

Decision Makers Guidance

The decision maker for these statutory proposals is the local authority, and this report presents the proposals to Cabinet for determination. If the local authority fails to decide proposals within two months of the end of the representation period the local authority must forward proposals, and any received representations, to the Office of the Schools Adjudicator for decision. This two month period will end on 16 July 2012.

Decision Makers are required to have regard to guidance issued by the Secretary of State when they take a decision on proposals. The guidance documents are available on the Department for Education School Choice and Operations Team website at <http://www.education.gov.uk/schools/leadership/schoolorganisation> and in Background Papers.

The format of this Annexe follows the framework of the guidance. The text in italics at the start of each section contains extracts from the guidance to assist members to understand the context (**NB** it should be noted that the guidance has not been updated by the Department for Education to reflect changes in organisations, etc).

Checks on Receipt of Statutory Proposals

There are 4 key issues which the Decision Maker should consider before judging the respective factors and merits of the statutory proposals:

1. Is any information missing?

If so, the Decision Maker should write immediately to the proposer/promoter specifying a date by which the information must be provided.

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

2. Does the published notice comply with statutory requirements?

The Decision Maker should consider whether the notice is valid as soon as a copy is received. Where a published notice does not comply with statutory requirements it may be judged invalid and the Decision Maker should consider whether they can decide the proposals.

The statutory notices were developed using the School Choice and Operations Team 'Build a Statutory Notice' facility. This facility is designed to help local authorities, governing bodies and other proposers publishing statutory proposals, to construct a statutory notice which contains all the information required by law.

It is considered that the published notices and complete proposals comply with the statutory requirements.

3. Has the statutory consultation been carried out prior to the publication of the notice?

Details of the consultation should be included in the proposals. The Decision Maker should be satisfied that the consultation meets statutory requirements. If some parties submit objections on the basis that consultation was not adequate, the Decision Maker may wish to take legal advice on the points raised. If the requirements have not yet been met, the Decision Maker may judge the proposals to be invalid and should consider whether they can decide the proposals. Alternatively the Decision Maker may take into account the

sufficiency and quality of the consultation as part of their overall judgement of the proposals as a whole.

Statutory consultations were conducted from 16 January to 27 February 2012. It is considered that all applicable statutory requirements have been complied with in relation to the consultation on the proposals. The local authority has had regard to the Department for Education School Choice and Operations Team guidance on making prescribed changes to schools. The consultation document was sent to all interested parties in accordance with the guidance.

The consultation responses and outcomes (see 'Other issues' below) were reported to Cabinet on 4 April 2012, and Cabinet decided to publish statutory proposals.

4. Are the proposals linked or "related" to other published proposals?

Any proposals that are "related" to particular proposals must be considered together. Generally, proposals should be regarded as "related" if they are included on the same notice (unless the notice makes it clear that the proposals are not "related"). Proposals should be regarded as "related" if the notice makes a reference to a link to other proposals. If the statutory notices do not confirm a link, but it is clear that a decision on one of the proposals would be likely to directly affect the outcome or consideration of the other, the proposals should be regarded as "related". Where proposals are "related", the decisions should be compatible e.g. if one set of proposals is for the removal of provision, and another is for the establishment or enlargement of provision for displaced pupils, both should be approved or rejected.

The statutory proposals for Pinner Park Infant and Nursery School and Pinner Park Junior School are related to each other, as are the statutory proposals for Stanburn First School and Stanburn Junior School, and this was stated clearly on the statutory notices that were published.

Factors to be considered by decision makers

The factors contained in the Secretary of State's guidance should not be taken to be exhaustive. Their importance will vary, depending on the type and circumstances of the proposals. All proposals should be considered on their individual merits.

The sections that follow contain information to assist Cabinet to determine how the proposals meet the factors the decision maker must have regard to in reaching a decision. Not all of the factors contained in the decision makers guidance are relevant to these proposals. For example: the proposals do not make changes to early years provision or nursery schools; there are no issues of poor performance; there are no post-16 implications; there is no change to school category; and there is no special educational needs reorganisation. The effect of the proposals is to expand nine existing schools on seven sites. The following sections, therefore, focus on relevant factors of the guidance.

A system shaped by parents

The Government's aim is to create a schools system shaped by parents which delivers excellence and equity. The Education and Inspections Act 2006 amends the Education Act 1996 to place duties on local authorities to secure diversity in the provision of schools and to increase opportunities for parental choice when planning the provision of schools in their areas. In addition, local authorities are under a specific duty to respond to representations from parents about the provision of schools, including requests to establish new schools or make changes to existing schools. The Government's aim is to secure a more diverse and dynamic schools system which is shaped by parents. The Decision Maker should take into account the extent to which the proposals are consistent with the new duties on local authorities.

During the Autumn Term 2011, a borough wide consultation was held about primary school expansion proposals, and the proposals were distributed to parents of children attending the schools and were publicised more widely. The proposals were developed following consideration of all schools and applying principles developed in consultation with a representative group of headteachers. The consultation proposed up to 11 schools for permanent expansion. Following consideration of the consultation outcomes, which included many responses from parents across the borough, December Cabinet agreed statutory expansion processes would proceed from January 2012.

Standards

The Government wishes to encourage changes to local school provision where it will boost standards and opportunities for young people, whilst matching school place supply as closely as possible to pupils' and parents' needs and wishes. Decision Makers should be satisfied that proposals for prescribed alterations will contribute to raising local standards of provision, and will lead to improved attainment for children and young people. They should pay particular attention to the effects on groups that tend to under-perform including children from certain ethnic groups, children from deprived backgrounds and children in care, with the aim of narrowing attainment gaps.

Harrow is a high performing local authority and the large majority of local services are judged to be good or better by Ofsted. Schools in Harrow perform well in comparison to national and statistically similar local authorities. Most primary schools and all secondary schools are judged good or outstanding.

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

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

Diversity

The Government's aim is to transform our school system so that every child receives an excellent education – whatever their background and wherever they live. A vital part of the Government's vision is to create a more diverse school system offering excellence and choice, where each school has a strong ethos and sense of mission and acts as a centre of excellence or specialist provision. Decision Makers should consider how proposals will contribute to local diversity. They should consider the range of schools in the relevant area of the local authority and whether the alteration to the school will meet the aspirations of parents, help raise local standards and narrow attainment gaps.

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

These primary school expansion proposals would create separate four form of entry schools also.

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

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

A number of schools have established soft federations which have enabled the schools to forge stronger working relationships to support school improvement and to consider the holistic development of the site for school and community use. Two schools are currently consulting about establishing a hard federation to drive improvements in education attainment.

Every Child Matters

The Decision Maker should consider how proposals will help every child and young person achieve their potential in accordance with Every Child Matters' principles which are: to be healthy; stay safe; enjoy and achieve; make a positive contribution to the community and society; and achieve economic well-being. This should include considering how the school will provide a wide range of extended services, opportunities for personal development, access to academic and vocational training, measures to address barriers to participation and support for children and young people with particular needs, e.g. looked after children or children with special educational needs (SEN) and disabilities.

The five outcomes for Every Child Matters are central to all Harrow plans for schools so that wrap around care, support for families and a wide range of opportunities are developed in all schools.

The local authority has to ensure that its strategic solution to create more places in schools maximises the potential of re-commissioning accommodation as classrooms, which may mean changes to how activities are undertaken at the schools. Not all schools are in the same position about the facilities available to them. Some schools have additional physical facilities available to their pupils that are not available at other schools. For example, not all schools are currently able to hold full school assemblies and not all schools have rooms set aside for specialist activities.

The reinstatement of space for use as classrooms does not necessarily mean that enrichment and other activities would cease. Schools would still be able to organise activities even if there are not specified rooms set aside for the purpose. It would mean that the way certain activities are provided would be organised and provided differently.

While every effort will be made to maximise the range of facilities available to schools, it needs to be borne in mind that the capital that will be available will be limited in the current economic climate.

School characteristics

No changes to the overall characteristics of the schools in relation to boarding provision arise from the proposals.

Equal opportunity issues

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

Equalities Impact Assessments have been undertaken by officers and headteachers on the schools proposed for expansion. The conclusions of these assessments are that the implications are either positive or neutral.

Harrow's schools are successful and 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.

Need for places

Where proposals will increase provision, the Decision Maker should consider whether there is a need for the expansion and should consider the evidence presented for the expansion such as planned housing development or demand for provision. The Decision Maker should take into account not only the existence of spare capacity in neighbouring schools, but also the quality and popularity with parents of the schools in which spare capacity exists and evidence of parents' aspirations for places in the school proposed for expansion. The existence of surplus capacity in neighbouring less popular or successful schools should not in itself prevent the addition of new places.

To inform the management of school places, the local authority commissions pupil population projections for Harrow and monitors the pupil numbers in its schools.

Harrow Council commissions the Greater London Authority (GLA) to provide pupil projections. The borough is divided into 6 planning areas for the purpose of primary school place planning. 5 planning areas are geographic and 1 planning area contains all the voluntary aided schools. The projections for each planning area are used to estimate the number of additional Reception places required. The projections used for developing these expansion proposals indicate that there will be at least 2,851 pupils requiring a Reception place in September 2017. This is the predicted peak of the demand. There are currently 2,550 permanent Reception places in Harrow. The strategy agreed by Cabinet to meet the increased demand involves a sustainable level of permanent expansions supplemented by temporary additional Reception classes to meet variations and peaks in demand. Actual demand and updated projections will be monitored and reviewed over time to ensure sufficient places are provided for.

Travel and Accessibility for All

In considering proposals for the reorganisation of schools, Decision Makers should satisfy themselves that accessibility planning has been properly taken into account. Facilities are to be accessible by those concerned, by being located close to those who will use them, and the proposed changes should not adversely impact on disadvantaged groups. In deciding statutory proposals, the Decision Maker should bear in mind that proposals should not have the effect of

unreasonably extending journey times or increasing transport costs, or result in too many children being prevented from travelling sustainably due to unsuitable routes e.g. for walking, cycling etc. Proposals should also be considered on the basis of how they will support and contribute to the local authority's duty to promote the use of sustainable travel and transport to school.

The schools proposed for expansion are located in each of the five geographic Primary Planning Areas to ensure that there is additional provision to meet demand across all parts of the borough. This approach will minimise distances that children and parents have to travel to school and will serve to promote accessibility. As far as possible, it is believed the schools chosen for expansion would be a popular choice amongst parents wishing to secure a place at their local schools.

16-19 Provision

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

School category changes

No changes to school categories (e.g. no changes to become voluntary aided, foundation body, trust or academy) arise from these proposals.

Funding and land

The Decision Maker should be satisfied that any land, premises or capital required to implement the proposals will be available. Normally, this will be some form of written confirmation from the source of funding on which the promoters rely (e.g. the local authority, DCSF, or Learning and Skills Council). In the case of a local authority, this should be from an authorised person within the local authority, and provide detailed information on the funding, provision of land and premises etc. Proposals should not be approved conditionally upon funding being made available, except for proposals being funded under the Private Finance Initiative or through the Building Schools for the Future programme.

The capital costs of the expansion programme will be phased over several years as not all accommodation will be required at the same time for each school. It is currently estimated that the cost of permanently expanding the nine schools in the consultation is £26.2m. These costs were considered as part of setting the Capital Programme 2012/13 to 2014/15. Department for Education capital grants are insufficient to fund the expansion programme so council funding, totalling £2.25m, has been allocated in the capital programme. To fully fund the expansion programme requires additional funding, estimated at £7.9m. Section 106 planning resource (s106) contributions are routinely negotiated from developers, including specific allocations for additional school places. It is planned to use these s106 contributions to fund the financing costs associated with the additional borrowings required for the first three years. Once the Council's transformation programme is complete there will be headroom in the capital financing budget to accommodate the future years financing costs.

The Department for Education announced on 24 May 2012 that three of the expansion schools have been selected for inclusion in the Priority School Building Programme. If the programme does provide funding for expansion within the rebuild at the three schools it should reduce the requirement for council funding and should contribute to meeting the £7.9m funding requirement.

There are no capital receipts, new sites or playing fields, or land tenure arrangements arising from these proposals.

Special educational needs provision

When reviewing SEN provision, planning or commissioning alternative types of SEN provision or considering proposals for change, local authorities should aim for a flexible range of provision and support that can respond to the special educational needs of individual pupils and parental preferences, rather than necessarily establishing broad categories of provision according to special educational need or disability.

Within these proposals, there are no plans to establish new provision or change existing provision for pupils with special educational needs at the schools proposed for expansion. They are mainstream schools, which make appropriate provision for pupils with SEN who attend mainstream schools

Other issues

The decision maker should consider the views of all those affected by the proposals or who have an interest in them. The decision maker should not simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead the decision maker should give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposals.

Statutory consultations were conducted from 16 January 2012 until 27 February 2012. The full analysis of the responses was presented to Cabinet on 4 April 2012.

Overall the responses to the consultation question, and the responses in relation to most of the schools, were in agreement with the proposals. The majority of responses in relation to two school sites were not in agreement, namely the Stanburn schools and Vaughan primary School. The number of responses in relation to Vaughan Primary School was low at 9, and the number in relation to the Stanburn schools was comparatively high at 137 responses. A key issue of concern in the comments received in relation to the Stanburn schools is traffic congestion and anti-social behaviour at drop off and pick up times. For example, inconsiderate parking, excessive noise, and dropping of litter.

The governing bodies of all nine schools that were subject to statutory consultations were asked to respond formally to the consultation. The formal responses from the schools effectively gave agreement in principle to continue to explore permanent expansion. The school responses identify a range of issues and conditions that need to be addressed if expansion is to proceed, primarily to do with the funding and the capital works that will be required to ensure sufficient and appropriate accommodation for the additional pupils attending an expanded school. Governing bodies have confirmed their agreement in relation to the published statutory proposals.

No formal representations in relation to the statutory proposals were received by Harrow Council. A letter from a member of staff at Marlborough Primary School was received regarding parking around the school. However, this letter makes no reference to the expansion proposals and describes current difficulties being experienced and makes proposals for measures to alleviate them.