

REPORT FOR: **CABINET**

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

Section 1 – Summary and Recommendations

Statutory proposals to expand permanently Grimsdyke 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 expand permanently Grimsdyke School 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

Introductory paragraph

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 been creating additional school places to meet the increased demand since September 2009.
2. The latest school roll projections predict that the increased demand for Reception places will continue at a high level until at least 2020/21.
3. In July 2014, Cabinet agreed to the publication of statutory proposals to expand permanently a third phase of primary schools. 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

4. 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.
5. Consultation about the proposed expansion was held from Tuesday 16 September to Monday 20 October 2014. Over half the respondents to the consultation disagreed with the Council's proposal to expand Grimsdyke School. However, nearly one third agreed and the response level of 57 needs to be viewed in the context of some hundreds of response forms distributed to parents, staff and local residents. Also the online consultation response portal on the Harrow

Council website was publicised. On 22 October 2014, following consideration of the consultation outcomes, the Corporate Director Children & Families approved the publication of statutory proposals. Information about the consultation outcomes is included in Appendix 2 to this report.

6. Statutory proposals to expand to expand Grimsdyke School were published on 3 November 2014 for a four week representation period which closed on 1 December 2014.
7. 70 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 were received by emails and letters. Many representations stated a consultation document had not been received. The majority of the representations refer to the existing traffic congestion and anti-social driving behaviour in the area of the school and object to the proposed expansion of Grimsdyke School on the basis of the increased traffic congestion issues that will result rather than to the principle of expanding the school. Summary of the issues raised in the representations is given in Appendix 2 together with officer comment.
8. 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.The representations also include some helpful suggestions about possible mitigations for the problems, all of which will be considered.
9. The Governing Body of Grimsdyke School supports the proposal to expand the school (see Appendix 3). The Governing Body appreciates the need to deal with the issues raised around traffic and have tasked a committee with developing an updated Travel Plan with officers from Harrow. The governors are committed to ensuring that the expansion does not negatively impact on the teaching and learning for the current pupils and see the expansion as an opportunity to modernise the provision for present and future pupils which has been long needed.
10. 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

11. The Corporate Director of Children and Families recommends that Cabinet approves the statutory expansion proposals as published to effect the permanent expansion of Grimsdyke School by one form of entry (30 pupils) from 1 September 2015. The school would fill incrementally from the point of admission into the school.
12. The reasons for this recommendation include:
 - the Governing Body of Grimsdyke 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. Grimsdyke School Governing Body appreciates the need to deal with the issues raised around traffic and have tasked a committee with developing an updated Travel Plan with officers from Harrow;
 - extensive efforts were made to bring the expansion proposal to the attention of residents in the area. This is in keeping with the Council's 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

13. 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).
14. 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.

15. 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 (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.

16. 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.

2014 (P) 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.	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)

2014 (P) 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.	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.

17. 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

18. 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.
19. 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.
20. 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

21. Risk included on Directorate risk register? Yes

Separate risk register in place? Yes

22. The directorate and corporate risk management implications for the Council arising from school place planning are included on the directorate and corporate risk registers.
23. The key high level risks for the school expansion programme are set out below:

High Level Risks	Consequences	Mitigating/Control Actions
Planning	<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>Community engagement through the school expansion 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 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>
Finance	<p>Unaffordable Programme / individual projects and additional costs to Council.</p> <p>Risk of loss of TBNP funding if the new places are not provided and the allocations spent by September 2015.</p>	<p>Capital Strategy developed to bring together the Government's school funding streams: Basic Need, Capital Maintenance, Targeted Basic Need Programme; and building programmes e.g. Priority School Building Programme.</p> <p>School expansion feasibility designs aligned to the DfE guidance on spaces and areas for schools.</p> <p>Indicative costs calculated from feasibility studies to inform programme budget.</p> <p>Programme contingency has been included in the programme budget.</p> <p>Robust financial and programme monitoring</p>

		<p>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>Keepmoat – late AMPs and delivery programmes may impact on provision of places in September 2015.</p>	<p>Capital Team expanded with appropriate skills, experience and expertise in major construction projects to deliver programme.</p> <p>Programme Board meets regularly 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 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 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 developed for overall programme and individual projects.</p> <p>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.</p> <p>Programme communications officer develops and co-ordinates communications and community engagement.</p>

Legal Implications

24. 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.
25. 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.
26. 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 Grimsdyke School.
27. 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.
28. 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

Revenue

29. 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

30. 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.
31. At its meeting on 16 October 2014, Cabinet delegated authority to use suitable national or local public sector Framework(s) to:
 - a) undertake feasibility studies, surveys and provide professional costs and technical services, and;
 - b) design and build / refurbish school facilities.Feasibility study will be undertaken to develop design proposals and develop costings if the statutory proposals are approved. This work will need to ensure that the necessary building work could be completed by September 2016 and any necessary interim accommodation requirements could be made for the intake of additional children in September 2015.
32. Based on current estimates and market conditions it is expected that it is possible to deliver this programme with EFA capital grants, without the need for council capital funding. If the programme is not deliverable within the current programme then borrowing may be required. This risk is being monitored closely in consultation with Cabinet Members.

Equalities implications / Public Sector Equality Duty

33. 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.
34. Equalities Impact Assessment has been undertaken on the proposal to permanently expand Grimsdyke School. The Equalities Impact Assessment is included as a Background Paper to this report. 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.
35. 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

36. The Council's vision is: **Working Together to Make a Difference for Harrow.**
37. 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
38. 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: 4 December 2014		
Name: Sharon Clarke	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 9 December 2014		

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

Section 4 - Contact Details and Background Papers

Contact: Johanna Morgan, Education Lead School Organisation,
020 8736 6841 johanna.morgan@harrow.gov.uk

Background Papers: Equalities Impact Assessment on the proposed expansion of Grimsdyke School

**Call-In Waived by the
Chairman of Overview
and Scrutiny
Committee**

NOT APPLICABLE

[Call-in applies]