



**Report for:
ACTION**

Item Number:

Contains Confidential or Exempt Information	NO
Title	Update on School Places and Children's Services Capital Approvals
Responsible Officer(s)	Tamara Quinn, Assistant Director Planning, Resources & Service Development, Ext. 8444, E-mail: TQuinn@ealing.gov.uk
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Portfolio(s)	Cllr Kamaljit Kaur Nagpal
For Consideration By	Cabinet
Date to be Considered	8 th November 2023
Implementation Date if Not Called In	20 th November 2023
Affected Wards	All
Keywords/Index	School place planning, primary school, high school, special school, SEN, Capital Programme, ARP, capital approvals

Purpose of Report:

The purpose of this report is to:

1. Update Cabinet with the position on school places and current projections (including for pupils with Special Educational Needs).
2. Update Cabinet on the work being done to ensure sufficient secondary phase and special needs places are available, including identifying further potential opportunities for providing additional places, and the actions being taken to manage surplus places where numbers have reduced at primary phase.
3. Seek approvals in relation to Schools Energy Surveys, Reinforced Autoclaved Aerated Concrete (RAAC),
4. Seek approval to consult on the potential to increase the planned capacity of John Chilton School at the school's Orchard Site, including moving to publishing statutory proposals if the school and Council are in agreement to proceed.

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 updated projections and progress made with regards to securing additional provision for pupils with Special Educational Needs, section 3.3.
- iii. Approves the inception of £0.171m confirmed funding from the carbon offset fund into the 2023/24 Schools capital programme, for undertaking Schools Energy surveys to inform decisions by schools and the Council in relation to energy, sustainability and climate action.
- iv. Approves the invitation and evaluation of tenders for undertaking Schools Energy surveys to inform decisions by schools and the Council in relation to energy, sustainability and climate action.
- v. Notes the identification of Reinforced Autoclaved Aerated Concrete (RAAC) at The Ellen Wilkinson School for Girls and authorises the Assistant Director: Planning, Resources and Service Development to make all necessary arrangements in relation to Department for Education (DfE) guidance, including the invitation and evaluation of tenders for any associated works, and specialist consultancy advice, funded from the existing approved High Priority Condition Programme, noting that the DfE has advised that they will provide reimbursement for all mitigation works that are capital funded.
- vi. Authorises the Assistant Director: Planning, Resources and Service Development, to work with the John Chilton School to undertake consultation on increasing the planned capacity of the school from 130 to a higher capacity and, following review of the consultation responses, and in consultation with the Portfolio Holder and the school's Governing Body, authorises the Assistant Director: Planning, Resources and Service Development to publish the necessary Statutory Proposals to increase the planned capacity, if the parties agree to do so.

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 School Places and Children's Services Capital Approvals, was presented to Cabinet on the 12th of October 2022, and can be accessed via the following link:

[Agenda for Cabinet on Wednesday, 12 October 2022, 7.00 pm \(moderngov.co.uk\)](https://www.moderngov.co.uk/Agenda-for-Cabinet-on-Wednesday-12-October-2022-7.00-pm)

3. Key Implications

3.1. Primary School Places, 4- 11 year olds

The number of permanent reception places in Ealing reduced by a further three forms of entry in September 2022, to continue to manage surplus following the reduction in

primary demand. The 4,350 places provided was sufficient to meet the demand generated by the corresponding 5,163 live births, with 3,949 children on roll in reception in January 2023. This represented a surplus of 9%.

The Council and schools have taken further steps to manage the projected surplus, with one planned admission number (PAN) reduction in September 2023, which reduces the overall number of reception places available by 30, and a further 1.5 form (45 place) reduction agreed for September 2024. (Note: PAN is the number of pupils in each year group that the admission authority has agreed will be admitted.) However, to mitigate localised pressure in the Acton area following the closure of a local independent school, a one form of entry reception bulge class was agreed at a school in Acton for September 2023, using existing accommodation. The 4,320 places provided is expected to be sufficient to meet the demand generated by the lower number of corresponding births, with a projected borough level reception surplus of 10% for 2023-24.

The September 2015 intake (born in 2010/11) represented the peak in births in the borough. Annual births reduced further to 4,329 in 2021/22 (the September 2026 intake) and are forecast to remain around 4,500 for the next three years. The Council therefore expects to have sufficient capacity at a borough level to meet demand over the five-year primary projection period and beyond, with an increasing number of surplus places, and will work closely with schools to continue to manage this projected surplus.

While surplus capacity creates some challenges for schools, it is important that the Council is able to operate with some surplus to flexibly meet demand and therefore a 5-10% surplus is desirable and in line with guidance. There also remains considerable uncertainty around the impact of both longer-term migration trends post COVID and Brexit and of the economic downturn (including any further risk from independent school closures) on school roll forecasts. The council will therefore continue to monitor and respond to any localised demand pressures on an ongoing basis.

The major planned housing developments, including The Green Quarter and Middlesex Business Centre, could potentially add more than 10,000 additional residential units in Southall over the next 10-20 years based on the latest plans. The child yield from these developments will be additional to current projections and primary school provision has been allowed for in the planning approvals in relation to additional demand from those developments. Options for delivery are under review. It will be important to manage the timing of any new provision carefully to ensure additional places are not made available before they are needed to avoid destabilising existing schools in the area.

3.2. Secondary School Places, 11- 16 year olds

The total number of year 7 places in Ealing remained at 3,814 in September 2022 and 2023. This was sufficient to meet the demand for secondary places in 2022-23, with 3,665 children on roll in year 7 in January 2023, which represented a surplus of 4%.

The popularity of Ealing secondary schools, coupled with large cohort sizes and in year migration, has continued to put pressure on places across all secondary year groups and the council are working closely with all schools and academies in the borough to ensure sufficient places are available for in year admissions.

As the smaller cohorts currently progressing through primary school move into high school, the Council expects to have sufficient capacity at a borough level to meet demand for the remainder of the projection period (7 years), based on our latest projections. Ealing remains a significant net exporter of secondary school pupils and the Council expects smaller cohorts to reduce the proportion of children going to schools outside of the borough, which may provide some mitigation against the impact of falling cohort sizes on Ealing secondary schools. The Council are working closely with schools to review capacity as secondary demand decreases, with consideration being given to PAN reductions from September 2025 onwards. It will be important to ensure that any PAN reductions agreed at secondary level still enable sufficient capacity to be provided as cohorts move through the year groups to meet in year demand.

Despite the increase in capacity and projected reduction in demand elsewhere in the borough, secondary demand is forecasted to remain high in Southall due to a combination of the increased popularity of high schools in the area, primary cohort sizes reducing later than elsewhere in the borough and major planned residential developments. In response to this forecasted demand, an additional form of entry is planned at Villiers High School from September 2025 as part of their rebuild.

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

The overall number of children and young people (age 0-25) with Education Health and Care plans (EHCPs) has increased by 766 plans (29%) in the past three years to 3,445 in January 2023, in line with national and London trends. The council saw a 10% increase in plans during 2022, and there has been further growth during 2023 to 3,665 plans (September 2023).

Since 2018, the prevalence of pupils aged 3-24 requiring an EHCP has increased from 2.3% to 3.7%. The number of primary age plans continues to rise, despite a now falling primary age population. If prevalence continues to increase at the current rate, the number of plans could increase to over 4,100 plans by 2025-26.

While the early intervention and mainstream inclusion priorities set out in [Ealing's Strategy for Additional and Special Education Needs, Disabilities and Inclusion 2023-2027](#) are key to reducing demand over time, up to a further 500 additional specialist places could be needed by 2028 if the current rising trend in EHCP prevalence continues.

The number of specialist places available in Ealing special schools and additionally resourced provisions (ARPs) increased from 1,258 to 1,346 in September 2023 and the council is considering a broad range of options to continue to close the projected gap. The current delivery plan includes further satellites and/or expansions of John Chilton, Mandeville and St Anns special schools, and two further secondary ARPs in mainstream high schools.

The council are also working closely with mainstream schools with excess accommodation due to falling rolls and special schools to explore opportunities for developing specialist resourced provision and / or satellites on mainstream sites. The main need profile required is for severe learning difficulties and associated challenging behaviours related to speech language and communication needs such as autism.

Should there be a further DfE free school bid round, a decision would be taken about whether to apply based on progress made in delivering additional specialist places and demand forecasts at that stage.

3.4 Energy Surveys

In order to assist schools and the Local Authority in energy, sustainability, decarbonisation and climate action planning, and additionally to assist with sourcing funding to decarbonise the heat supply in our schools and other buildings, this project involves the production of energy surveys of school sites.

The energy surveys will follow industry guidance and include various elements including building information, energy consumption and carbon emissions, heating and hot water systems and opportunities, key challenges and plans for the sites.

The contents of the surveys will comply with the eligibility criteria of Public Sector Decarbonisation Scheme.

3.5 Reinforced Autoclaved Aerated Concrete (RAAC)

The DfE is asking all Responsible Bodies (local authorities, academy trusts, dioceses, and college groups) to look for RAAC in their school buildings. RAAC is a lightweight, 'bubbly' form of concrete commonly used in construction between the 1950s and mid-1990s. It is predominantly found as precast panels in roofs (commonly flat roofs, sometimes pitched) and occasionally in floors and walls.

Through following the DfE process, RAAC was identified in some buildings at The Ellen Wilkinson School for Girls (EWS) in Acton.

EWS is a Foundation School and the School Governing Board owns the site and buildings. Foundation schools are a type of state school that are funded by the local authority but have more freedom in the way they operate than community schools. The school was originally formed in 1974 as a comprehensive school for girls, before becoming Grant Maintained in April 1992, and then a Foundation School in September 1999.

EWS had been identified for new build, remodelling and refurbishment through the second phase of the Building Schools for the Future (BSF) programme, and would have received substantial capital investment at that time. However, BSF was cancelled in July 2010, and the school did not receive investment through that programme. The buildings have since continued to be maintained through Government-funded School Condition Allocation projects.

Subsequent to the confirmation of the presence of RAAC at EWS, DfE guidance in relation to education settings changed on 1st September 2023, from monitor and manage RAAC, to instead vacate areas with confirmed RAAC as a precautionary measure, pending temporary and longer-term mitigation measures.

A number of temporary measures were then put in place to bring a number of areas of the school back into use to ensure the school could remain operational and continue to deliver the curriculum, which it has.

Plans are being developed, in line with DfE guidance, for the next stage of works required to start to bring the remaining spaces that are currently out of use back into

use. This will require a number of activities including structural design work, tender information production, invitation and evaluation of tenders, appointment of contractors, and the undertaking of the remediation works. Approval is sought in this report to commence those activities.

3.6 John Chilton School

Phased works are on-going to enable John Chilton School to fully occupy facilities at Wood End Primary (John Chilton Orchard Site), following DfE and Ealing Cabinet approvals. On completion of works to the additional space, it will be possible to further increase the planned capacity of John Chilton School, to help meet the further need for additional SEND places outlined in paragraph 3.3 above.

It is proposed to undertake stakeholder consultation in relation to the potential for increasing the planned capacity from 130 to a higher capacity at John Chilton Community Special School. Consultees will be asked to comment upon proposals and other matters associated with such an expansion. Subject to the outcome of the consultation, the Council and the school would agree to publish a Statutory Notice for the expansion.

The proposals will require investment in an existing building at Wood End Academy and will be implemented as part of the Council's Capital Programme. Building works would be required to adapt learning spaces to meet the needs of the pupils. Full details including estimated costs will be included in a future Cabinet report along with the responses to the statutory process outlined below for Cabinet to decide whether to proceed. Additional teaching and non-teaching staff would also be recruited. Authorisation to invite and evaluate tenders has already been obtained.

With regard to the statutory consultation period, if the proposal proceeds to that stage, the Notice will be completed using the applicable DfE prescribed alterations template and guidance. This proposal is not related to any other proposal. All statutory requirements will be carried out regarding the consultation.

Notification of the publication of the Statutory Notice and Statutory Proposal will be advertised widely, in line with DfE guidance. 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).

4. Financial Implications

Financial impact on the budget

The Schools Service capital programme is set out in the February 2023 Budget Strategy and MTFs 2023/24 to 2026/27 Cabinet Report Appendix 7 Capital Programme 2022/23 to 2027/28). The Cabinet report is available on the Council's website at the following address:

[Agenda item - 2023/24 Budget Strategy and Medium Term Financial Strategy \(MTFS\) \(modern.gov.co.uk\)](https://modern.gov.co.uk)

Energy Surveys

Table 1: Capital Programme: High Priority Condition Works

Scheme	Funding Source	2023/24 £m Estimate	2024/25 £m Estimate (excl. 24/25 allocation)	Total 2023-25 £m (excl. 24/25 allocation)
Schools Energy Surveys	Carbon Offset/ S106	0.179	-	0.179

RAAC

Table 2 shows the revised High Priority Condition Works grant in the capital programme, from which the RAAC activities will be funded, pending reimbursement from DfE.

Table 2: Capital Programme: High Priority Condition Works

Scheme	Funding Source	2023/24 £m Estimate	2024/25 £m Estimate	Total 2023-25 £m Estimate
High Priority Condition Works – currently in capital programme	Grant	0.285	-	0.285
High Priority Condition Works – grant allocations for 22/23 & 23/24	Grant	5.971	5.950	11.921
High Priority Condition Works	S106	0.459	-	0.459
Total		6.715	5.950	12.665

John Chilton School**Table 3: Funding stream for Schools SEN Expansion Programme**

Scheme	2023/24 £m	2024/25 £m	Total 2023-25 £m
EXISTING SCHOOLS SEN EXPANSION PROGRAMME	4.000	-0.622	3.378
NEW HIGH NEEDS PROVISION CAPITAL ALLOCATIONS GRANT (22/23 & 23/24)	8.802	-	8.802
TOTAL REVISED SCHOOLS SEN EXPANSION PROGRAMME	12.802	-0.622	12.180

Special education needs places are funded from the “high needs block” of the Dedicated Schools Grant (DSG) and the number of places is formally agreed with the Education and Skills Funding Agency (ESFA) each year. Schools also receive ‘top-up’ funding on a per pupil basis which relates to standard support needs and the school setting. All revenue costs are therefore expected to be contained within this DSG allocation. There are no General Fund implications for the Council arising from these capital works.

5. Legal

Duties in relation to children of school age

Councils have a statutory duty under section 14 of the Education Act 1996 to ensure that there are sufficient school places in their area, to promote high educational standards, to ensure fair access to educational opportunity and to promote the fulfilment of every child's educational potential. They must also ensure that there are sufficient schools in their area and promote diversity and increase parental choice.

The Education and Inspections Act 2006 requires local authorities to consider and respond to parental representations when carrying out their planning duty to make sure, that there is sufficient primary and secondary provision and suitable special educational needs (SEN) provision in their area.

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

In relation to the potential expansion of John Chilton school, the School Admissions Code does not apply to special schools. For a special school, the 'number of pupils' means the maximum number of pupils the school is set up to provide for. In this situation, where the proposed increase is by over 20 pupils (and more than 10%) the local authority must follow the prescribed alterations' statutory process.:

Section 19 Education and Inspections Act 2006 and The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 establish detailed procedures for making prescribed alterations to maintained schools including enlargement and the establishment or discontinuance of provision that is recognised as reserved for children with special educational needs.

In January 2023, updated statutory guidance was published entitled 'Making Significant changes (prescribed alterations) to maintained schools. Table 17 of this guidance sets out the stages for expanding a maintained school.

Those stages are:

Stage 1: Publication

Stage 2: Representation

Stage 3: Decision

Stage 4: Implementation

Cabinet has 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. Detailed legal advice is provided at each stage of the statutory process when prescribed alterations are proposed or being made.

Although there is no longer a statutory 'pre-publication' consultation period for prescribed alteration changes, there is a strong expectation that schools and councils will consult interested parties in developing their proposal prior to publication, to consider all relevant considerations.

At this stage Cabinet is being asked to give authority for the Local Authority to enter into consultation period and thereafter subject to the outcome of this consultation to

authorise publication of the statutory notice (stage 1). The Local Authority legal department will provide advice and guidance throughout.

The representation period (stage 2 – the formal consultation process) starts on the date of publication of the statutory proposal and MUST last for four weeks. Thereafter the matter will return to Cabinet for a decision (stage 3) which must take place within 2 months of the conclusion of stage 2.

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 those relating to equalities.

As public bodies schools and local authorities have duties, known as the ‘public sector equalities duties’ under S149 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.

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 section 27 the Council 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 section 27 the Council 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.

Procurement Rules

The proposed invitation and evaluation of tenders for Schools Energy surveys, and the procurement of specialist consultancy advice services and works contract associated with the remediation of Reinforced Autoclaved Aerated Concrete (RAAC) at The Ellen Wilkinson School for Girls will be carried out in accordance with the Council’s Contract Procedure Rules and the requirements of the Public Contract Regulations 2015.

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 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.

During the execution of projects, regular progress review meetings are held to ensure projects are being executed to approved budgets and timescales.

To date, the local authority contribution to Free Schools has been related to site costs and land receipts and the DfE have funded the capital costs for the build directly.

7. Sustainability Impact Appraisal

Planning applications for building works 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 2021, 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

Transport, traffic and travel is a concern for many stakeholders. The proposed designs make appropriate changes to the access to, and layout of vehicle drop off areas to ensure the safe and efficient arrival and departure of pupils and staff.

10. Links to the 3 Priorities for the Borough

The project is linked to 'Fighting inequality - that blights too many lives and disproportionately holds back all too many people from achieving their dreams and aspirations.' priority.

11. Equalities, Human Rights and Community Cohesion

An Equalities Analysis Assessment (EAA) was completed in September 2022 for the John Chilton School Orchard Site works, and can be found here: [Appendix A EAA Cap Apps and John Chilton School.pdf \(moderngov.co.uk\)](#).

12. Staffing/Workforce and Accommodation implications

Implications of the Schools Service programmes will be managed within existing Council staff and any partner consultants. School works and 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

Consultation has been carried out with the relevant stakeholders.

16. Timetable for Implementation

Secondary school and special school expansions are phased over a period until the expanded year group is fully implemented throughout the school.

The exact dates for school expansions cannot be given as timings can be subject to change.

17. Appendices

None

18. Background Information

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, October 2018, October 2019, October 2020, October 2021 and October 2022), are available on the Council's website at the following address: <https://ealingintranet.moderngov.co.uk/ieListMeetings.aspx?Committeeld=137>

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Cllr. Kamaljit Kaur Nagpal	Portfolio Holder, A Fairer Start	12/10/23	12/10/23	Throughout
Robert South	Strategic Director Children	12/10/23	12/10/23	Throughout
Emily Hill	Strategic Director, Resources	12/10/23	18/10/23	1,3
Tamara Quinn	Assistant Director, Planning, Resources & Service Development	12/10/23	12/10/23	Throughout
Julie Lewis	Director Learning Standards and School Partnerships	12/10/23		
Madhu Bhachu	Assistant Director, SEND	12/10/23		
Chike Nnalue	Head of SEND Strategy and Development	12/10/23		
Russell Dyer	Assistant Director, Accountancy	5/10/23		
Justin Morley	Head of Legal Services (Litigation)	5/10/23		
Kathleen Ennis	Principal Lawyer (Housing and Social Care)	5/10/23	18/10/23	5
Chuhr Nijjar	Senior Contracts Lawyer (Legal Contracts)	5/10/23		
Afam Ajoh	Contracts & Project Lawyer (Legal Contracts)	5/10/23	9/10/23	5
Katherine Ball	Finance Manager, Capital and Projects	5/10/23	17/10/23	4
Stephen Bell	Finance Manager, Children & Schools	5/10/23		
Adrian Moody	Category Lead, Commercial Hub	5/10/23	6/10/23	

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