



Report for:
ACTION

Item Number: 16

Contains Confidential or Exempt Information	NO
Title	Update on School Places, Determination of Statutory Proposals for Havelock Primary School ARP and Children's Services Capital Approvals
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Portfolio(s)	Cllr Yvonne Johnson, Schools and Children's Services and Deputy Leader
For Consideration By	Cabinet
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Implementation Date if Not Called In	28 October 2019
Affected Wards	All
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Purpose of Report:

The purpose of this report is to:

1. Update Cabinet with the progress of school expansions and current projections (including for pupils with Special Educational Needs);
2. Seek approval of the Statutory Proposal to open a 24 place ARP (Additionally Resourced Provision) at Havelock Primary School, a Community School. Cabinet is asked to decide whether, and on what basis, the proposal should be approved and, if approved, to delegate authority to officers to take the necessary steps to implement the proposal. The report sets out the decision making criteria which should be considered in line with Department for Education guidance;
3. Ask Cabinet to note the successful application to the DfE's School Nurseries Capital Fund for nursery accommodation at Three Bridges Primary School and authorise the addition of the Grant funding to the capital programme, and to invite and evaluate tenders for the works contracts;
4. Add School Condition Allocation (SCA) Grant allocation to the capital programme;
5. Seek approval to progress with school places works at Villiers High School;
6. Seek approval not to take up the option to take on a lease of land for a new primary school at the Greenford Green development at the former GlaxoSmithKline and Sunblest site in Greenford, and to provide the land owner with written notice of this.

1. Recommendations

It is recommended that Cabinet:

- i. Notes sections 3.1 and 3.2 which set out the updated projections in relation to demand for primary and secondary school provision across the borough and the proposed strategy to meet demand;
- ii. Notes the progress made with regards to securing additional provision for pupils with Special Educational Needs;
- iii. Approves the proposals for opening a 24 place Additionally Resourced Provision (ARP) at Havelock Primary School. The increase would be phased starting with extra places in 2020;
- iv. Authorises the allocation of £1.500m for the works associated with providing an ARP at Havelock Primary School, from the existing approved Schools SEN Expansion Programme;
- v. Authorises the Executive Director for Children, Adults and Public Health to invite and evaluate tenders for the main works contracts, and any enabling works contracts, required for the provision of the ARP at Havelock Primary School;
- vi. Approves the inclusion of £432,433.00 Grant funding for Three Bridges Primary School Nursery into the capital programme in 2019/20 from new DfE School Nurseries Capital Fund Grant;
- vii. Authorises the Executive Director for Children, Adults and Public Health to invite and evaluate tenders for the works contracts required for the Three Bridges Primary School Nursery to be funded from the £0.432m funding for Three Bridges Primary School Nursery included into the capital programme in recommendation vi;
- viii. Authorises the Executive Director for Children, Adults and Public Health to develop plans and invite and evaluate tenders for the works contracts required for the Villiers High School Places project from the existing approved capital programme for Secondary Schools Expansions based on two Free Schools obtaining a site;
- ix. Approves the inclusion of £379,155.58 Grant funding for High Priority Condition Works into the capital programme in 2019/20 from new Schools Condition Allocation Grant;
- x. Approves the proposal not to take a lease and procure a new primary school on the Greenford Green development at the former GlaxoSmithKline and Sunblest site in Greenford and authorises the Executive Director Children, Adults and Public Health to give written notice of this to the land owner.

2. Reason for Decisions and Options Considered

The Council has a statutory duty to secure sufficient school places and to promote high educational standards, ensure fair access to educational opportunity and promote the fulfillment of every child's educational potential. The Council must also promote choice and diversity.

The legal framework within which Cabinet must consider the proposals is set out in **section 5**.

The relevant background report on projected future demand, Update on the School Expansion Programme, SEN Statutory Proposals and BSF PFI Refinancing October 2018, which was presented to Cabinet on the 16th of October 2018, can be accessed via the following link:

<https://ealing.cmis.uk.com/ealing/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/4985/Committee/3/Default.aspx>

The relevant background information on the statutory proposals for Havelock Primary School ARP was reported to Cabinet on 14th May 2019, and can be accessed via the following link:

<https://ealing.cmis.uk.com/ealing/Meetings/tabid/70/ctl/ViewMeetingPublic/mid/397/Meeting/6180/Committee/3/Default.aspx>

Under the Council's Constitution, Cabinet approval is required to proceed with schemes over £1.000m in value, Portfolio Holder approval is required in order to proceed with schemes between £0.500m and £1.000m, and the schemes up to £0.500m per annum fall within Director delegated powers.

3. Key Implications

3.1. Primary School Places, 4- 11 year olds

Current programme

Expansion of primary school places in Ealing began in 2008, and more than half of all schools either expanded or took at least one bulge class. The primary expansion programme provided 34.5 forms of entry (FE) – 27.5FE in permanent expansions and 7FE in new schools - with 33.5 FE of these available as permanent school places in September 2019. The Council continues to hold off on providing the additional 1FE places at St John's (which was rebuilt as a 3FE primary school as part of the regeneration of the Green Man estate) as the latest data suggests there continue to be sufficient places without it.

Births

The rise in birth rate was the key factor influencing the increase in demand for places in Ealing, with a 31% rise in births over the eight year period between 2002/03 and 2010/11. This increase in births was largely been driven by migrant communities, with births to mothers born in England actually declining during this period and the proportion of births to mothers born outside of the UK increasing from 57% to 72% of births.

Table 1 Births over time with corresponding year of entry to reception

Year	Entry into reception	Entry into year 7	Number of births
Births 02-03	Sep 07	Sep 14	4,469
Births 03-04	Sep 08	Sep 15	4,599
Births 04-05	Sep 09	Sep 16	4,841
Births 05-06	Sep 10	Sep 17	4,976
Births 06-07	Sep 11	Sep 18	5,231
Births 07-08	Sep 12	Sep 19	5,573
Births 08-09	Sep 13	Sep 20	5,548
Births 09-10	Sep 14	Sep 21	5,829
Births 10-11	Sep 15	Sep 22	5,842
Births 11-12	Sep 16	Sep 23	5,750
Births 12-13	Sep 17	Sep 24	5,606
Births 13-14	Sep 18	Sep 25	5,442
Births 14-15	Sep 19	Sep 26	5,324
Births 15-16	Sep 20	Sep 27	5,205
Births 16-17	Sep 21	Sep 28	5,144
Births 17-18	Sep 22	Sep 29	4,888

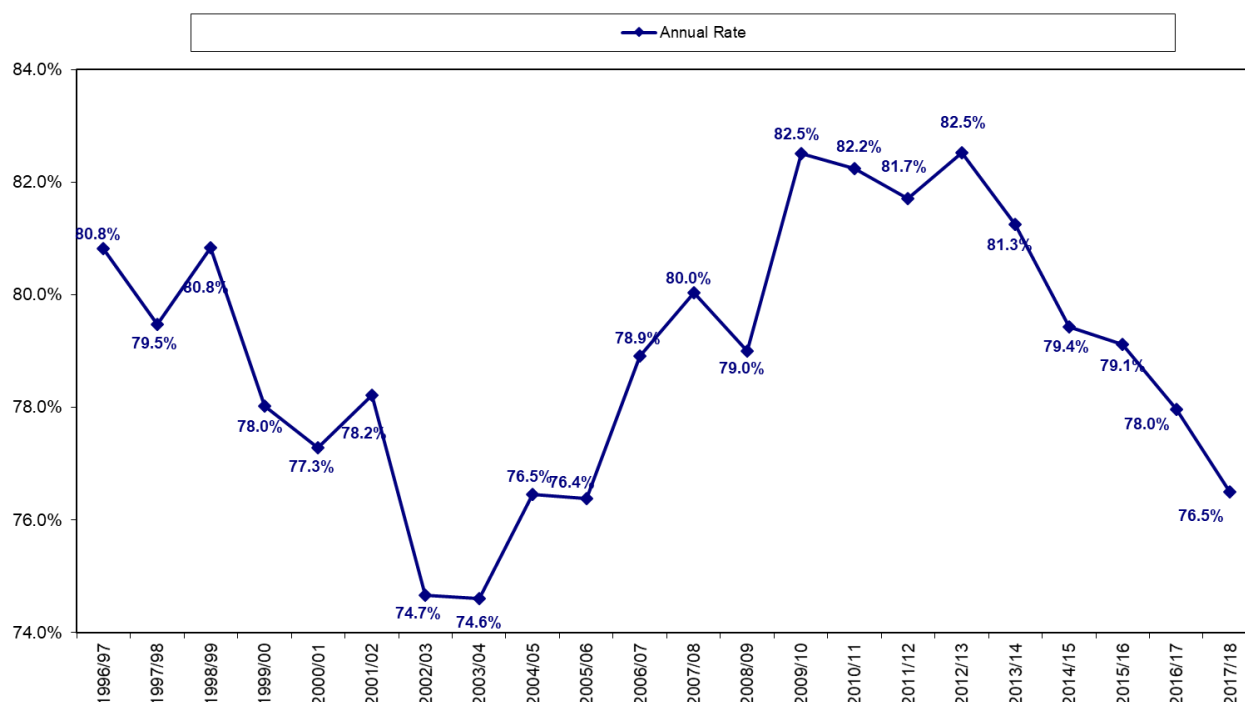
The September 2015 primary school intake (born in 2010/11) represented the peak in births (5,842) and they dropped back to 4,888 in 2017/18 (the September 2022 intake). The latest published calendar year birth figure for 2018 is 4,732, which is more than 1000 less than it was at the peak but remains higher than before births began to rise.

Retention

Migration from and births to families from Eastern Europe (particularly Poland) was a key driver in the increase in pupil numbers in Ealing, with the Polish speaking population of Ealing schools increasing by more than 3,000 over the 10 year period from January 2007 to January 2017. This population has since fallen, with 222 fewer Polish speaking children entering reception in 2018/19 compared to the peak in 2015/16, indicating this population may be starting to move away from Ealing, possibly following the Brexit vote in 2016. This is one of the key reasons behind the falling birth to reception retention ratio at primary school (from 82.5% five years ago to 76.5% in 2017/18). An increase in domestic out migration away from Ealing (due to rising housing costs, housing policy, the tightening of the benefit cap and catch up migration following the slowdown during the recession) also appears to be a contributing factor.

Figure 1 shows this fall in birth to reception retention, which is now at the lowest it has been for 12 years.

Figure 1: Birth to Reception cohort survival rates



Future Demand

In total, Ealing had 4,770 reception places in September 2018. This was enough to meet the demand generated by the corresponding 5,442 live births, with 4,287 children on roll in reception in January 2019. This represented a surplus of 10% which was managed in consultation with schools.

The Council has taken formal steps to manage the projected surplus for September 2019, with 5 temporary reductions agreed by the schools adjudicator. The 4,590 places available for September 2019 after these reductions are expected to be sufficient to meet the demand generated by the lower number of corresponding births (5,320), with a projected reception 7.3% surplus (4,255). The Council will then formally reduce planned admission numbers (PANs) at 8 schools from September 2020, taking the overall number of places available from September 2018 to 4,470.

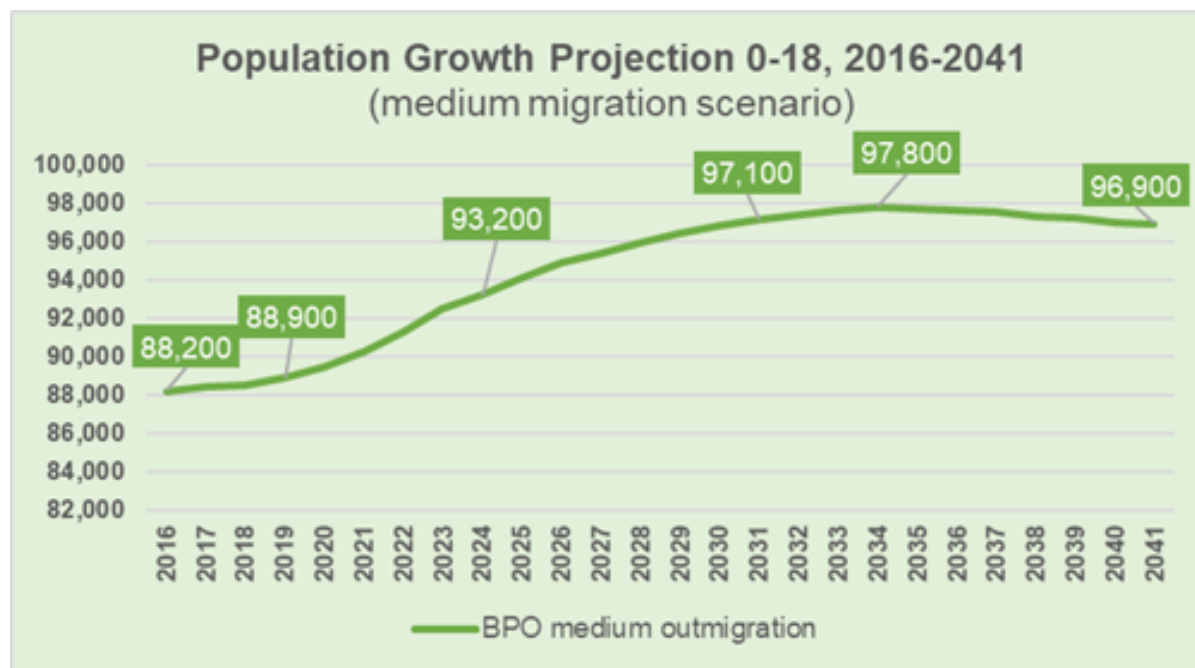
The GLA are currently projecting that births in Ealing will remain in the region of 4,900 - 5,000 for the next five years. The Council therefore expects to have sufficient capacity to meet demand over the five year projection period and beyond based on our retention ratio model, with an increasing number of surplus places (projected to be 15.6% in reception (based on PAN) and also 15.6% across Reception to Year 6 by 2022/23). The Council will continue to work closely with schools to manage this projected surplus.

However, while the projections indicate that the Council will have sufficient capacity overall for primary places, they do not take full account of the potential impact in small areas within planning areas of new housing developments already under construction or planned. The position will therefore be kept under annual review. In particular, the major planned housing developments at Southall Waterside, and on adjacent sites to the east of Southall station, could potentially add 10,000 additional residential units over the next 10-20 years based on the latest plans. The child yields from these additional units are not yet factored into the retention ratio projection model. 2FE free

schools have been allowed for at the Southall Waterside and Middlesex Business Centre developments to meet this additional demand.

The GLA is projecting that the 0-18 year old borough population will reach 93,200 by 2024, peaking at 97,800 in 2034, increases of 5% and 10% respectively. Having previously increased by 23% between 2001 and 2018, this suggests that the overall 0-18 population in Ealing could be 36% higher by 2034 than it was in 2001. Whilst this is beyond the school places projection period, a significantly larger 0-18 population would be expected to be reflected in demand for school places. **Figure 2** shows the GLA 0-18 borough population projection for the period 2016-2041.

Figure 2: Population Growth Projection 0-18 year olds, 2016-2041



3.2. Secondary School Places, 11- 16 year olds

Current Programme

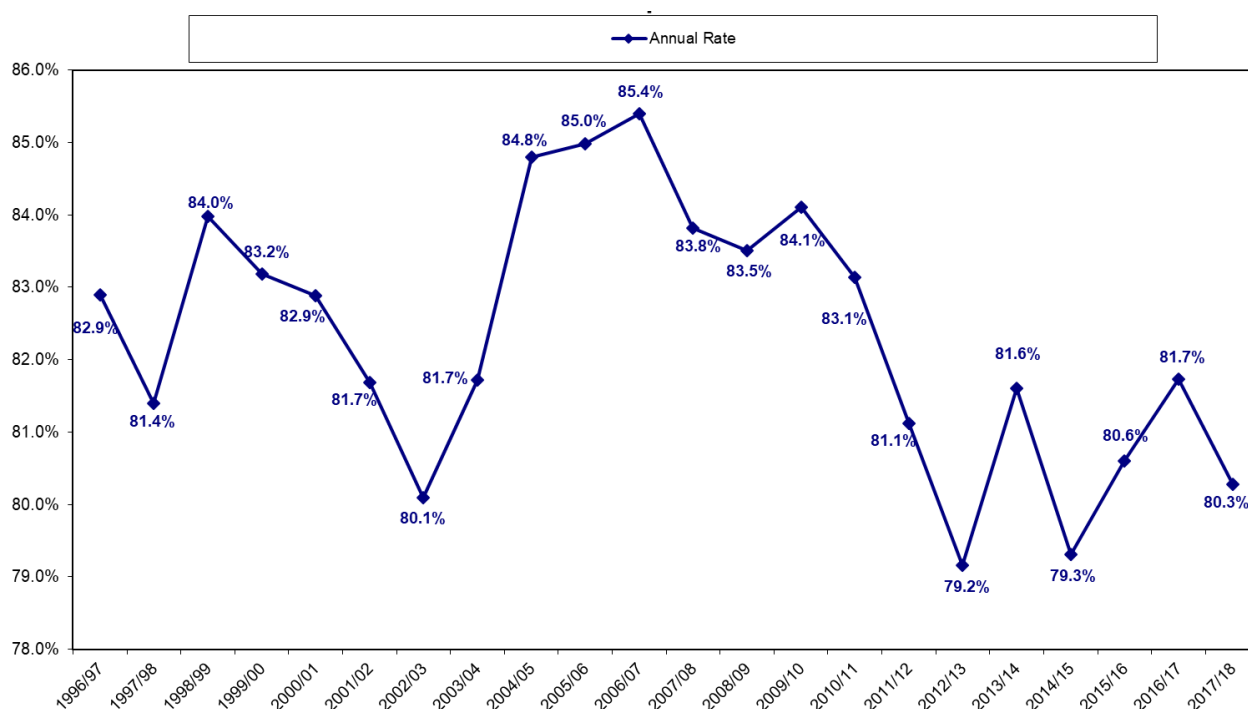
The significant increase in births is now impacting on the secondary sector, with year 7 numbers rising sharply in September 2016 and further significant increases projected for September 2019. There are currently surplus places in the secondary sector, concentrated in two schools in the west of the borough and one school in the east. Many of the remaining schools are heavily oversubscribed.

To date, the Council has delivered a 2FE expansion in Southall in 2012, 4FE by expanding two schools in Ealing in 2016, and a 2FE expansion in Greenford in 2018. Three new secondary free schools have also opened in the borough, a 6.5FE school in GNP in 2013, a 4FE school in Ealing in 2016 and a 6.5FE free school (Ada Lovelace, which initially opened on a temporary site in GNP in 2018 with a reduced PAN of 125 and which will increase to 200 places from September 2020 when it moves to its permanent site in Ealing). Ark Acton Academy opened with a PAN 180 in September 2018, 2FE lower than its predecessor school. This took the total year 7 permanent places available in September 2018 to 3,561, with 3,298 on roll in year 7 in January 2019.

Retention

Ealing currently exports 26% of its secondary age children to out borough state funded high schools (January 2019), while importing only 11% of its high school intake. In total, the net difference is over 3,000 children, making Ealing the second largest net exporter of secondary pupils in London, with net cross border flows between Hounslow (981), Hillingdon (713) and Hammersmith and Fulham (528) contributing the bulk of the net exports. This is more than 500 pupils higher than it was in 2013 largely due to demand significantly outstripping capacity in the Ealing area of the borough, where the current secondary schools are operating at full capacity. There has, however, been a small decrease in net outflows to Hounslow following the opening of Ealing Fields free school near the border. The projections currently assume that the opening of Ada Lovelace and Ark Soane, together with the recovery of parental perception at the small number of existing schools with vacancies will lead to a fall in net exports and a corresponding rise in year 6 to 7 retention back up from the current 80.3% to 84% (a retention rate last seen in Ealing 8 years ago) over the next 5 years. **Figure 3** shows the pattern of year 6 to 7 retention rates over the past 20 years.

Figure 3: Year 6 to Year 7 Replacement Ratios



Future Programme

The permanent planned admission number remained at 3,561 for September 2019, although an additional 30 place bulge class offered and filled at Villiers High School took the total number of year 7 places to 3,591. This will rise to 3,676 in 2020 once Ada Lovelace is taking its revised full planned number of 200 and Ealing Fields has increased its planned number to 150, although it is expected to reduce by 60 to 3,616 following the rebuild of Northolt High School as a 6FE school. Based on latest projections this would represent a shortfall of 2.5 forms of entry in September 2021 across the borough and at area level a shortfall of 4 forms of entry in Acton over the next three years, before demand is projected to begin to come back down.

Table 2 shows year-by-year the planned high school capacity shortfall by area within the borough (excluding Ark Soane).

Table 2: Planned high school capacity the shortfall by area (excluding Ark Soane), 2018-2024

High School Planning Area	Agreed high school capacity (PAN) - in Forms of entry	Shortfall by forms of entry						
		Sep-18	Sep-19	Sep-20	Sep-21	Sep-22	Sep-23	Sep-24
Acton	19.5	2.2	-0.4	-4.0	-3.4	-3.6	-1.7	-0.3
Ealing	33.5 (rising to 37.0 from 2020)	-0.3	-0.7	1.1	-0.8	0.2	-0.5	0.7
GNP	40.7 (dropping to 38.7 from 2021)	4.7	2.7	2.7	0.8	1.6	2.6	4.0
Southall	25 (rising to 25.3 from 2020)	2.4	-0.7	1.4	1.2	1.4	1.6	2.2
Ealing	118.7 (rising to 126.5 from 2020)	8.9	0.9	1.2	-2.3	-0.4	1.9	6.7
Ealing (if you zero off the excess)*		-0.3	-1.8	-4.0	-4.2	-3.6	-2.3	-0.3

*i.e. if you only look at the shortfalls and disregard surplus

Positive figures in the above table indicate surplus, negative indicate shortfall (based on capacity versus expected pupil numbers)

Key

 shortfall of 1 form of entry or more

Plans are in place to meet this need through the establishment of a further new Free School (Ark Soane High School) in 2020 which would provide 6FE of secondary places. With these additional 180 places, the Council expects to have sufficient capacity (3,856) to meet demand for the remainder of the projection period, based on our latest projections (which peak at 3,684 in 2021/22).

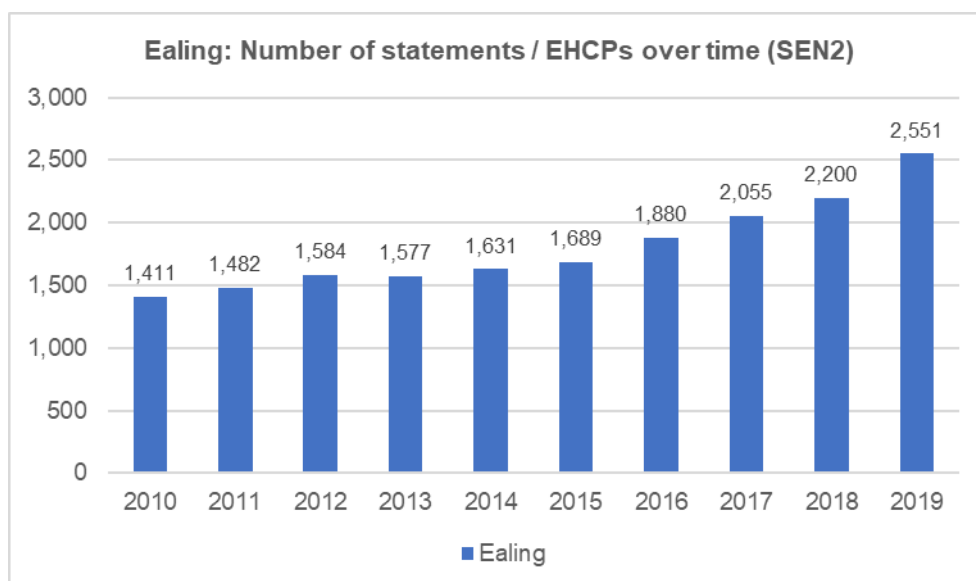
There is, however, likely to be a need for further secondary capacity over the next 10 years in Southall arising from the major planned residential developments outlined above, which are not yet factored into the projection model. The Council is keeping the timings and potential child yield from these developments under close review and working closely with schools in the area to look at potential options to meet this demand.

3.3. Places for pupils with Special Educational Needs (primary, secondary and post 16)

Trends and projections

The overall number of children and young people (age 0-25) with EHCPs has increased by 351 in the past year to 2,551 in 2018/19. This equates to an increase of 16%, compared to 11% growth in London and nationally. In total this represents a growth of 920 plans (56%) since 2014, slightly higher than the growth seen in London (48%) and nationally (49%). **Figure 4** shows the increase in the number of statements/EHCPs over time.

Figure 4 Number of statements/EHCPs over time



The number of primary age children (3-10) with EHCPs continues to grow, with an 11% increase from 1,032 in 2017/18 to 1,143 in 2018/19. This represents a 42% growth in the past 5 years. The number of secondary age children (11-15), with statements or EHCPs, increased by 18% from 662 to 782 in the past year, having remained relatively stable for the previous 5 years. The number of 16-25 year olds with an EHCP continues to grow, with increasing numbers of young people in further education colleges and other specialist post 16 institutions, who would not previously have had a statement, now having an EHCP. This has resulted in the 16-25 EHCP population increasing from 176 in 2014/15 to 626 in 2018/19, with a 23% rise in the past year.

The Council has commissioned an independent detailed SEN projection model which takes account of recent trends in joiners, leavers and movers between different types of provision among different types of need. Overall, if recent trends continue, the number of EHCPs is now expected to increase to over 3,100 plans in the next 5 years. The majority of this growth is expected to be among secondary age children, as the population bulge moves from primary to secondary, and among young people age 16-25.

Current and Projected numbers of EHCPs in 5 years.

	Current (2019)	5 years (2024)	Change
Primary	1143	1,168	+25
Secondary	782	1064	+282
16-25	626	900	+276
Total	2,551	3,132	+581

Current Programme

Since 2013, the Council has expanded special schools and has increased capacity by 131 places (with 91 of these in primary age schools and 40 in all-through schools). Statutory notices have been approved for the expansion of Belvue School to 160 places (11 to 16) plus sixth form and to expand St Ann's school to 105 places (11 to

19). Works associated with both of these expansions are currently under way. Overall, this will add 45 extra places to Secondary Special school capacity.

Further capacity has been added in the form of Additionally Resourced Provision (ARP) in mainstream schools. In primary schools, an ARP at Coston Primary opened in September 2018 with capacity for 21 places. A further ARP at Willow Tree Primary opened in September 2019 with capacity for 24 places.

In high schools, ARPs are now open at Elthorne Park (15 places), William Perkin (30 places), Greenford High (20 places), and Twyford High (20 places), alongside the already established provision for 20 places at Dormers Wells High School.

Future requirements

For mainstream school provision, plans are being developed for 48 further places in primary phase ARPs across two schools, and two further ARPs at high schools which would provide an additional 40 places (8 places per year).

For secondary phase special schools, from 2019, we anticipate that there will continue to be additional demand as more pupils leave the expanded primary special schools and move through into the secondary sector. More local provision is being developed for secondary age students to decrease dependency on out of borough, non-maintained and independent specialist provision. Following the approval of statutory notices, contracts have been awarded and contractors are on site for the expansion of places at Belvue and St Ann's Schools. The potential for further additional SEN places is also being investigated.

Post 16 Future requirements

For post 16 provision, the LA has completed a widespread review of SEN Post 16 commissioning with a focus on identifying pathways which offer the best opportunities for young people to prepare for adulthood.

The consensus view is that moving forward with arrangements that allow colleges and schools to plan and deliver programmes more closely together will achieve better outcomes for young people through to age 25 and beyond. In the first instance, the Ken Acock Centre at Belvue School added work-related provision for those with learning difficulties and provides a strong vocational pathway from school to college for a group of young people significantly under-represented in the workforce. Up to 40 further post-16 places are projected to be needed in the borough. 30 additional places are being provided through extending the age range at Springhallow School to include 16-19 provision based at the Redwood College site. The West London post-16 review has also highlighted collaborative working to expand the range of options and use our combined specialisms. A variety of routes are available for securing new provision, including a combination of existing special schools and colleges.

3.4 Havelock Primary School ARP

SECTION 1: BACKGROUND

The Havelock Primary School proposal forms part of the approved and funded Schools SEN Expansions Programme.

SECTION 2: Determination of proposals to open a 24-place Additionally Resourced Provision (ARP) at Havelock Primary School

The proposal under consideration is to open a 24-place ARP at Havelock Primary School. The increase would be phased with extra places available in 2020. Admissions to Havelock Primary School will continue to be coordinated by the Local Authority based on the needs set out in a pupil's Education, Health and Care Plan.

The proposed ARP will require investment in the facilities at the Havelock Primary School site and will be implemented as part of the Council's capital programme. Building works will be required to provide additional classrooms, learning and ancillary spaces to accommodate the extra pupils. Additional teaching and non-teaching staff will also be recruited.

Consultees were asked to comment upon proposals which will include classrooms, teaching rooms (for groups etc.), staff spaces and other matters associated with such an expansion.

SECTION 3: Summary of Statutory Proposals

The decision maker (Cabinet) is asked to approve the opening of the ARP at Havelock Primary School.

Factors for Cabinet to consider

In October 2018, the Department for Education issued guidance entitled Making significant changes ('prescribed alterations') to maintained schools.

<https://www.gov.uk/government/publications/school-organisation-maintained-schools>

The Guidance sets out some of the factors that Cabinet should consider when deciding on a proposal. These factors are not exhaustive and the importance of each will vary depending on the type and circumstances of the proposal. They are set out in **appendix A**.

Decision makers must consider this proposal on its individual merits and consider all the views submitted including all objections to, and comments on. The key issues raised have been noted in **appendix C**.

With regard to the statutory consultation period, the Notice (**appendix B**) was completed using the applicable Department for Education (DfE) prescribed alterations template and guidance. This proposal is not related to any other proposal. All statutory requirements were carried out regarding the consultation. Details of the consultation are included in **appendix A** and a copy of the Notice is attached in **appendix B**.

Notification of the publication of the Statutory Notice and Statutory Proposal was advertised widely, in line with DfE guidance. The permanent proposal for the opening of an ARP at Havelock Primary School was published in the Ealing Gazette on Friday 6th September 2019 (with a four week representation period ending 4th October 2019). Copies were displayed at the school's entrance and placed on the consultation section of the Council's website for the duration of the statutory consultation period. The complete proposal was available via the Council's website or in hard copy on request.

The publication of the Statutory Proposal opened a representation period as stated above. During this time, any person could object to or make comments on the proposals by sending written representation to the Council directly or via the school office, to have their views on the proposals taken into consideration by the decision maker (Cabinet in this instance). Statements of support for the proposal from the Governing Body, Headteacher and Deputy Headteachers are included in **appendix C**.

No other representations were received in response to the publication of the Statutory Proposal.

An informal consultation was undertaken in the first instance in January and February 2019, which progressed to the statutory consultation in September 2019; details of this are included in **appendix A**. All written representations relating to the initial consultation and statutory proposals can be made available in hard copy upon request. Comments in relation to the factors which Cabinet should consider are set out separately in **appendix A**.

3.5 Three Bridges Primary School Nursery

Grant funding has been obtained from the DfE's School Nurseries Capital Fund (SNCF) to provide new build accommodation for Three Bridges Primary School nursery to enable it to provide wrap-around care for nursery age pupils. The DfE advised in July 2019 that the Council's application was one of 66 approved from 143 submitted projects.

The aim of the SNCF is to create new high-quality school-based nursery places, targeted at closing the gap for disadvantaged children. This investment forms part of the government's commitment to build more school-based nurseries and to boost social mobility.

The project will provide new nursery accommodation at the school which will enable the extended nursery offer to be provided whilst also providing a significant improvement in the quality of the environment that the nursery education is provided in.

3.6 Villiers High School

Villiers High School is an 8FE community secondary school in Southall with 1,332 pupils aged 11-19 on roll at the time of summer 2019 school census, 204 of which were post-16. The school's planned admission capacity is 1500, 300 of which is post-16. The school's existing accommodation has a capacity of 1,246 pupils, which is well below their total capacity of 1,500 pupils.

Comparison of the existing school accommodation areas with Building Bulletin site area guidelines highlights a lack of teaching areas and learning resource areas for the existing numbers of pupils, with an over allocation to staff and administration areas. For the intended 1,500 pupils, 8 Forms of Entry (FE) plus sixth form, there would be an insufficiency in all areas within the existing school buildings.

This project proposes additional accommodation and improvements to areas of the site to allow the school to increase its intake to its full planned 8FE plus sixth form intake.

Southall is the location for a number of large residential housing developments totalling approximately 10,000 new homes, including c4,000 at the former Southall Gas Works and c2,000 each at the former Middlesex Business Centre and Honey Monster factory sites. The school has also recently been assessed by Ofsted as Outstanding in all areas of the assessment which compares to Good at the previous inspection. This is anticipated to further increase demand for places.

The school has taken an additional form of entry in September 2019 to meet increased demand for places following the delay in opening of Ark Soane Academy in Acton until September 2020.

A master plan is also being developed for this site as an option for responding to the anticipated increase in demand for places in Southall as the numerous residential developments are completed over the next 10-20 years. The current proposals are being developed in such a way as to allow further future expansion if required.

3.7 Schools Condition Allocation Grant

The ESFA advised the Council in April 2019 that its School Condition Allocation for 2019-20 would be £3.879m. £3.500m had previously been estimated in the capital programme to enable the summer 2019 works programme to be progressed. Now that the allocation has been confirmed, the additional £0.379m grant requires inclusion in the capital programme for 2019-20.

3.8 Greenford Green Development on the former GlaxoSmithKline and Sunblest Site

The Section 106 Planning Agreement relating to the redevelopment of the former Glaxo Smith Kline and former Sunblest Bakery Site at Greenford Road, Greenford UB6 0HE, required an area of the site adjacent to Oldfield Lane North to be made available on a 125 year lease for no premium and on a peppercorn ground rent for a 2 form entry primary school and nursery to be built by the Council or Education and Skills Funding Agency (ESFA). The timetable for delivery of the school was to be from 2020/21.

Section 3.1 of this report sets out the current position relating to primary school places in the borough. It is not currently felt that an additional school is required at this location to meet demand for places generated from the development. A primary phase education capital funding contribution is provided for in the S106 agreement for investment in education provision but a new school would require significant additional investment by either the Council or the ESFA. The ESFA has been consulted and have confirmed that they have no plans in their pipeline for a new school on this site. There is no funding for a new primary school in the Council's capital programme and no further Basic Need grant is currently expected to be allocated for primary school places. It is therefore recommended that the option to take on a lease for the area of land available for the school is not taken up and that the developer be provided with written notice of this.

4. Financial Implications

Financial impact on the budget

4.1 Schools Expansions

Expansion of school places requires significant capital spend and the estimated expenditure for the agreed programme is subject to review and may change. The Council's schemes described in this report will be funded from the existing approved budgets in the capital programme which are summarised in **Table 3** below.

Table 3. Schools Expansions

Item	Scheme	Budget 2019/20	Budget 2020/21	Budget 2021/22	Budget 2022/23	Total Budget 2019/20 to 2022/23
		£m	£m	£m	£m	£m
	Primary and Special Schools	12.570	2.481	9.650	5.150	29.851
	Secondary Schools	4.671	7.512	7.000	0.000	19.183
	Total	17.241	9.993	16.650	5.150	49.034

The detailed expenditure for the schemes will be monitored by the Budget Holder and Service Management as part of the overall monitoring process.

4.2 Havelock Primary School ARP

The Havelock Primary School ARP expenditure will be funded from the Schools SEN Expansion Programme capital scheme budget as shown in **Table 4** below. The ARP will operate within new accommodation on the existing school site. The cost of the works required to provide this in standalone accommodation are considerably lower than was found to be the case for a combination of remodelling of existing accommodation along with provision of new build accommodation. This was because the remodelling option would require a significant area of remodelling to allow the rest of the school to continue to operate unaffected, in addition to new build accommodation that would only be slightly smaller. It is anticipated that there will be spend of £0.060m in 2019-20 with the remaining £1.440m in 2020-21.

Table 4. Schools SEN Expansion Programme capital programme budget

Item Ref.	Scheme	Budget 2019/20	Budget 2020/21	Budget 2021/22	Budget 2022/23	Total Budget 2019/20- 2022/23
		£m	£m	£m	£m	£m
0027	Schools SEN Expansion Programme	5.421	2.181	1.250	1.750	10.602

4.3 Three Bridges Primary School Nursery

The DfE Grant funding allocated for Three Bridges Primary School Nursery and for inclusion into the capital programme is shown in **Table 5** as follows:

Table 5. New Funding Stream for Three Bridges Nursery

Item Ref.	Scheme	Funding Source	Budget 2019/20	Budget 2020/21	Budget 2021/22	Revised Total Budget 2019/20 to
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						2021/22
			£m	£m	£m	£m
NEW ITEM	Three Bridges Nursery	Grant	0.075	0.357	-	0.432

4.4 Villiers High School Places

The Villiers High School Places expenditure will be funded from the Secondary Schools Expansions based on two Free Schools obtaining a site capital programme budget as shown in **Table 6** below. The revised capital programme item and funding profile is shown in **Table 7**.

Table 6. Existing capital programme budget and funding source for Secondary Schools Expansions based on two Free Schools obtaining a site

Item Ref.	Scheme	Funding Source	Budget 2019/20	Budget 2020/21	Budget 2021/22	Budget 2022/23	Total Budget 2019/20-2022/23
			£m	£m	£m	£m	£m
0027	Secondary Schools Expansions based on two Free Schools obtaining a site	Grant	1.488	6.512	7.000	-	15.000

Table 7: Revised capital programme budget and funding source - Villiers High School capital

Item Ref.	Scheme	Funding Source	Budget 2019/20	Budget 2020/21	Budget 2021/22	Budget 2022/23	Total Budget 2019/20-2022/23
			£m	£m	£m	£m	£m
0027	Villiers High School Places	Grant	0.200	0.200	7.000	7.600	15.000

4.5 Schools Condition Allocation Grant

Revised Schools High Priority Condition Works Programme funding is set out in **Table 8** below following the April 2019 announcement of a £3.879m allocation for 2019/20. £3.500m had previously been estimated for programming purposes.

Table 8. Revised Schools Condition capital programme and funding source

Item Ref.	Scheme	Funding Source	2019/20 £m	2020/21 £m	2021/22 £m Estimate	Total 2019-22 £m
46	High Priority Condition Works	Grant	4.661	3.750	3.750	12.161

5. Legal

Any contracts for building works described in this report will be let in accordance with the Council's Contract Procedure Rules and the Public Contract Regulations 2015 (as amended) as applicable.

Duties in relation to children of school age

Councils have a statutory duty to ensure that there are sufficient school places in their area. They must also promote high educational standards, increased parental choice, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential.

In relation to the expansion of maintained schools, the planning of SEN provision and the corresponding increase in published admissions numbers the Council is currently required to comply with the following statutory framework so far as maintained schools are concerned.

The Education and Inspections Act 2006, the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 establish detailed procedures for the establishment of new schools and the making of prescribed alterations to existing schools including enlargement and the establishment or discontinuance of provision that is recognised as reserved for children with special educational needs.

The procedures include the publication of statutory notices and proposals containing prescribed information and defined consultation periods.

In October 2018, statutory guidance was published entitled 'Making Significant changes (prescribed alterations) to maintained schools. Part 5 of this guidance sets out the four stages for making prescribed alterations. Also in October 2018, the Department for Education published Departmental Guidance for Academy Trusts entitled 'Making significant changes to an open academy and closure by mutual agreement'.

The Guidance for Decision makers contains factors which are relevant to all types of proposals.

Statutory proposals are required for cumulative expansions in prescribed circumstances, including the making permanent of any temporary enlargement where the enlargement is in place for three years or more.

The regulations provide for conditional approval of proposals to be made in certain circumstances. These include the grant of planning permission.

The decision maker must set a date by which the condition must be met. The condition to be met date must be before the proposed implementation date of the proposal.

Since the abolition of School Organisation Committees in 2007 Cabinet has had the responsibility under the Constitution to agree matters relating to school organisation in the borough, which are not within the legal remit of the Schools Adjudicator or the Secretary of State.

Cabinet is required to consider the proposal and either:

- a) Reject it
- b) Approve it
- c) Approve it with such modifications as they think desirable after consultation
- d) Approve it conditional to an event occurring by a date specified

Cabinet must give reasons for each decision, irrespective of whether the proposal is rejected or approved, including the main factors/criteria for the decision. If conditional approval is granted, Cabinet must set a date by which the condition should be met.

If Cabinet fails to decide proposals within two months of the end of the representation period the LA must forward proposals to the Schools Adjudicator for decision, within one week of the end of the two-month period.

A copy of all decisions must be forwarded to applicable bodies prescribed in the Guidance, including the Secretary of State, Diocesan Authorities, objectors to the proposals etc. The Governing Body of schools subject to the proposals and the local Diocesan Authorities may appeal against a decision, to the Schools Adjudicator. Appeals must be submitted within four weeks of the decision.

Proposers are under a statutory duty to implement any proposals which a local authority or the Schools Adjudicator has approved by the approved implementation date.

If proposers cannot implement approved proposals they must publish fresh proposals to be relieved of the duty to implement. To approve revocation proposals Cabinet must be satisfied that implementation of the existing proposals would be unreasonably difficult or that circumstances have so altered since the original proposals were approved that their implementation would be inappropriate.

Under the School Premises (England) Regulations 2012 suitable outdoor space must be provided in order to enable:

- a) Physical Education to be provided to pupils in accordance with the school curriculum; and
- b) Pupils to play outside

In regard to public law and equalities considerations

When making decisions the Council must act reasonably and rationally. It must take into account all relevant information and disregard all irrelevant information and consult those affected, taking into account their views before final decisions are made. It must also comply with its legal duties, including relating to equalities.

Special Educational Needs Provision

Local Authorities have overall responsibility for making sure that children's Special

Educational Needs (SEN) are met. A revised statutory framework under the Children and Families Act 2014 was brought into force in September 2014.

Under S27 Local Authorities must keep under review the educational, training and social care provision made for children who have SEN or a disability and consider the extent to which the provision is sufficient to meet the needs of the children and young people concerned.

In exercising its functions under S27 Authorities must consult children, young people and parents, the governing bodies of maintained schools, nursery schools, Academies, post 16 institutions, non-maintained special schools, advisory boards of Children Centres, providers of early years education and the governing bodies and proprietors institutions outside the area the authority thinks are or are likely to be attended by children and young people in the area, youth offending team and such other persons as the authority thinks is appropriate.

Local Authorities must also have regard to the Joint Strategic Needs Analysis and Health and Wellbeing Strategy in the exercise of this function.

Human Rights

The United Kingdom is a signatory to the European Convention on Human Rights (ECHR) which came into force as an international treaty in 1953. The Convention comprises a statement of rights, which signatory states guarantee, and incorporates machinery and procedures for their enforcement through the European Commission of Human Rights and the European Court of Human Rights in Strasbourg.

The provisions of the ECHR which are of most relevance to compulsory purchase in this context are as follows.

Article 6 - "In the determination of his civil rights and obligationseveryone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law...."

Article 8 - "Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country. For the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

Article 1 of the First Protocol - "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and the general principles of international law. The preceding provisions shall not, however, in any way impair the right of the state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest."

The Human Rights Act 1998 came fully into force on 2 October 2000, incorporating the provisions of the ECHR into domestic law.

Although the ECHR guarantees the right to peaceful enjoyment of property, it is clear from Article 1 of the First Protocol that compulsory acquisition of land does not involve an infringement of the ECHR so long as it is done in the public interest and subject to

the law laid down by statute. Similar considerations apply to Article 8. States are given a "margin of appreciation" in deciding for themselves what constitutes sufficient public interest to justify a compulsory acquisition.

Public Law and Equalities Considerations

When making decisions the Council must act reasonably and rationally. It must take into account all relevant information and disregard all irrelevant information and consult those affected, taking into account their views before final decisions are made. It must also comply with its legal duties, including relating to equalities.

As public bodies schools and local authorities have duties, known as the 'public sector equalities duties' under S 149 the Equality Act 2010.

The Equality Act 2010 places separate duties on Local Authorities as the responsible body (alongside the governing body) for schools maintained by the local authority.

6. Value for Money

All proposals pursued are subject to rigorous value for money (VfM) procedures through the feasibility study and option appraisal process. Providing Cabinet approval is granted, tenders will be sought in accordance with the Contract Procedure Rules and Public Contracts Regulations 2015 (as amended) as appropriate and will be evaluated to establish the most economically advantageous tender to the Council. During the execution of the projects, regular progress review meetings will be held to ensure the projects are being executed to the approved budget and the timescales.

7. Sustainability Impact Appraisal

The planning applications for building works will include an assessment of the impact on sustainability as outlined within the Council's procurement policies.

8. Risk Management

It is recognised that pupil projections may either under or overestimate future numbers and become less accurate the further into the future they go. Projections are kept under review as new data becomes available, including the termly pupil censuses and live birth data. The last detailed report on birth rate figures and population projections was presented to Cabinet in October 2018, the link for which is provided in section 2 of this report.

The programme is phased where practicable to spread the cost of the work and allow adjustments to the programme should there be changes to the projected figures.

There are risks arising from construction cost increases, and the position will be monitored throughout the process.

There are established processes for managing capital projects and risks are identified and managed as part of the project management process. Associated tendering processes will comply with best practice and be fully compliant with the Contract Procedure Rules and the requirements under the Public Contracts Regulations 2015 (as amended) as appropriate.

9. Community Safety

Not applicable

10. Links to the 3 Priorities for the Borough

The project is linked to 'Opportunities and living incomes' and 'A healthy and great place' priorities.

11. Equalities, Human Rights and Community Cohesion

An EIA has been completed and the Council will continue to observe its equalities duties with respect to ensuring that sufficient school places are available to meet demand.

12. Staffing/Workforce and Accommodation implications

Implications of the expansion programme will be managed within existing Council staff and any partner consultants. School expansions will have an impact on the school workforce and on school accommodation (i.e. appropriate expansion of staff and accommodation to manage additional pupils).

13. Property and Assets

This report deals with schools' property and assets.

14. Any other implications

None.

15. Consultation

Officers have consulted widely with schools on the demand for primary and high school places and the pressures faced in meeting this demand. In respect of formal proposals, statutory consultation requirements will be met. (See appendix A, B and C)

16. Timetable for Implementation

Havelock Primary School ARP

Cabinet Approval (if provided)	October 2019
Construction works start on site	April 2020
Completion of works on site	August 2020

Three Bridges nursery

Cabinet Approval (if provided)	October 2019
Construction works start on site	April 2020
Completion of works on site	August 2020

17. Appendices

Appendix A: Havelock ARP Consultation Feedback report

Appendix B: Havelock ARP Statutory Notice

Appendix C: Havelock ARP Representations received during period of representation

18. Background Information

1. Reports to Cabinet on need to increase school places in schools (particularly the reports of April 2008, December 2008, April 2009, September 2009, January 2010, July 2010, December 2010, January 2011, July 2011, September 2011, December 2011, January 2012, March 2012, July 2012, December 2012, January 2013, March 2013, April 2013, June 2013, October 2013, April 2014, September 2015, October 2016, October 2017 and October 2018), are available on the Council's website at the following address: <http://ealing.cmis.uk.com/ealing/Home.aspx>

2. Earlier consultation papers and the summary of the results are available on the Council's website at: www.ealing.gov.uk/pastconsultations

3. Statutory Guidance

Available at <https://www.gov.uk/government/publications/school-organisation-maintained-schools>

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Cllr. Yvonne Johnson	Portfolio Holder, Schools and Children's Services	19/9/19	19/9/19	Throughout
Judith Finlay	Executive Director Children, Adults and Public Health	19/9/19	19/9/19	Throughout
Gary Redhead	Assistant Director, Schools Planning and Resources	19/9/19	19/9/19	Throughout
Justin Morley	Head of Legal Services (Litigation)	12/9/19	19/9/19	Throughout
Jackie Adams	Head of Legal Services (Commercial)	12/9/19	19/9/19	Throughout
Sajal O'Shaughnessy	Lawyer (Legal Contracts)	12/9/19	19/9/19	Throughout
Geraldine Chadwick	Interim Senior Finance Business Advisor, Children & Schools	12/9/19		
Craig McDowell	Category Lead (People)	12/9/19	18/9/19	6
Stuart Renshaw	Finance Business Advisor – Children's Services	12/9/19	12/9/19	4
Tom Lindsay	Education Strategic Advisor	19/9/19		

Report History

Decision type:	Urgency item?
Key decision	No
Report no.:	Report author and contact for queries:
	Laurence Field, fieldl@ealing.gov.uk 020 8825 5425

Appendix A - Havelock Primary School ARP Consultation Feedback report

Consideration of Consultation

Members should consider the views of all those affected by the proposal or who have an interest in them including pupils, families of pupils, staff, other schools, etc. Members should not simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead, Members should give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposal.

Initial Consultation

The proposal consulted on is the development of an additionally resourced provision (ARP) at Havelock Primary school.

The provision will be for up to 24 children with an Education Health and Care Plan with needs on the Autistic Spectrum or related Speech, Language and Communications needs. The initial consultation discussed up to 21 places but, following the further development of the proposal, the provision of up to 24 places is proposed as this is considered overall the most efficient for operation of the ARP.

A small number of children and young people with an Education, Health and Care Plan may require a higher level of support than can be provided in their local mainstream school. However, their needs are not so complex or severe that a place at a special school is appropriate either. To meet this need, the local authority maintains a range of additionally resourced provision and units at mainstream schools.

The Council is committed to further developing inclusive education for all pupils in Ealing. Havelock Primary School governors support the Borough in this goal. The development of Additionally Resourced Provision (ARP) is a central part of the drive to develop a more inclusive education for pupils with SEN and additional needs.

Consultation took place between Monday 21st January 2019 and Monday 4th March 2019.

Who was consulted?

The proposal was sent to the following stakeholders:

- Parents of pupils at Havelock Primary School
- Staff and Governors of Havelock Primary School
- Ward Councillors
- Local MP
- Adjacent Local Authorities

An Ealing Grid for Learning (EGFL) gatekeeping article was also sent to all Ealing schools with details of the proposals.

Consultation Events – A consultation event took place at Havelock Primary School on Wednesday 23rd January 2019 (9am). This was attended by approximately 45 parents. A follow-up event was attended by approximately 30 parents.

A separate event was held for Havelock Primary School staff on 21st January 2019. This was attended by approximately 35 staff. Details were also emailed to staff. All of

the responses from staff either agreed or strongly agreed that they were in support of the proposal.

Feedback from Stakeholders

Of the 41 responses received, 40 of these were in support of the proposal, 1 did not express a view, and 0 expressed a view against the proposal. The feedback of parents who attended the parent meetings is included within these figures.

Of the responses received, positive comments were recorded including:

- I am excited with this idea because it will help our children and the children of the community.
- This would be an amazing asset to this area of Southall.
- It will benefit children with SEN greatly due to increased resources and staff training but will also benefit all other children through improvements in knowledge re behaviour/class management.
- It is a great opportunity for the school to provide this facility for children with special needs as it's going to better enhance any other provisions they already have.
- I am very happy and very strongly agree that this would benefit children with SEN. I fully support this and I am very excited as my son have special needs too.
- My son travels to an Ealing special school at the moment which takes a long time to travel to. A close-by school will mean less travelling time.
- Everyone is entitled to education and especially those with special needs.
- This is a fantastic opportunity for SEN pupils. It closes the gap, where mainstream school meets the needs for inclusive learning.
- Havelock is an extremely inclusive school who in my opinion seek to educate all children in their community (where possible) including those with SEN. Having an ARP will enable the school to better provide for the needs of children with ASD (within their community). The care and nurture the Head, SLT and staff provide for their children is amazing and I fully support their application for an ARP.
- I love this school. It has very progressive views on how to manage challenging behaviour.

Negative comments recorded including (responses in italic):

- There were no negative comments received.

Some of the questions raised were (responses in italic):

- Will there be any implications on pupils?
It is expected that the additional resources provided for the ARP would ensure that existing arrangements for students would be improved because of the greater expertise in the school.

Appendix B: Havelock Primary School Statutory Notice

London Borough of Ealing Statutory Notice for a proposal to establish an Additionally Resourced Provision at Havelock Primary School.

Notice is given in accordance with section 19(1) of the Education and Inspections Act 2006 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013/3110 that London Borough of Ealing intends to make a prescribed alteration to Havelock Primary School, Havelock Road, Southall UB2 4PA from 1st September 2020.

The London Borough of Ealing proposes to permanently establish an Additionally Resourced Provision (ARP) for 24 pupils with an Education, Health and Care Plan aged 4 to 11 (pupils will be admitted incrementally from 2020). It is intended that the school's ARP will be for pupils with needs on the Autistic Spectrum and Speech, Language and Communication Needs. The proposed ARP will require investment in the existing buildings on the Havelock Primary School site. At this stage, the cost for works at the site to accommodate the 24 pupils is estimated at £1.5 million. Funding will be from the Council's Capital Programme for SEN places. The implementation of the provision is anticipated to assist with containing costs within the High Needs SEN budget.

It is not anticipated that the proposed ARP at Havelock Primary School will have any impact on other educational facilities within the local area. The proposal has been made to accommodate demand for ARP places. Admissions to the ARP will be coordinated by the Local Authority, based on the provision stipulated in a pupil's Education, Health and Care Plan.

OBJECTIONS AND COMMENTS ON THESE PROPOSALS

This notice is an extract from the complete proposal. Copies of the complete proposal can be obtained from: Tom Lindsay, Education Strategic Adviser, Perceval House 3/SE/2, 14/16 Uxbridge Road, Ealing W5 2HL or emailing tlindsay@ealing.gov.uk, or may be downloaded from www.ealing.gov.uk/consultations.

Within four weeks (by 4th October 2019) from the date of publication of these proposals, any person may object to or make comments on the proposal by sending them to Tom Lindsay Education Strategic Adviser, Perceval House 3/SE/2, 14/16 Uxbridge Road, Ealing W5 2HL, or emailing tlindsay@ealing.gov.uk.

Signed:

A handwritten signature in dark ink, appearing to read 'Judith Finlay', written in a cursive style.

Judith Finlay, Executive Director Children, Adults and Public Health

Publication Date: 6th September 2019

Appendix C – Representations received during period of representation for the Havelock Primary School ARP

The representations are detailed below:

From the Chair of the Governing Body of Havelock Primary School on behalf of the Governors:

“RE: London Borough of Ealing Statutory Notice for a proposal to establish an Additionally Resourced Provision at Havelock Primary School.

On behalf of the Governors of Havelock Primary School, I wish to record that we as a Governing Body unanimously support the exciting proposals for this project as suggested to us by the Local Authority, and the proposed timetable leading to the opening of the ARP in September 2020. As a Governing Body we have been fully briefed on the draft proposals over the last months by the Senior Leadership Team and we have discussed them on a number of occasions in detail leading to our unequivocal support for the project.

We have noted that these pupils need a higher level of support than can usually be provided in a mainstream school but the advantage of this proposal is twofold in that it would provide both a more specialised facility and the experience of life in a mainstream school. The head teacher and her senior leadership team are enthusiastic and we have been impressed by the school’s current commitment to and successful implementation of an inclusive approach to educating children on the autistic spectrum and with speech, language and communication needs. We are confident they are in a good position to support the establishment of this facility.

Fortunately the Havelock school site permits the construction of an appropriate building and play area so that the degree of disruption that will be inevitable can be contained in such a way as not to impair the education of pupils in the rest of the school.

We very much look forward to seeing the proposal going ahead.”

From the Headteacher of Havelock Primary School:

“I am writing in support of a LA proposal to permanently establish an ARP for 24 pupils with an EHCP for pupils with Autistic Spectrum and speech, language and communication needs.

I have created, in my four years in headship, a highly inclusive learning environment with the result that Havelock now has a very good reputation for the support it gives pupils with additional needs.

I believe that creating the Havelock ARP confirms our deep commitment to inclusion and providing the best support for all pupils.”

From a Deputy Headteacher of Havelock Primary School:

“I am writing in support of a LA proposal to permanently establish an ARP for 24 pupils with an EHCP for pupils with Autistic Spectrum and speech, language and communication needs.

We have created a highly inclusive learning environment with the result that Havelock now has a very good reputation for the support it gives pupils with additional needs.

I believe that creating the Havelock ARP confirms our deep commitment to inclusion and providing the best support for all pupils.”

From a Deputy Headteacher of Havelock Primary School:

“I am writing in regards to the proposal to create an ARP at Havelock Primary School. I support the LA proposal and feel that it will benefit pupils with autistic spectrum and speech, language and communication needs.

We currently have an inclusive learning environment at Havelock, and the ARP will provide even more support for pupils with additional needs.”