14/60+ appendices 1, 2, 2A, 2B & 3 DECISION TO BE MADE

Havering
LONDON BOROUGH

Notice of KEY Executive Decision

Subject Heading:	Implementation of the Primary Expansion Proposals for Phase II – whether to proceed
Cabinet Member:	Cllr Paul Rochford Cabinet Member for Children & Learning
CMT Lead:	Joy Hollister Group Director Children, Adults & Housing
Report Author and contact details:	Mary Pattinson Head of Learning & Achievement mary.pattinson@havering.gov.uk 01708 433847
Policy context:	The proposed Primary School Expansions significantly affect more than two wards.
Financial summary:	Costs for the building works required for providing additional places at these ten schools is estimated at £12.35 million. Provision of £12.7 m has been made within the 2014/2015 Capital Programme to meet the costs of expanding these schools. There are wider financial implications for the Council and individual schools arising from increasing admissions some of which are currently being quantified and will be raised through the appropriate channels as necessary.
Reason decision is Key	The proposed Primary School Expansions significantly affects more than two wards.
Date notice given of intended decision:	4/04/2014

Key Executive Decision

Relevant OSC:	**Children's Services**
Is it an urgent decision?	**No**
Is this decision exempt from being called-in?	**No**

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

Ensuring a clean, safe and green borough	[]
Championing education and learning for all	x
Providing economic, social and cultural activity in thriving towns and villages	[]
Valuing and enhancing the lives of our residents	[]
Delivering high customer satisfaction and a stable council tax	[]

Key Executive Decision

Part A – Report seeking decision

DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

1. To approve the statutory proposal to expand the capacity of the following nine schools:

School	Current Capacity	Proposed Capacity as from	Number on roll as at Jan 2014	Current Published Admission Number	Proposed Admission Number
Broadford Primary	330	420 from 1 Sept 2014	360	45	60 from 1 Sept 2014
Benhurst Primary	315	420 from 1 Sept 2014	311	45	60 from 1 Sept 2014
Newtons Primary	315	420 from 1 Sept 2014	303	45	60 from 1 Sept 2014
Parsonage Farm Primary	486	840 from 1 Sept 2015	467	90	120 from 1 Sept 2015
Scotts Primary	210	420 from 1 Sept 2015	213	30	60 from 1 Sept 2015
The RJ Mitchell Primary	210	420 from 1 Sept 2015	217	30	60 from 1 Sept 2015
The Mawney School	296	630 from 1 Sept 2016	297	60	90 from 1 Sept 2016
Suttons Primary	262	420 from 1 Sept 2016	216	30	60 from 1 Sept 2016
Hacton Primary	378	546 from 1 Sept 2016	371	50	78 from 1 Sept 2016

AUTHORITY UNDER WHICH DECISION IS MADE

Cabinet agreed, at its meeting on 20 November 2013, that power to take further decisions on Phase 2 of the Primary Expansion Programme be delegated to the Lead Member, Children's Services and the Lead Member for Value.

Key Executive Decision

STATEMENT OF THE REASONS FOR THE DECISION

Cabinet decided on 20/11/2013 to initiate statutory processes to permanently expand the capacity of primary schools from Sept 2014. Following the statutory consultation process undertaken in Feb/March 2014, the Head of Learning & Achievement signed the (Non Key) Executive Decision on 24/03/14 to proceed to the representation stage.

The representation stage, from 28 March to 25 April 2014, complied with statutory requirements by inviting representations from all interested parties on the proposals to permanently expand nine primary phase schools.

A Statutory Notice, that included details of the expansion proposals for all nine schools, was published in the Romford Recorder on 28 March 2014; notices were also fixed to the entrance gates of each school and circulated to all interested parties, including all schools Havering, neighbouring boroughs, the Diocese of Chelmsford and Diocese of Brentwood and the DfE, as required by legislation. A Notice was also published on the Council's website with a link to further information about the proposals.

During the representation period, a total of 67 objection responses were received relating to 2 of the nine schools.
66 of these were received for **Parsonage Farm Primary School** of which included 2 petitions totalling 235 signatures from residents in the local area and 190 signatures from parents/carers. 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 rise in noise levels during school times.

The Governing Body of the school fully support the proposal to permanently expand Parsonage Farm Primary School.

1 objection response was received for **Hacton Primary School** which highlighted the following issues;

- Potential increase in traffic in the area surrounding the school.
- Short sightedness of the LA's decision when schools were closed in the borough due to falling numbers
- Allowing establishment of free schools as opposed to expanding existing ones.

The Governing Body of the school fully support the proposal to permanently expand Hacton Primary School.

Seven schools namely; Broadford, Benhurst, Newtons, Scotts, RJ Mitchell, The Mawney and Suttons received no representations.

Recommendation

To make a decision on each expansion proposal as set out in the Decision –maker guidance – Appendix 1

Key Executive Decision

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. 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 for the forecast long term increase in primary pupil numbers. 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: Mary Pattinson

Designation: Head of Learning and Achievement

Signature: Date:6 May 2014

Key Executive Decision

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. These 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 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

Detailed schemes are still being developed but at this stage costs are estimated as follows:

Broadford Primary	650,000
Benhurst Primary	1,000,000
Newtons Primary	1,100,000
Scotts	2,250,000
RJ Mitchell	2,650,000

Parsonage Farm	2,200,000
Mawney (note 1)	2,500,000
Hacton (note 2)	0
Suttons (note 3)	0
TOTAL	£12,350,000

Funding

The 14/15 Capital Programme includes funding of £12.7m for the above schemes. . Virements will need to be arranged between individual schemes but overall estimated costs can be contained within the overall funding available. Current costs estimates are £350k less than this. At this stage it is suggested that this remain within the phase 2 primary expansion programme as costs may rise as these/other schemes are developed in detail. Should it be possible to keep costs within the funding available then this will reduce the amount of LBH resources (not grant) required to fund this programme. In addition to the above capital works it may be necessary to provide short term temporary accommodation for which funding is expected to be released from contingency. See note 1 re Mawney which is not currently covered by this expectation.

Note 1 - Although the Mawney primary school is due to be rebuilt as part of the Priority Schools Building Programme (PSBP), part of the building will initially need to be relocated in mobile classrooms in the school's car park to enable the building works to take place. The relocation costs are estimated at £800k although detailed plans are still being considered and wherever possible will be undertaken in a way that will allow capital funding to be utilised. Should this not be the case then provision of short term termporary accommodation would need revenue funding to be identified. An additional £1,700,000 will be required to fund an expansion at the Mawney to provide one additional FE.

Note 2 - Although Hacton primary school is due to be rebuilt as part of the PSBP programme, the Education Funding Agency (EFA) originally indicated that a contribution was of £500k was required to re-provide the Hearing Impairment Unit in the new school building. Following negotiations the EFA have agreed to meet these costs.

Note 3 – Suttons primary school is due to be rebuilt, including expansion, as part of the PSBP programme, all costs are expected to be met by the EFA.

Associated Revenue Implications

The revenue implications for schools are that, in creating an additional class from September 2014, additional resources will be incurred particularly for teaching and support staff. From the financial year 2015/16 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 2014 to March 2015, 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. A similar situation will arise for those places created from September 15.

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

Revenue Implications for the Local Authority

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. The details of this are currently being quantified and any pressures arising will be addressed through the appropriate channels. As mentioned previously, the DSG allocation to Havering will be increased from 2015/16 reflecting increased pupil numbers. Most of this will be allocated to schools but there may be some available to fund other pupil related pressures.

Risks

There are a number of risks associated with the primary expansion programme as follows:

- Variation in demand for school places from that forecast, either leading to a requirement for further spend and/or places being delivered which aren't filled. Given that past trends have shown a higher than anticipated increase the latter is unlikely.

- Increased costs either as detailed schemes are progressed, as a result of the tendering process or due to additional demand.

- There may be insufficient funding to meet all costs in which case the contingency plan would be to utilise borrowing however this would result in additional revenue costs to the Council and that would increase the projected budget gap for the next 4 years which already stands at around £60 million. Every effort will therefore be made to keep this to a minimum.

Caroline May, Strategic Finance Business Partner

Key Executive Decision

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

As a result of a decision supporting the expansion programme, there is likely to be a need to recruit additional teaching and support staff within the relevant schools. These schools will directly manage the recruitment and selection process in accordance with the existing and relevant HR policies and procedures. Schools' HR support in relation to these processes will be provided as appropriate.

EQUALITIES AND SOCIAL INCLUSION IMPLICATIONS AND RISKS

A full Equalities Analysis has been conducted and is attached as Appendix 3.

BACKGROUND PAPERS

None that is not available publicly.

Appendix

1. Decision-maker guidance for each proposal
2a. Analysis of representation stage responses.
2b. Petitions received and responses
3. Equalities Assessment

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

Details of decision maker

Signed

Name:

Cabinet Portfolio held:
CMT Member title:
Head of Service title
Other manager title:

Date:

Lodging this notice

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

For use by Committee Administration

This notice was lodged with me on _____

Signed _____