



**Havering**  
LONDON BOROUGH

16/75  
+ appendix

## Notice of KEY Executive Decision

<b>Subject Heading:</b>	Implementation of the Expansion Proposals for Phase 3 whether to proceed
<b>Cabinet Member:</b>	Councillor Robert Benham Cabinet Member for Children & Learning  Councillor Roger Ramsey, Leader of the Council
<b>CMT Lead:</b>	Mary Phillips, Assistant Director, Learning and Achievement
<b>Report Author and contact details:</b>	Pooneeta Mahadeo School Organisation Manager pooneeta.mahadeo@havering.gov.uk 01708 431092
<b>Policy context:</b>	The proposed school expansions significantly affect more than two wards.
<b>Financial summary:</b>	Costs for the building works required for providing additional places at these schools is estimated at £3.1m funded from the phase 3 expansion programme. Revenue implications for the schools will be funded from the DSG. There are wider financial implications for the Council and from increasing admissions some of which are currently being quantified and will be raised through the appropriate channels as necessary.

**Key Executive Decision**

<b>Reason decision is Key</b>	The proposed expansions will cost £500,000 or more and will have significant effect on two or more wards.
<b>Date notice given of intended decision:</b>	09/05/2016
<b>Relevant OSC:</b>	Children's services
<b>Is it an urgent decision?</b>	No
<b>Is this decision exempt from being called-in?</b>	YES, EXEMPTION ACHIEVED BY CHAIR OF O+S BOARD ON 5/7/16

**The subject matter of this report deals with the following Council Objectives**

- Havering will be clean and its environment will be cared for
- People will be safe, in their homes and in the community
- Residents will be proud to live in Havering

*Place an X in the [] as appropriate*

## Key Executive Decision

### Part A – Report seeking decision

<b>DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION</b>					
<ul style="list-style-type: none"><li>To approve the statutory proposal to expand the capacity of the following schools :</li></ul>					
<b>School</b>	<b>Current Capacity</b>	<b>Proposed Capacity as from</b>	<b>Number on roll as at Jan 2016</b>	<b>Current Published Admission Number</b>	<b>Proposed Admission Number</b>
James Oglethorpe Primary	333	420 from 1 Sept 2016	332	45	60 from 1 Sept 2016
St Peter's Catholic Primary School	240	420 from 1 Sept 2016	241	30	60 from Sept 2016
<ul style="list-style-type: none"><li>To approve addition of SEN provision at Corbets Tey by extending the age range from 16 years to 25 years, to enable the school admit young people with Special Educational Needs &amp; Disability (SEND), up to the age of 25 from 1 September 2016.</li></ul>					
<b>Recommendation</b>					
To make a decision on each expansion proposal as set out in the Decision –maker guidance – Appendix 1					
<ul style="list-style-type: none"><li>To permanently expand The James Oglethorpe Primary School from 1.5FE to 2FE from 1 September 2016</li><li>To permanently expand St. Peter's Catholic Primary School from 1FE to 2 FE from 1 September 2016</li><li>To alter the upper age range of Corbets Tey School from 16 to 25 Years from 1 September 2016. The 16-25 provision will be provided at an additional site, the Avelon Road Centre. There will be building work at the Avelon Road Centre, Rainham to create additional space for the post 16 provision. This proposal is subject to the grant of planning permission of the extension build on the Avelon Road Day Centre site by 31 December 2016.</li></ul>					

### **AUTHORITY UNDER WHICH DECISION IS MADE**

Cabinet agreed, at its meeting on 4 November 2015, to delegate the power to take further decisions regarding the approval of which settings/schools should be expanded (subject to the appropriate statutory processes) for Phase 3 of the Expansion Programme to the Cabinet Member for Children & Learning and Cabinet Member for Value, following consideration of the above, subject to budgetary provision being confirmed.

### **STATEMENT OF THE REASONS FOR THE DECISION**

" Each of the schools needs to expand to ensure the Council can fulfil its statutory duty to provide sufficient schools in the area, in the case of the two primary schools because of continuing increases in school rolls and the birth rate. These two have been selected following detailed analysis of the options set out below:

- They can be expanded as there is scope to create additional accommodation on site.
- They are located accessibly to where there is increased pressure on places.
- They are sufficiently educationally secure and resilient to have the capacity to manage a significant increase in size without adverse impacts on standards
- There is a clear aspiration on the part of the school to manage the expansion
- The expansion should provide good value for money.

Corbets Tey needs to expand its upper age limit because of the need to cater for pupils with Special Educational Needs up to their 25th birthday following changes to legislation brought in by the Children and Families Act 2014. The Post 16 provision will be based at the Avelon Road Centre in Rainham and will meet the needs of those young people in Havering for whom it would not be appropriate to attend either Ravensbourne School Sixth Form or Havering College. This will also reduce the cost to the Authority of having to find alternative provision in the independent sector." Wherever possible, young people will be supported to travel independently or develop the skills to do so. Travel training will be part of the curriculum for the students attending the provision. There will be some students who will need supported transport and the staff at the new provision will plan this with students and the Council before September 2016.

In its meeting on the 4<sup>th</sup> November 2015, Cabinet agreed the permanent expansion of St Peter's Catholic School and James Oglethorpe Primary subject to consultation and statutory processes, including planning processes. Cabinet also agreed to open a new 16-25 SEN provision based at Avelon Road Day Centre.

For the primary expansion, consultation took place from 30th November to 15 January 2016. Consultation on the proposal for additional Post-16 provision in Havering for young people aged 16-25 with special educational needs and/or disabilities took place from 25 January to 29 February 2016.

Following the informal consultation process above, the Cabinet Member for Children & Learning signed the (Non Key) Executive Decision on 31/03/2016 to proceed to the representation stage.

The representation stage, from 15 April to 13 May 2016, complied with statutory requirements by inviting representations from all interested parties on the proposals.

A Statutory Notice, that included details of the proposals for all three schools, was published in the Romford Recorder on 15 April 2016; notices were also fixed to the entrance gates of each school and circulated to all interested parties, including all Havering schools, neighbouring boroughs, the Diocese of Chelmsford and Diocese of Brentwood and the DfE as required by legislation. A Notice was also published on the



### Key Executive Decision

Council's website with a link to further information about the proposals.

During the representation period, a total of 9 responses were received relating to the expansion of St Peter's School. The objection comments raised specific concerns relating to:

Road and Traffic Congestion

Parking

Pedestrian issues

Loss of playground space and overcrowding of existing ancillary facilities

Potential downgrading of the school's OFSTED rating from "Outstanding" to "Good" or worse lower.

The Governing Body of the school and the Diocese of Brentwood fully support the expansion proposal of St Peter's School.

An analysis of the representations with LA comments to the representations is attached as Appendix 2.

No representations were received for James Oglethorpe Primary School and Corbets Tey Special School.

### **OTHER OPTIONS CONSIDERED AND REJECTED**

Do Nothing - This is not practical due to the legal and statutory obligation placed on the Council to provide sufficient school places and the pressures currently faced across the Borough.

Expansion of Schools – This preferred option has the support of each School's Governing Body and local community and forms part of the wider development of the Schools for which funding has been made available within the Capital Programme.

### **PRE-DECISION CONSULTATION**

A summary of representations received and officers' comments on them is included in Appendix 2. Most were considered to be addressed by the implementation plans that have been made, especially related to the impact of the expansion on the local environment. For St Peter's expansion proposal planning permission was granted with the following conditions relating to traffic and parking issues:

- Prior to occupation of the development hereby permitted an updated, revised School Travel Plan shall be submitted to the Local Planning Authority for review and approval. The Travel Plan shall reflect the increase in pupil roll and include a review of walking routes and conditions in the area; promotion of initiatives to reduce private vehicular trips; and monitoring for such initiatives and general school trends. The Travel Plan shall be implemented as approved and updated on a yearly basis in discussion with the Highway Authority.

**Key Executive Decision**

- Within 18 months of the occupation of the development hereby permitted a review of parking restrictions within 500 metres of the school pedestrian entrance shall be undertaken and the results submitted to the Local Planning Authority for assessment. The review shall seek to assess existing restrictions and determine whether further parking and/or waiting restrictions are necessary to mitigate any additional traffic or parking problems. This review shall be prepared by a professional suitably qualified and experienced in traffic assessments and the mitigation measures, as appropriate, suitably implemented in consultation with the Highway Authority.

Whilst the Council appreciates the potential difficulties that may arise the Council considers that these are overridden by the Council's statutory duties to provide sufficient places. If expansion plans are not progressed then the probability is that there will be school age children within Havering without the ability to secure a place in a local school.

**NAME AND JOB TITLE OF STAFF MEMBER ADVISING THE DECISION-MAKER**

Name: Pooneeta Mahadeo

Designation: School Organisation Manager

Signature:



Date: 04/07/2016

## **Part B - Assessment of implications and risks**

### **LEGAL IMPLICATIONS AND RISKS**

The Council has a statutory duty to ensure sufficient primary and secondary education is available to meet the needs of the population of their area (Section 13 Education Act 1996). It is clear that without a strategy to increase the provision within the Borough over the next few years the Council may fall into breach of its statutory duty.

A lawful consultation requires that the consultees have sufficient information and time to comment meaningfully. In the context of this consultation the details of who has to be notified is set out in legislation. Then the decision maker must conscientiously take into consideration the views and representations made by the consultees before arriving at a decision. No representations were received for the proposal to expand James Oglethorpe Primary School and the proposal to alter the upper age range of Corbets Tey School from 16 to 25.

The representations received for the expansion of St Peter's Catholic School are set out at Appendix 2. There appears to be a minimal risk of a challenge to the consultation process if the above principles are adhered to.

The decision-maker should consider the views of those affected by a proposal or who have an interest in it, including cross-LA border interests. The decision-maker does not necessarily need to simply take account of the numbers of people expressing a particular view but could also decide to give greater weight to responses from those stakeholders likely to be most directly affected by a proposal – especially parents of children at the affected school(s).

“The statutory guidance indicates that where a school is transferring to a split site or a new site the decision maker needs to be satisfied that it is genuine and that it is not the creation of a new school. In this case the Avelon site is approximately two miles from Corbets Tey school and is catering for a different age group and therefore the decision maker must pay careful attention to this issue. The factors to consider include:

- the existing and planned governance arrangements,
- the sharing of use of facilities between the pupils of the various sites, the movement of pupils between the two sites,
- the staffing and management arrangements between the two sites, the ease of accessibility of the new site.
- the reasons for the expansion
- admission and curriculum arrangements

Appendix 1 sets out detailed information relating to these issues.

There does not appear to be anything within the report and its Appendices to indicate that the proposals are not genuine and therefore there appears to be a low risk of breaching these provisions of the guidance.”

### Key Executive Decision

The decision can be to approve, reject or modify the proposals in the light of the statutory consultation responses.

### **FINANCIAL IMPLICATIONS AND RISKS**

Expansion of these schools will have significant financial implications for both the local authority and the individual schools:

#### **CAPITAL**

Work to physically expand the schools to accommodate additional pupils will be needed. Latest cost estimates are as follows:

#### **Estimated Costs**

James Oglethorpe Primary	400,000
St Peter's Catholic Primary	1,500,000
Corbets Tey School	1,200,000
<b>TOTAL COSTS</b>	<b>3,100,000</b>

#### **Funding**

Phase 3 Expansion Programme as follows:

St Peters Catholic Primary	1,500,000
James Oglethorpe Primary	400,000
Corbets Tey Post 16 Provision	1,000,000
Phase 3 Unallocated *	200,000
<b>TOTAL FUNDING</b>	<b>3,100,000</b>

\*a virement will be needed from phase 3 unallocated in order to cover additional costs as a result of the final specification.

#### **Revenue Implications for schools**

The revenue implications for primary schools are that, in creating additional classes from September 2016, additional resources will be incurred particularly for teaching and support staff. From the financial year 2017/18 the schools will receive additional funding through their budget shares as the pupils will be on roll at the date of the pupil census that is used to calculate funding. For the period September 2016 to March 2017 however, additional resources will need to be provided. These will be met from a Pupil Growth Contingency held within the Schools Budget (funded by the Dedicated Schools Grant) as agreed by the Schools Funding Forum.

The demand for increased funding to be held as a pupil growth contingency from a ring-fenced DSG is likely to result in less funding being available for distribution to schools putting at risk the ability of schools to maintain current levels of expenditure.



## Key Executive Decision

Schools are, however, guaranteed through DFE financial regulations to not have their funding reduced by greater than 1.5% per pupil.

Following a recommendation from the secondary head teachers, the Schools Funding Forum decided not to allocate additional funding to the secondary schools with the temporary increases to their PANs. LA maintained schools will therefore need to meet additional costs from their existing budgets for the period September 2016 to March 2017 and academies for the period September 2016 to August 2017. The difference relates to the differences between the financial years of maintained schools and academies.

A similar issue will arise for those schools expanding in later years.

### **Revenue Implications for local authorities**

It should be noted that an increase in school admissions across the Borough may also have a 'knock-on effect' on other LA budgets such as Special Educational Needs, home to school transport, etc. Any pressures arising will be addressed through the appropriate channels. As mentioned previously, the DSG will be increased from 2017/2018; the bulk will be allocated to schools however there may be some available to fund LA services.

### **Risks**

As with most capital schemes, there is a risk that the schemes could overspend due to issues arising during the build process, however given the size of the works any significant overspend is unlikely. Any small issues arising can be funded from the remaining budget within the school expansion programme.

### **HUMAN RESOURCES IMPLICATIONS AND RISKS (AND ACCOMMODATION IMPLICATIONS WHERE RELEVANT)**

The human resources implications for the schools to be proposed for expansion will be managed by the schools themselves. There is likely to be a need to recruit additional teaching and support staff and the relevant schools will undertake the recruitment and selection process in accordance with the appropriate policies and procedures. There are growing difficulties in recruiting to teaching posts and therefore schools will need to consider that additional resources and a longer recruitment timescale may be required to fill vacancies. The Havering Education HR service will provide support as appropriate and required to all schools, academies or free schools that purchase relevant services.

### **EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS**

An Equality Impact Assessment (EIA) has been carried out for Phase 3 expansions. The proposals in this report are assessed as having a positive impact on groups with a protected characteristic. This arises from providing additional local school provision which will be compliant with the latest regulations which promote accessibility and other inclusive measures. The EIA is included as Appendix 3 in the background paper.

**Key Executive Decision**

An EIA has been carried out for the addition of SEN places and this is included as Appendix 4 in the background paper.

**BACKGROUND PAPERS**

None that is not available publicly.

**Appendix**

1. Decision-maker guidance for each proposal
2. Analysis of representation stage responses
3. EIA for Phase 3 primary expansion
4. EIA for SEN expansion

Key Executive Decision

**Part C – Record of decision**

I have made this executive decision in accordance with authority delegated to me by the Leader of the Council and in compliance with the requirements of the Constitution.

**Decision**

Proposal agreed

*Delete as applicable*

Proposal NOT agreed because

**Details of decision maker**

Signed

*Rob Ramsey*

*Rob Ramsey*

Name:

*Rob Ramsey*

*Rob Ramsey*

Cabinet Portfolio held:

*Leader*

CMT Member title:

Head of Service title:

Other manager title:

Date:

*6.7.16*

*6/07/2016*

**Lodging this notice**

The signed decision notice must be delivered to the proper officer, Andrew Beesley, Committee Administration & Interim Member Support Manager in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on 7 JULY 2016

Signed

*[Signature]*

