

# REPORT FOR: **CABINET**

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<b>Date of Meeting:</b>	15 January 2015
<b>Subject:</b>	Proposals to amalgamate and expand Weald Infant and Nursery School and Weald Junior School
<b>Key Decision:</b>	Yes
<b>Responsible Officer:</b>	Chris Spencer, Interim Corporate Director of Children and Families
<b>Portfolio Holder:</b>	Councillor Simon Brown, Portfolio Holder Children, Schools and Young People
<b>Exempt:</b>	No
<b>Decision subject to Call-in:</b>	Yes
<b>Wards affected:</b>	Harrow Weald
<b>Enclosures:</b>	Appendix 1 – Representations to the statutory proposals Appendix 2 – Considerations about the proposal in relation to the Decision-Makers Guidance Appendix 3 – Letter from the Governing Body of Weald Infant and Nursery School and Weald Junior School

## **Section 1 – Summary and Recommendations**

Statutory proposals to amalgamate and expand permanently Weald Infant and Nursery School and Weald Junior School were published on 3 November 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:

1. combine Weald Infant and Nursery School and Weald Junior School on 1 April 2015;
2. expand permanently Weald Infant and Nursery School and Weald Junior School by one form of entry (30 pupils) from 1 September 2016.

### **Reason: (For recommendation)**

To implement the Council's Amalgamation Policy and to enable the Local Authority to fulfil its duties to provide sufficient school places in its area.

## **Section 2 – Report**

### **Introductory paragraph**

1. The Council has an Amalgamation Policy that requires separate infant and junior schools to combine when a headteacher vacancy arises in either or both schools unless there are compelling and over-riding reasons not to. The Local Authority has a statutory responsibility to provide sufficient school places for its area.
2. Like many boroughs, Harrow is experiencing significant growth in the pupil population and has been creating additional school places to meet the increased demand since September 2009.
3. The latest school roll projections predict that the increased demand for Reception places will continue at a high level until at least 2020/21. In July 2014, Cabinet agreed to the publication of statutory proposals to expand permanently a third phase of primary schools.
4. The decision sought will help the Council meet its corporate priorities to make a difference for families, communities and the vulnerable by ensuring sufficient school places in its area.

### **Options considered**

5. The Amalgamation Policy was agreed initially in February 2005. The policy subsequently has been revised and up-dated and was confirmed by Cabinet in July 2013.
6. The Policy requires schools to amalgamate unless there are compelling and overriding reasons not to combine. The resignation of Weald Junior School headteacher triggered the Amalgamation Policy.

7. In July 2014, Cabinet agreed to delegate to the interim Corporate Director of Children and Families, in consultation with the Portfolio Holder for Children, Schools and Young People, the decision about: the final list of schools that should be moved to the statutory process for permanent expansion.
8. Consultation about the proposed amalgamation and expansion was held from Monday 8 September to Monday 20 October 2014. On 24 October 2014, following consideration of the consultation outcomes, the Portfolio Holder for Children, Schools and Young People approved the publication of statutory proposals. Information about the consultation outcomes is included in Appendix 2 to this report.
9. Statutory proposals to expand to amalgamate and expand Weald Infant and Nursery School and Weald Junior School were published on 3 November 2014 for a four week representation period which closed on 1 December 2014.
10. 3 representations in relation to the statutory proposals were received by Harrow Council by the closing date of the representation period on 1 December 2014. These representations are attached as Appendix 1 to this report. The representations refer to the existing traffic congestion and anti-social driving behaviour in the area of the schools and object to the proposed expansion of the Weald schools on the basis of the increased traffic congestion issues that will result rather than to the principle of expanding the schools. Summary of the issues raised in the representations is given in Appendix 2 together with officer comment.
11. The traffic congestion issues are recognised and are being addressed within the school expansion programme processes, including:
  - additional school places being created close to where the children live to reduce car use across the borough;
  - Council and schools working to deploy resources to contribute to a decline in traffic around expanded schools, even while extra pupils are added;
  - Transport Assessments are undertaken at all schools approved for expansion as part of the Planning process;
  - updated School Travel Plans are submitted as part of the planning application;
  - additional parking enforcement activity at all expansion schools.
12. The Federated Governing Body of Weald Infant and Nursery School and Weald Junior School at its meeting held on 26 November 2014 reiterated its support for the two proposals: that Weald Infant and Nursery School and Weald Junior School are joined together to form one combined school on 1 April 2015 and the combined school is expanded to four forms of entry (120 places) with effect from 1 September 2016. The Governing Body wishes to achieve a lasting solution to the problems associated with the access of traffic, parking, safety and the travel behaviour of Weald Schools' parents and carers.

The Governing Body strongly believes there is a real urgency to address these issues now with the school working with officers from the Council's Highways Department, parents, carers and the local community.

13. Cabinet has the following options:
  - a. Reject the proposals;
  - b. Approve the proposals without modification;
  - c. Approve the proposals with modification;
  - d. Approve the proposals, with or without modification, subject to certain conditions being met.

### **Recommendation**

14. The Corporate Director of Children and Families recommends that Cabinet approves the statutory expansion proposals as published to:
  - combine Weald Infant and Nursery School and Weald Junior School on 1 April 2015;
  - expand permanently Weald Infant and Nursery School and Weald Junior School by one form of entry (30 pupils) from 1 September 2016.

The combined school would fill incrementally from the point of admission into the school.

15. The reasons for this recommendation include:
  - the responses made by the school communities to the consultation questions indicate strong agreement with the Council's proposal to combine and expand the Weald schools;
  - the Federated Governing Body of Weald Infant and Nursery School and Weald Junior School supports the proposal to expand the school;
  - the primary concerns in the responses to the consultation and in the representations to the statutory proposals are about the traffic congestion and anti-social driving behaviour associated with school drop-off and collection times rather than the school expansion itself;
  - the traffic congestion issues are recognised and are being addressed corporately within the school expansion programme processes. Full officer response to the comments and representations is given in Appendix 2. The Federated Governing Body of Weald Infant and Nursery School and Weald Junior School strongly urge that, in order to achieve the successful expansion of the schools, both schools and the Federated Governing Body work closely in partnership with Harrow Council, parents, carers and the local community to achieve a lasting solution to the problems associated with the access of traffic, parking and the travel behaviour of Weald Schools' parents and carers;
  - additionally, during the construction of the school rebuild, the Governing Body and both schools will work with the Education Funding Agency, Harrow Council, the contractors and residents to ensure that the project runs smoothly and not to the detriment of the schools' neighbours;

- extensive efforts were made to bring the expansion proposal to the attention of residents in the area. This is in keeping with the Council approach across all 22 school expansion projects now in progress or recently completed. The processes demonstrate that a very wide consultation has begun and the Council's and school's commitment to addressing local concerns, especially about traffic, as part of the processes about the expansion proposal.

### Performance Issues

16. 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. As at October 2014, 87% of Harrow's primary and secondary schools are judged 'good' or 'outstanding', compared to 85% in London and 80% nationally (Source: Ofsted Data View).
17. 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.
18. 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.

Year	Key Stage 2	Reading, Writing & Maths L4+	KS1-KS2 Expected Progress - Reading	KS1-KS2 Expected Progress - Writing	KS1-KS2 Expected Progress - Maths
2012	Harrow	79%	91%	93%	90%
	National	74%	90%	90%	87%
2013	Harrow	79%	90%	92%	92%
	National	75%	88%	92%	88%
2014 (P)	Harrow	82%	93%	92%	93%
	National	78%	91%	93%	89%

Source: DfE Statistical First Release, (P) – Provisional

Year	Key Stage 4	% 5 A*-C grades inc E&M	KS2-KS4 Expected Progress - English	KS2-KS4 Expected Progress - Maths
2012	Harrow	63.6%	82.3%	80.4%
	National	59.1%	69.3%	69.9%
2013	Harrow	65.4%	79.7%	83.3%
	National	60.8%	71.7%	72.0%
2014 (P)	Harrow	61.3%	81.4%	74.0%
	National	56.1%	71.0%	65.4%

Source: DfE Statistical First Release, (P) - Provisional

Please note that the significant difference between the 2014 and previous year's result is largely due to the new 2014 methodology applied by the DfE.

19. 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 tables below includes the gap at key stage 2 and at key stage 4 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.

<b>2014 (P) Key Stage 2 – Closing the Gap</b>	<b>Harrow</b>	<b>National*</b>
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.	14%	19% (2013)
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.	52%	53% (2013)

<b>2014 (P) Key Stage 4 - Narrowing the Gap</b>	<b>Harrow</b>	<b>National*</b>
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.	21.6%	26.7% (2013)
The Special Educational Needs (SEN)/non-SEN gap – achieving 5 A*- C GCSE inc. English and Maths GCSEs.	47.3%	47.2% (2013)

\*The 2014 national FSM and SEN results have not been published as yet.

20. 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 Implications**

21. 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.
  
22. 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.
  
23. 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**

24. Risk included on Directorate risk register? Yes  
Separate risk register in place? Yes
  
25. The directorate and corporate risk management implications for the Council arising from school place planning are included on the directorate and corporate risk registers.
  
26. The key high level risks for the school expansion programme are set out below:

<b>High Level Risks</b>	<b>Consequences</b>	<b>Mitigating/Control Actions</b>
<b>Planning</b>	Planning permission not granted creating delays to programme.	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: Informal discussions with Planners during feasibility regarding planning polices. Community engagement through the school expansion consultation and the pre-planning engagement activities. School community

		<p>and local residents invited to meetings and provided with information about local proposals.</p> <p>Traffic Assessments undertaken to inform School Travel Plans and highways mitigation measures.</p> <p>IT improvements have been put in place for the planning applications to be viewed on the Council website.</p>
<b>Finance</b>	<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 brings 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>
<b>Programme delivery</b>	<p>Delays to programme – school places not available, additional costs.</p>	<p>Capital Team expanded 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>The schools will be rebuilt by the EFA as part of the Priority School Building Programme.</p>
<b>Pupil Projections</b>	<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</p>	<p>GLA commissioned to provide school roll projections. Review of projections against Admissions data on applications and 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</p>



	vacancies.	years. 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.
<b>Communication</b>	Lack of understanding of need and proposals leading to delays and complaints.	Communication strategy developed for overall programme and individual projects. School Expansion Stakeholder Reference Group meets with cross-party and representative membership to provide advice and guidance on the implementation of the school expansion programme. Programme communications officer develops and co-ordinates communications and community engagement.

## Legal Implications

27. The Local Authority has a statutory entitlement under Sections 15 and 19 of the Education and Inspections Act 2006, to issue statutory proposals in respect of school reorganisation.
28. 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.
29. 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.
30. 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 Weald Infant and Nursery School and Weald Junior School.
31. The statutory guidance on expansion of schools confirms factors which should be taken into account by local authorities when determining proposals. Appendix 2 to this report sets out considerations about the proposal in relation to the Department for Education School Organisation Guidance for proposers and decision-makers.
32. 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.

## **Financial Implications**

### **Amalgamation**

33. As a combined school, there would be a loss of one lump sum going forward which currently totals £154,230 from 2017/18 onwards. This would put the combined school in the same position as existing all-through primary schools. In the first year of amalgamation the school would receive two lump sums and the year following amalgamation the combined school would receive the equivalent of 85% of two lump sums. This would allow time for the governing body to plan for this change which represents a comparatively small amount of the combined school budget. Funding efficiencies arising from combining these schools can be used to offset this reduction. The governing body and leadership team of a combined school would be able to plan strategically in a cost effective manner in the best interests of the children in order to achieve positive outcomes for the children in the long term.

### **Revenue**

34. 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 and some set up costs.

### **Capital**

35. The budget for the school expansion programme, including primary school expansions in Phase 1 and Phase 2 and three expansions at Phase 3, secondary school expansions and provision for pupils with special educational needs (SEN) is £89.784m.
36. Weald Infant and Nursery School and Weald Junior School will be rebuilt by the Education Funding Agency (EFA) as part of the Government's Priority School Building Programme. The expansion element of the rebuild would be funded by Harrow Council and the build would be delivered by the EFA.

37. Scoping work has been progressed by the EFA at the Weald schools with a view to completion of the rebuild by 2017.
38. The design proposal will be subject to open pre-planning engagement with the school community and local residents so comments can be taken into account and influence the final design that is submitted in the planning application.

### **Equalities implications / Public Sector Equality Duty**

39. 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.
40. Equalities Impact Assessments have been undertaken on the proposals to amalgamate and to permanently expand Weald Infant and Nursery School and Weald Junior School. The Equalities Impact Assessments are included in Background Papers. The conclusions of these assessments are that the implications are either positive or neutral in that the amalgamation and expansion of the schools will help to ensure all children in Harrow have access to a high quality school place. The assessments have not identified any potential for unlawful conduct or disproportionate impact and conclude that all opportunities to advance equality are being addressed.
41. 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. By acting to ensure all children in Harrow have access to a high quality school place, Harrow is promoting equality of opportunity for all children and young people.

### **Council Priorities**

42. The Council's vision is: **Working Together to Make a Difference for Harrow.**
43. The Council Priorities are as follows:
  - Making a difference for the vulnerable
  - Making a difference for communities
  - Making a difference for local businesses
  - Making a difference for families
44. The recommendation supports these priorities by:
  - Ensuring Harrow Council fulfils its statutory duties to provide sufficient school places in its area.
  - Providing high quality local mainstream and special educational need 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: 8 December 2014		
Name: Sharon Clarke	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 9 December 2014		

<b>Ward Councillors notified:</b>	<b>YES</b>
<b>EqIA carried out:</b>	<b>YES</b>
<b>EqIA cleared by:</b>	Corporate Equalities Impact Assessment Quality Assurance Group

### Section 4 - Contact Details and Background Papers

**Contact:** Johanna Morgan, Education Lead School Organisation,

Tel: 020 8736 6841

Email: [johanna.morgan@harrow.gov.uk](mailto:johanna.morgan@harrow.gov.uk)

**Background Papers:** Equalities Impact Assessments on the proposed amalgamation and expansion of Weald Infant and Nursery School and Weald Junior School

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