



Notice of Non-key Executive Decision

Subject Heading:	Outline proposals to address Early Years, Primary, Secondary and SEN rising rolls – Publication of statutory notices for Phase 4 primary expansion proposals – Mead Primary
Cabinet Member:	Councillor Robert Benham, Cabinet Member for Children & Learning
SLT Lead:	Tim Aldridge, Director Children's Services
Report Author and contact details:	Pooneeta Mahadeo School Organisation Manager pooneeta.mahadeo@havering.gov.uk 01708 431092
Policy context:	Provision of additional school places to comply with the Authority's statutory duties to ensure sufficient high quality school places
Financial summary:	The administrative costs of publishing the statutory notice and proposals are minimal and can be met from existing revenue budgets within the service. Implementation of notice expected to cost £3.625 m and provision has been made within the 2017/2018 school expansion Capital Programme to meet these costs. The revenue costs related to the operation of the new provision at the school will be met from the Dedicated Schools Grant.
Relevant OSC:	Children and Learning
Is this decision exempt from being called-in?	No

Non-key Executive Decision

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

- | | |
|-------------------------------|-------------------------------------|
| Communities making Havering | <input type="checkbox"/> |
| Places making Havering | <input type="checkbox"/> |
| Opportunities making Havering | <input checked="" type="checkbox"/> |
| Connections making Havering | <input type="checkbox"/> |

Place an X in the [] as appropriate

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

The decision is to publish, in accordance with DfE Guidance, a statutory notice and prescribed information setting out the Local Authority's formal proposal to expand the following school as detailed below:

From 1 September 2018

School	Planning area	Proposed increase in PAN
Mead Primary	Harold Hill	From 90 to 120

Mead Primary School currently has an Additional Resource Provision (ARP) for 10 places for children with Speech, Language and Communication needs (SLCN). Demand for places for SLCN has reduced significantly and the school has been working in close partnership with the local authority to access additional resources and provision for the few pupils based in the unit for speech, language and communication who have more complex behavioural needs. The growth in children with complex Communication and Interaction and SEMH needs in Havering over the next five years is projected to increase by 20%.

- A newly redesignated ARP will be built to cater for and meet the needs of up to 12 pupils with Autistic Spectrum Disorder and/or Communication & Complex Needs from May 2018.
- To expand the nursery at Mead Primary School from 30 FTE places to 60FTE places, thereby making provision for 52 FTE places overall for 3 and 4 year olds and 8 FTE places for 2 year olds from September 2018

AUTHORITY UNDER WHICH DECISION IS MADE

Cabinet agreed , at its meeting on 12 October 2016 to delegate the power to take further decisions regarding the approval of which settings/schools included within this report should be expanded or supported financially (subject to the appropriate statutory processes) for Phase 4 of the Expansion Programme to the Lead Member for Children & Learning.

STATEMENT OF THE REASONS FOR THE DECISION

Following the Cabinet decision of 12 October 2016 and subsequent informal consultation with schools, officers have identified outline proposals for increasing the number of primary school places as from September 2017 and September 2018. Consultation on proposals to expand primary and secondary schools for September

Non-key Executive Decision

2018 intake will be carried out in the Summer term. Cabinet agreed to consider expansion of Broadford Primary School as a potential option to meet demand for places in Harold Hill. However, after discussion with the Headteacher of Broadford who is also the Executive Headteacher of Mead Primary, a decision was taken to consult on a proposal to expand Mead Primary instead.

As a consequence of the changes introduced by the 2013 Regulations, governing bodies of all categories of mainstream school can now make the following changes to their schools without following a formal statutory process:

- Expansion (enlargement of premises);
- Alteration of upper or lower age limit by up to two years (except for adding or removing a sixth-form); and
- Adding boarding provision

Local authorities have a duty to ensure sufficiency of school places. They can also propose all of the changes outlined above for community schools, and can propose expansion for foundation and voluntary schools. When doing so they must follow a streamlined statutory process as detailed below.

Statutory Proposal Timeline

Key milestones	Date
Decision to publish Statutory Notices and Proposals	August / Sept 2017
Statutory Stage 1 – Publication of Statutory Notices	22 September 2017
Statutory Stage 2 – Representation Period (formal consultation)	22 Sep –20 Oct 2017
Statutory Stage 3 - Decision on proposals The decision-maker (usually the LA) must decide proposals within 2 months of the end of the representation period or decision defaults to Schools Adjudicator (OSA). Any appeal to the adjudicator must be made within 4 weeks of the decision.	Nov 2017
Statutory Stage 4 – Implementation	As specified in the Statutory Notice

OTHER OPTIONS CONSIDERED AND REJECTED

Local authorities have a duty to ensure sufficiency of school places.
Not providing any additional places is not an option as the Council would be failing to

meet its statutory obligations.

PRE-DECISION CONSULTATION

Although there is no longer a prescribed 'pre-publication' consultation period for prescribed alterations, there is a strong expectation on schools and LAs to consult interested parties ~~in developing~~ their proposal prior to publication as part of their duty under public law to act rationally and take into account all relevant considerations.

The consultation process covered by this report ran from 19 June to 21 July 2017. The objective was to inform and gather views regarding the proposals from key stakeholders, particularly parents/carers of pupils and staff in the school being proposed for expansion, school governing bodies and other schools within the borough. A total of 28 responses were received of which 11 responses were in favour of the expansion proposal while 17 responses were against the expansion proposal. The main objections were around:

- Overcrowding and the school will be too big
- Funding and resources
- Standards
- Road congestion and traffic

The consultation report including LA's responses to the objections raised is attached as Appendix 1.

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

Name: Pooneeta Mahadeo

Designation: School Organisation Manager



Signature:

Date: 13/09/2017

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).

Under Regulation 5 of the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013/3110 an enlargement of the school premises which increases capacity by either (a) more than 30 pupils; or (b) by 25% or 200 pupils (whichever is the lesser), needs to go through the statutory notice procedure. In this case the proposals require publication as each of the schools will increase capacity by 25% or more.

The proposal appears prudent in order to meet the Council's statutory duties.

The Decision maker should carefully take into consideration all of the responses to the informal consultation before deciding whether to implement these proposals.

Furthermore any representations made during the notice period will also have to be conscientiously considered before any final decisions are made.

FINANCIAL IMPLICATIONS AND RISKS

The costs associated with the consultation process are minimal and can be contained within existing budgets within Education Services. However there are significant financial implications associated with the actual expansion of these schools, if approved following the consultation process, details are set out below;

Funding is included within the Capital Programme as follows:

Mead expansion 3 FE to 4 FE	£ 3,000,000
Mead ARP	£ 375,000
Mead nursery expansion	£ 250,000
Total	£ 3,625,000

Costs are expected to be contained within the budgetary provision available.

Revenue Implications for schools

The revenue implications for primary schools are that, in creating additional classes from September 2017, additional resources will be incurred particularly for teaching and support staff. Schools' pupil-related funding is calculated each year based on the number of pupils on roll at the previous October census. As the expansions move through the schools' year groups, an additional class will be required in the school each year but the additional pupils arriving in September will not have been included in the previous October census for funding purposes. For the period September to March additional resources will need to be provided to meet the schools' additional staffing costs. The additional revenue funding allocated to schools will be met from a

Non-key Executive Decision

Pupil Growth Contingency held within the Schools Budget (funded by the Dedicated Schools Grant) as agreed by the Schools Funding Forum.

The Government is currently finalising arrangements for a national funding formula which may include a factor for pupil growth as proposed in the consultation document. Details are awaited on the funding that this will allocate to expanding schools should it be introduced.

The additional costs incurred by the school in providing an additional 30 nursery places will be met from the Early Years Block of the Dedicated Schools Grant based on a formula comprising of a basic hourly rate and an hourly rate reflecting deprivation. These rates will be applied based on the number of nursery pupils on roll throughout the financial year.

Funding for the additionally resourced provision will be met from the High Needs Block of the Dedicated Schools Grant. The amount to be allocated will follow consultation with the school to ensure that the pupils' needs are met.

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.

Risks

Costs estimates are prior to any tender process and therefore may differ following the procurement process. Should cost estimates exceed the existing budgetary provision in the first instance it would look to be funded by a virement from within the overall schools expansion programme. Should this not be possible an alternative source of funding would need to be secured prior to the award of any contract.

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 4 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 2

BACKGROUND PAPERS

Appendix 1 – Consultation Report
Appendix 2 – Phase 4 EIA

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:



Name: Tim Aldridge

Cabinet Portfolio held:

CMT Member title:

Head of Service title:

Other manager title:

Date: 15.09.17

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

18/9/17

Signed

A. Beesley

