand Woodlands School, Kingsley High School and Shaftesbury High School were published on 11 March 2014. In order to ensure timely determination of the statutory

proposals that will enable implementation to the very tight timescale, it is proposed that the statutory proposals will be determined by Portfolio Holder Decision.

18. Statutory proposals will be published after Easter in relation to the proposed additional special educational need provision at Earlsmead Primary School and West Lodge Primary School when the design proposals have been developed and agreed with the schools. It is proposed that these statutory proposals will be determined by June Cabinet.

Universal Infant Free School Meals

19. The Government has announced that, from September 2014, all state funded infant school children (i.e. those in reception, year 1 and year 2) will receive a free school lunch. For Revenue funding, a flat rate of £2.30 per meal taken will be allocated, based on actual take-up by newly eligible infant pupils, which will be measured in the Schools Census from next year. For Capital funding Harrow has been allocated £621,418, of which £116,628 is allocated to VA schools.
20. In order to complete a comprehensive assessment of the best and fairest way to spend the funding, Harrow Council will complete a review of the current practice in each school. Officers will also explore the various options available for potential solutions once the current situation has been assessed.
21. For schools in the school expansion programme, the aim is to address kitchen and dining provision as part of the building works and to make any interim arrangements that may be needed until works are completed by September 2015.

Programme implementation

Procurement

22. Harrow Council's March 2010 framework agreement with Keepmoat (formerly Apollo), includes requirements for the provider to undertake activity that delivers social value, ethical sourcing and improved environmental performance as part of contract delivery. Keepmoat provided commitments such as local supply chain stimulation, job and apprenticeship creation as part of the tender response that resulted in them being awarded their place on the framework.
23. Representatives of the Commercial, Contracts and Procurement (CC&P) and Economic Development (ED) teams have met with Keepmoat on the requirement to deliver social value through the project. Keepmoat have agreed, in principle, to take forward a number of initiatives, but the details have yet to be defined. A further meeting is now being scheduled by CC&P, with Keepmoat, the Schools Capital team and the ED team to progress these issues and officers will report back on the outcome of this.

Phase 1 projects

24. The building projects at Glebe and Stanburn are completed. Three expansions will be delivered through the Government's Priority School Building Programme and Marlborough and Vaughan have been brought forward for earlier completion. Work is about to start at the Pinner Park schools, and Camrose will be progressed jointly with Woodlands for completion by September 2015.

Phase 2 projects

25. Dates have been identified for planning applications to be submitted, and for the separate statutory processes to be followed to enable Planning Committee decisions to be made by July 2014. Successful completion of these processes would enable building works to progress during the summer school holidays.

Priority School Building Programme

26. It is proposed that a 26 full-time equivalent place Nursery is included in the rebuild of Marlborough Primary School that is being undertaken by the Education Funding Agency. This Nursery provision will be funded by the school. In order to achieve the agreement of the Education Funding Agency to include this provision in the rebuild, Harrow Council will underwrite the expenditure.

Planning applications and consents

27. Detailed designs are being developed for the planning applications. Planning applications are subject to statutory consultation processes that are conducted separately and independently by the Planning Department. The determination of planning applications is undertaken by the Council acting as local planning authority, which is a separate statutory capacity from its role as local education authority. The members of the planning committee will need to be satisfied as to the merits of the applications in accordance with the statutory planning framework.
28. A number of actions have been taken to facilitate these processes. A Planning Performance Agreement (PPA) has been agreed with the Planning Department. The purpose of the PPA is to ensure that the school expansion planning applications submitted to the local planning authority are discussed, handled and determined efficiently and effectively within an agreed timescale.
29. Additional Planning Committee dates in April and June have been agreed to manage the volume of school expansion related planning applications during April to June. It is intended that planning approval will have been agreed by July to enable works on school sites to commence during the summer holiday period.
30. A microsite will be available during the planning application consultation to enable interested parties to view the plans and participate in the consultation.

Pre-planning engagement events

31. Pre-planning engagement events have been completed for all proposed expansion schools with the exception of Earlsmead and West Lodge schools that will be submitted slightly later to planning. The pre-planning engagement events provided the opportunity for the school and local communities to view the proposals and to ask questions and comment on the proposals. Representatives from the Council and Keepmoat attended the events including the architects, school travel planners and project managers.
32. The suggestions and views collected from the events are being processed and are under consideration by architects, designers, constructors and traffic officers. The responses to the comments will be published from early March via the school and council websites. The comments and how these have been considered as part of the development of the planning application will be included in the planning applications.
33. Where significant changes are being made to designs or highways, second engagement events were held in mid-March.

Traffic and travel

34. Traffic is a key concern to local residents that has been expressed in the consultation responses. Measures are being put in place to help reduce the traffic and congestion issues arising from the creation of additional school places. These measures have been reported to Cabinet in detail in previous reports.

Financial implications

Revenue

35. Any school expansion programme will inevitably have significant financial implications. All schools proposed for expansion have raised concerns about available funding and clarity about funding is essential to maintain their 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

36. The school expansion programme indicative cost, including primary school expansions in Phase 1 and Phase 2 and assumptions about Phase 3 and secondary school expansions and provision for pupils with special educational needs is presented at Annexe A. The table illustrates the initial indicative costings and the estimates following the completion of the detailed feasibility studies with the cost consultants. The variance to the original total estimated spend reflects refinement from the detailed design process and addition to contingencies for the programme.
37. Detailed design work is underway and planning applications for four schemes were submitted in March. All schemes will be submitted for planning consent by the end of April 2014. Once submitted for planning a detailed cost estimate will be prepared for each school and the Annexe A indicative capital costs will be updated for the next quarterly report. Current indications are that there will be a small increase to the previously reported cost of £26m to permanently expand the primary schools in Phase 2. This is not expected to exceed the programme contingency provision.
38. 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.
39. 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 that 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.
40. Under current proposals the relocation of the PRU also will need to include the costs to complete minor works at Aylward Primary School and at a location for the secondary PRU. Capital costs will be assessed for proposed sites and will be charged to the Children's capital programme.

Legal implications

41. The Council's statutory duties to provide primary and secondary education, and the process for expansion of existing schools and the establishment of new schools, are set out in previous reports.

42. The conversion of maintained schools to academies is undertaken in accordance with the Academies Act 2010. Local authorities and school academy trusts are encouraged to reach a negotiated solution in relation to land transfer on conversion and it is envisaged that these may include local arrangements, such as leasebacks of land to the Council, where the sites are not exclusively used by the school.

Equalities implications

43. 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.
44. Equalities Impact Assessment has been undertaken on Phase 2 of the Primary School Expansion Programme and on each school proposed for permanent expansion. The overall conclusion of these assessments is 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.
45. 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.
46. Equalities Impact Assessment of the relocation of the Pupil Referral Unit will be undertaken when the detailed proposal is finalised. It is considered likely that the assessment will be neutral or positive because:
- There is no change in the service to be provided to the service users;
 - current management and governance arrangements would continue;
 - the location of the primary school on a school site would be beneficial for young children and assist their reintegration into mainstream schooling wherever possible.

Performance Issues

47. 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.

48. 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.
49. 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 DfE.

Key Stage 2	Year	Reading, Writing & Maths L4+	KS1-KS2 Expected Progress - Reading	KS1-KS2 Expected Progress - Writing	KS1-KS2 Expected Progress - Maths
Harrow	2012	79%	91%	93%	90%
National		74%	90%	90%	87%
Harrow	2013	79%	90%	92%	92%
National		75%	88%	92%	88%

Source: DfE Statistical First Release

Key Stage 4	Year	% 5 A*-C grades inc E&M	KS2-KS4 Expected Progress - English	KS2-KS4 Expected Progress - Maths
Harrow	2011	64.6%	80.9%	80.1%
National		58.4%	73.1%	65.9%
Harrow	2012	63.6%	82.3%	80.4%
National		59.1%	69.3%	69.9%
Harrow	2013	65.4%	79.7%	83.3%
National		60.8%	71.7%	72.0%

Source: DfE Statistical First Release

50. 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%

2012 Key Stage 4 - Narrowing the Gap	Harrow	National
Achievement gap between pupils eligible for free school meals and their peers, based on pupils achieving 5 or more A* to C grade GCSEs including English and mathematics GCSEs.	28.8%	26.4%
The Special Educational Needs (SEN)/non-SEN gap – achieving 5 A*- C GCSE inc. English and Maths GCSEs.	46.3%	47.0%

51. 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

52. 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.
53. 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.
54. 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

55. 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 Programme Board.
56. The highest priority risks for this programme are Planning and Finance. The table below sets out the high level risks together with mitigating / control actions.

High Level Risks	Consequences	Mitigating/Control Actions
<p>Planning</p>	<p>Planning permission not granted creating delays to programme.</p>	<p>Any school expansion that involves building works requiring planning consent is governed by planning law. Planning applications are subject to statutory consultation processes that are conducted separately and independently by the Planning Department. In order to mitigate risks to the programme, the following control actions have been put in place:</p> <p>Informal discussions with Planners during feasibility regarding planning polices.</p> <p>Planning Performance Agreement agreed.</p> <p>Community engagement through the Education Statutory Consultation and the pre-planning engagement activities. School community and local residents invited to meetings and provided with information about local proposals.</p> <p>Traffic Assessments and Traffic Statements 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> <p>Planning Committee Member Briefing was held on 6 March 2014.</p>

<p>Finance</p>	<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>Programme contingency has been included in the 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>
<p>Programme delivery</p>	<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>
<p>Pupil Projections</p>	<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</p>

		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>

57. If the PRU is not relocated from its current site, this will impact the redevelopment of the Teachers' Centre and Whitefriars Community School. The risk has been mitigated so far as possible by actively pursuing negotiations for alternative sites as described in this report.

Corporate Priorities

58. 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: 28 March 2014		
Name: Matthew Adams	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 28 March 2014		

Section 4 – Performance Officer Clearance

Name:	Kuljit Bisal	<input checked="" type="checkbox"/>	on behalf of the Divisional Director Strategic Commissioning
Date:	18 March 2014		

Section 5 – Environmental Impact Officer Clearance

Name:	Hanif Islam	<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:

- 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>
- Primary School Expansion Programme report to Cabinet 12 December 2013. Item 9 <http://www.harrow.gov.uk/www2/ieListDocuments.aspx?CId=249&MId=61434&Ver=4>
- Equality Impact Assessment on Phase 2 of the primary school expansion programme

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