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**REPORT FOR: CABINET**

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<b>Date of Meeting:</b>	11 October 2018
<b>Subject:</b>	Strategic School Organisation and Admission Arrangements
<b>Key Decision:</b>	No
<b>Responsible Officer:</b>	Paul Hewitt, Corporate Director People Services (Interim)
<b>Portfolio Holder:</b>	Councillor Christine Robson, Portfolio Holder Young People and Schools
<b>Exempt:</b>	No
<b>Decision subject to Call-in:</b>	Yes
<b>Wards affected:</b>	All
<b>Enclosures:</b>	None

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

This report sets out proposals to undertake a formal consultation in accordance with the School Admissions Code 2014 to reduce the Published Admissions Numbers (PANs) in three schools and secure additional special educational needs and disability (SEND) provision.

### **Recommendations:**

Cabinet is requested to:

1. Agree to consultation on the proposals to reduce the Published Admission Numbers (PAN) as part of the Admission Arrangements for 2020 for Cedars Manor School, Weald Rise Primary School and Welldon Park Primary School.
2. Delegate authority to the Interim Corporate Director, People, following consultation with the Portfolio Holder for Young People and Schools, to consider formal representations and consultation responses and to decide whether to reduce the PANs of the schools named in Recommendation 1.
3. Delegate authority to the Corporate Director, Community, following consultation with the Portfolio Holder for Regeneration, Planning and Employment, to grant:
  - i. Suitable leases for Welldon Park Infant School and Welldon Park Junior School in respect of the academy transfer to permit, if agreed, the consolidation of the school on the junior school site and the subsequent recovery of the infant school site by the Council to deliver a special school on the site.
  - ii. A suitable lease for Priestmead Primary School to permit the Council to continue to lease the old school building to Salvatorian College for the period of redevelopment of Salvatorian College and additionally the continued occupation of the Scout Group.

### **Reason: (for recommendations)**

To enable the Local Authority to fulfil its statutory duties to provide sufficient school places in its area.

## **Section 2 – Report**

### **Introduction**

1. The Local Authority has a statutory responsibility to manage the supply of school places and secure sufficient school places for its area, including primary, secondary and special school provision. As the Admissions Authority for Community Schools, the Local Authority is required to consult on proposals for changes to the Admissions Arrangements.
2. This report sets out proposals to reduce the number of reception places for September 2020 in accordance with the Local Authority's role as the Admissions Authority for community schools, and outlines options to secure additional special educational needs provision.

### **Options considered**

3. The Local Authority has a statutory responsibility to secure sufficient school places, and in fulfilling this function, needs to explore options, develop proposals for change and implement them accordingly. In this context, the Local Authority has developed proposals to reduce the number of places across a number of primary schools in Harrow. In addition, there is potential to secure a site for a special school and other special educational provision. If no action is taken, then there may continue to be more places than required in specific areas of the Borough as indicated by the current school roll projections and the potential to secure a site for a special school will be lost. Without additional special school provision, the Local Authority will be dependent on out-borough maintained and non-maintained special schools to provide places.

### **Background**

#### **School Admissions and School Place Planning**

4. Like many boroughs, Harrow has experienced significant growth in the pupil population with an increasing trend over the past twelve years since 2005-06. Initially, this rise in population was experienced in the primary sector and increasing pupil numbers are now starting to emerge at secondary level as the pupils move from primary phase to secondary. There is a corresponding demand for special school places. Strategies to increase the number of school places have been implemented.
5. This picture is now changing, particularly for primary schools. The projections last year indicated that the numbers were plateauing at a considerably lower level than previous projections. The projections for 2018 continue this trend but are at a lower level, with more of a downward trend over the next 10 years.

6. There are vacancies in reception classes in a number of schools. Given the significant increase in school places to meet rising demand there needs to be a period of time for the situation to settle and be monitored. This is particularly important with the extensive housing regeneration schemes planned. However, there are instances where a reduction in the number of places would be beneficial to a school to manage mobility and provide financial stability and enable wider strategic objectives, e.g. increasing special educational provision.
7. For September 2018, officers worked with a number of schools to monitor the number of places that were offered to ensure that schools could make decisions on the number of classes that they would require for September in reception. Through the consultation on Admissions Arrangements, the Local Authority is proposing the reduction of PANs at three schools.

### **Admissions Arrangements Proposals for Consultation**

8. In July 2018, the school roll projections for Harrow were presented to Cabinet. The latest School Roll Projections are showing that there will be surplus places in some planning areas. Officers are working with schools to manage the number of places effectively and are proposing to reduce formally the number of places available in reception for September 2020. Proposals have been put forward having reviewed the projections received and the summary is as follows:

<b>Planning Area</b>	<b>Projected Surplus Forms of Entry (FE) Sept 2020</b>	<b>Proposal</b>
North West	2 FE	Consult to reduce Cedars Manor by 1 FE
South West	2.5 FE	Consult to reduce Welldon Park by 1 FE
North East	2.5 FE	Consult to reduce Weald Rise by 2 FE

9. Officers have undertaken initial discussions with schools about these proposals. If the proposals are agreed Officers will work with schools to secure alternative uses of the accommodation to support wider strategic educational objectives. If the number of pupils increase in the future and there is a change in projections, then the accommodation can be re-commissioned as classroom spaces.

### **Special Educational Needs**

10. Harrow is experiencing a growth in demand for provision for pupils with special educational needs (SEN). Priority 1 of the SEND Strategy is to review and increase provision in-borough. There has been an increase in

demand for special school places for pupils with severe and complex needs with autism and for September 2018, additional places have been secured and provided on a temporary basis at Woodlands School. However, further provision is required and the need for a 120 place all-through special school for pupils with severe and complex needs with autism has been identified. This provision will be complementary to the current provision at Woodlands and Kingsley to secure additional places and flexibility.

11. The impact of insufficient local special educational provision means that the Local Authority is required to place pupils in schools outside of Harrow. If the Local Authority were able to meet increased levels of demand, then children would be able to attend a local school in the community of Harrow and there would be a more efficient use of resources.
12. Placing pupils out of borough increases the cost of provision and is causing significant cost to the High Needs Block of the Dedicated Schools Grant. In addition, it increases the cost of home to school transport which is funded from the Council's General Fund budget.
13. An Expression of Interest (EOI) for a special free school, submitted by the Local Authority in 2016, was unsuccessful. One of the reasons cited was the cost and delivery timescale related to the site proposals. The identification of a suitable site for a free school is extremely challenging in Harrow and opportunities need to be explored and secured wherever possible.
14. The Government announced the next special free school wave in July 2018. Local authorities are required to submit an EOI by mid-October. The Local Authority will submit an EOI and the guidance states that identifying a site, in local authority control, would be beneficial to the submission.

### **Strategic Objectives for SEND**

15. Bringing forward proposals for new schools is very challenging in Harrow because of the lack of suitable sites. The school expansion programme was achieved predominantly through the expansion of existing schools, but coupled with creative use of the Local Authority's land; for example, creating an all through school on the former Whitefriars Primary School and Teachers Centre sites, and identifying sites within major development sites for new free schools.
16. A site for a free special school is required and as the Council has limited options, it is seeking to maximise opportunities within its school estate. A previous proposal, which was not accepted by the DfE, required the rebuild of a school to enable a special school to be located on part of its site. The only option that the Local Authority has in terms of current school sites is to consolidate a split site school onto one site. Welldon Park Primary School currently occupies two sites for infant and junior pupils, these sites being two separate schools historically.

17. The Local Authority has commissioned a feasibility study which indicates that it is possible to consolidate the school onto one site, based on a reduced PAN, and release the current infant site for alternative educational use as a free special school. A number of conditions would need to be met if these were to be progressed including detailed designs for additional accommodation, funding, planning permissions and a programme to inform when the consolidation could be achieved and the site released. Underpinning this is a successful EOI for a special free school.

### **Related Issues**

18. Welldon Park Primary School has an academy order and work is underway for it to convert to an academy from January 2019. Under the Academies programme, the land occupied by a school at the point of conversion would normally transfer to the trust under a 125 year lease. In this context the Local Authority will be seeking to secure the infant school site for the development of a special school through the lease arrangements. The assumption would be that Welldon Park would continue to occupy the infant site during the period to secure funding and construct the additional accommodation on the junior school site. Once vacated, the site would then be available for the development of a 5-19 special school.
19. Options to achieve this through the lease arrangements are being explored by Legal and Estates. It is proposed that the Commercial Transfer Agreement include clauses that outline the intention of the consolidation of Welldon Park onto the junior school site to enable the increase of special school provision, and that a lease is granted for a term and on appropriate conditions to facilitate the temporary occupation of the site by Welldon Park whilst further decisions are made on implementation of the special school option.
20. In October 2012, Cabinet agreed to delegate authority to the relevant Corporate Directors and Portfolio Holders to enter into lease arrangements for schools converting to academies. This delegation permits lease arrangements to be agreed in accordance with the DfE's model lease. This lease arrangement would not be suitable to facilitate temporary occupation of a school site pending decisions on an alternative use of the site for a separate school. It is proposed that delegated authority is given to the Corporate Director, Community to facilitate the necessary lease arrangement for occupation of the former infant school site.
21. It is proposed that the outcomes of consultation on the reduction of PANs for all schools are reported to the Interim Corporate Director People Services, following consultation with the Portfolio Holder for Young People and Schools, to decide whether to implement the proposals. This timeframe would ensure that the consultation and decision making process could be completed before the academy conversion of Welldon Park Primary School with an implementation date for September 2020.

## **Performance Issues**

22. Schools in Harrow perform very well in comparison to national standards and the local authorities in London. The vast majority of primary schools and secondary schools are judged 'good' or 'outstanding' by OfSTED. As at 31<sup>st</sup> March 2018, 98.3% of Harrow's primary and secondary schools were judged 'good' (50.5%) or 'outstanding' (45.8%), significantly above the 92% good or outstanding schools in London (60% Good, 32% Outstanding) and 86% nationally (65% Good, 21% Outstanding) (Source: Ofsted Data View).
23. The Education Act 2011 maintains a focus on driving up standards in schools, and places 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. Local authorities have less of a role in providing school improvement activities for maintained schools and no intervention duties with regards this aspect in academies. However, the LA does retain some broad statutory duties (Education Act 1996) for the overall quality of education in the Borough.
24. 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.

## **Environmental Implications**

25. 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. 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. This will be the responsibility of the ESFA if the free school is delivered through the government's free school's programme.
26. It is expected that planning applications would be required for development of the sites and a school travel plan required. Through this process and the development of the solutions for the schools, the impact of the different pupil movement to one site and the additional pupils at the special free school and their travel modes will be addressed.

## **Risk Management Implications**

Risk included on Directorate risk register? No

Separate risk register in place? Yes

The key risks for this project are securing funding to consolidate Welldon Park Primary School onto one site and Harrow's EOI for a free special school being included within the Government's free school programme. An EOI is being prepared for submission to the government's free school programme.

## **Procurement Implications**

There are no procurement implications as the free school programmes are delivered by the ESFA. If the Council commissions related capital schemes, frameworks will be explored to secure value for money.

## **Legal Implications**

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.

Under Section 14 of the Education Act 1996, a local authority shall secure that sufficient schools for providing primary and secondary education are available in their area. Sufficient means sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education.

In meeting this duty, a local authority must do so with a view to securing diversity in the provision of schools and increasing opportunities for parental choice.

There is a presumption that if any new school is needed, this will be secured via the free school route and the Local Authority is required to invite proposals for a free school provider. As part of this process, the Local Authority is expected to identify a site. This is the process that is proposed to enable a new special school to be opened in Harrow.

Under the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013, local authorities and governing bodies must follow a statutory process for making certain changes to maintained schools. Closure of an additional site only requires a statutory process where the main entrances of the sites are more than 1 mile apart. However, the statutory guidance on making prescribed alterations to maintained schools, states that a fair process must be followed for changes that are not prescribed.

Reductions in admission numbers are not prescribed alterations for the purposes of the 2013 Regulations; however the statutory School Admissions Code requires admission authorities to consult on a reduction to a PAN. This requires 6 weeks consultation between 1 October and 31 January in the determination year and a decision on the admission arrangements by 28 February.



## Financial Implications

### Revenue Funding

If a free school bid is successful then the Local Authority would be able to partially mitigate the projected future costs for special school provision. Special school places revenue costs are funded from the High Needs Block (HNB) of the Dedicated Schools Grant (DSG) on a place-plus basis. This means that a school receives £10k per place for each commissioned place per annum plus a 'top up' rate based on a pre-agreed banding rate dependent on the level of need. The average annual cost of a place at an equivalent maintained school would be approximately £25k per annum. Similar out of borough maintained school/academy places are in excess of £30k per annum and in excess of £40k per annum in the independent & non-maintained special school sector. Although, if a new special school was a free school the LA would have limited ability to control the cost of top up funding.

There are significant pressures on the HNB of the DSG due in part to a new national funding formula for High Needs being introduced in 2018-19 and continued growth in demand for and complexity of Education Health and Care Plans (EHCPs) and children requiring specialist SEN provision. Part of this is as a result of the SEND Reforms 2014 which increased the age range of pupils eligible for EHCPs from 0-25 years old compared with 5-19 years old prior to this. No additional funding has been received in the HNB to recognise the extended age range.

A key priority of the SEND Strategy is to enable more children to be educated in the Borough which is more cost effective than children being educated at out of borough SEN provision in either maintained/academy provision or particularly in the independent and non-maintained sector. In addition, this also causes pressure on the SEN home to school transport budget which is funded through the Council's General Fund.

### Capital Funding

There is currently £4.5m built into the capital programme for SEN provision in 2018-19. At present, approximately £400k has been committed to the expansion of Woodlands School from September 2018. The Local Authority will also receive £2.295m from the DfE's capital grant for special provision. This will be added to the capital programme in addition to the existing £4.5m taking the total budget available for SEN provision to £6.795m.

The total commitments against these funds are still to be explored and developed in line with the SEND Strategy as this is not the only project currently being scoped. Feasibility studies have been commissioned to assess the potential of the 120 place special school to be located at the Welldon Park Infant School site and the cost of consolidation of the infant and junior schools on the junior school site.

It is assumed that the development of the special school would be via the free school programme. There would be a discussion with the school and ESFA

about funding options for academy schools in relation to the consolidation. The implementation of the reduction of the school size and the consolidation would be subject to affordability and viable business case.

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

27. 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.
28. An initial review of Equalities Impact has been undertaken and the overall conclusion of these assessments is that the implications are either positive or neutral. In particular, increase in special school provision will help to ensure sufficient school places for the increasing numbers of children with special educational needs 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. The equalities implications will be kept under review and updated following receipt of any consultation responses and the updated assessment will be considered by the Corporate Director when making a decision.
29. Harrow's schools are successful, inclusive and provide a diversity of provision. 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**

The Council's vision is: **Working Together to Make a Difference for Harrow**

30. 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
31. The Council Strategic Themes are to:
- Build a Better Harrow.
  - Be More Business-like and Business Friendly.
  - Protect the Most Vulnerable and Support Families
32. The recommendation supports these priorities and strategic themes 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.

- Seeking to secure further investment in schools in Harrow for the benefit of its residents.

### Section 3 - Statutory Officer Clearance

Name: Jo Frost	<input checked="" type="checkbox"/>	on behalf of the Chief Financial Officer
Date: 28 September 2018		
Name: Sarah Wilson	<input checked="" type="checkbox"/>	on behalf of the Monitoring Officer
Date: 27 September 2018		

### Section 3 - Procurement Officer Clearance

Name: Nimesh Mehta	<input checked="" type="checkbox"/>	Head of Procurement
Date: 28 September 2018		

<b>Ward Councillors notified:</b>	<b>NO as it impacts on all Wards</b>
<b>EqlA carried out:</b>	Initial EqlA undertaken based on EqlAs for other school organisation proposals.
<b>EqlA cleared by:</b> Johanna Morgan	

### Section 4 - Contact Details and Background Papers

**Contact:** Johanna Morgan, Divisional Director People Services Strategy, [johanna.morgan@harrow.gov.uk](mailto:johanna.morgan@harrow.gov.uk) 0208 736 6841

**Background Papers: None**

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

**Not applicable**