



## Notice of KEY Executive Decision

<b>Subject Heading:</b>	Commissioning Plan for Education Provision 2019-2023
<b>Cabinet Member:</b>	Councillor Robert Benham - Deputy Leader of the Council, Cabinet Member for Education, Children & Families
<b>SLT Lead:</b>	Tim Aldridge, Director of Children's Services
<b>Report Author and contact details:</b>	Pooneeta Mahadeo, School Organisation Manager <a href="mailto:Pooneeta.mahadeo@havering.gov.uk">Pooneeta.mahadeo@havering.gov.uk</a> Tel: 01708 431092
<b>Policy context:</b>	The Strategy has implications for all wards in the borough.
<b>Financial summary:</b>	No financial implications from approving the strategy, however, there will be significant financial implications arising from its delivery.
<b>Reason decision is Key</b>	Significant effect on two or more Wards
<b>Date notice given of intended decision:</b>	January 2019
<b>Relevant OSC:</b>	Children and Learning
<b>Is it an urgent decision?</b>	NO
<b>Is this decision exempt from being called-in?</b>	NO

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

Key Executive Decision

Communities making Havering  
Places making Havering  
Opportunities making Havering  
Connections making Havering

X]  
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***Place an X in the [] as appropriate***

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Havering's Cabinet approved the draft plan at its meeting on 25 July 2018 and recommended that it should be circulated for wider consultation.

A consultation survey was therefore undertaken by the School Organisation Team from 10 September to 5 November 2018 to gather views from education providers, parents and other stakeholders, proposals that will help address the needs identified in the draft commissioning plan including ways to meet increased demand for school places and to improve the quality of education in the borough.

The survey was structured on the need to understand the following:

- Views on sufficiency of early years, primary, secondary, Post 16, SEND and alternative provision in the borough.
- The important elements/principles that parents and other education stakeholders would like the local authority to consider when a decision is being made on the commissioning and delivery of early years, primary, secondary, Post 16, SEND and alternative provision places.
- Options on how the future projected demand for early years, primary, secondary, Post 16, SEND and alternative provision places could be delivered

Two different survey questionnaires were issued; one for parents and another for all other stakeholders. For the stakeholder survey, additional questions were added regarding the education vision, future priorities over the plan period, demographic trends and funding model proposal.

The responses and findings of the survey attached as Appendix 2 are based on 629 responses received.

To approve the amended Commissioning Plan for Education Provision (CPEP) set out at Appendix 1.

#### **The proposed final version of the CPEP includes the following amendments:**

Section 4 – under Over- Arching Principles – have added the following regarding the use of playing fields and Green Belt sites: "The London Borough of Havering Playing Pitch Strategy & Action Plan 2016, which forms part of the Havering Local Plan evidence base, also acknowledges that the council may consider in future the creation of additional school places by utilising playing field land. Any proposal of this kind would be conducted in consultation with Sport England."

- 4.3 Planning Guidelines – Secondary- have inserted a bullet point under this section regarding the commissioning of single sex based: "When commissioning additional school places or proposals for new secondary schools, the Council will balance demand for additional single-sex provision and the impact this may have on existing provision in Havering when considering whether new places or new schools should be single-sex or co-educational."
- 4.4 Planning Guidelines – Primary and Secondary- have inserted two bullet points under this section regarding the commissioning of faith based provision

as shown below:

"Where faith based schools are concerned, we will seek to work collaboratively with our education partners, this includes the Dioceses and other relevant religious organisations whenever we commission additional school places"

"We seek to implement additional school in places in areas where there is demonstrable parental demand and/or a basic need for additional school places".

- 4.7 Planning Guidelines – Free Schools pg.16- this title be amended to Planning Guidelines – New Schools
- Wave 13 pg.17- this section has been removed as it is no longer relevant and the application period for wave 13 has passed.
- Special and Alternative Provision (AP) free schools pg.18 this section has been removed as it is no longer relevant and the application period has passed.

Section 6 Havering Demographic Trends

6.3- Havering Local Plan- The second paragraph has been changed to reflect the new Havering's vision and now reads; "The new Local Plan will be a very important tool in enabling the Council to deliver its vision for Havering. It will also ensure that important planning and regeneration initiatives such as the Council's two Housing Zones in Rainham and Romford, its estates renewal programme and the opportunities arising from Crossrail is reflected".

Section 10 Commissioning Special Educational Needs and Alternative Provision

- 10.5- Current alternative education provision in Havering- The Havering's exclusion data has been updated with the latest published DFE figures. And have inserted a bullet point to provide an explanation to the data: "Although Havering saw an increase in Permanent Exclusions for 2016/17 compared to the previous year, this increase was in line with all other London boroughs. Following a review and strengthening of the Inclusions Policy, Havering's Permanent Exclusions are forecast to reduce to a total number of 40 from 44 in 2017/18 with the forecast for 2018/19 being on track to reduce further."
- Table 10.6- Havering September 2018-January 2019 data for pupils in AP has been updated with current figures and is now showing that there are 115 pupils listed in attendance.
- 10.6- Future priorities over the plan period-Alternative Provision- The bullet point on the delivery of an all through AP free school has been deleted as the period for wave 13 application has passed.

Three new bullet points have also been added as part of the future priorities as shown below:

"To monitor data for pupils in AP annually to ascertain if an all-through AP school is required.

"This would provide a registered full time offer for a small number of primary aged pupils who require development and support to be able to return to mainstream and maintain their placement".

"To maintain the Havering prospectus of approved provisions, including independent and academy establishments that the Local Authority contributes funding towards. This will be achieved by ensuring Quality Monitoring and Evaluation visits are completed and standards are met"

**AUTHORITY UNDER WHICH DECISION IS MADE**

## Key Executive Decision

The draft CPEP was approved by Cabinet on the 25 July 2018. Cabinet also agreed to delegate the determination of the final CPEP, to the Cabinet Member for Children & Learning in consultation with the Director of Children's services.

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

This decision is necessary to progress the strategy for ensuring there are sufficient school places in Havering to meet the rising pupil population.

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

It was considered that the Council could proceed with the expansion programme without an agreed CPEP in place. However as the Council is in the leadership role for this major and long term expansion programme, it should be consulting with stake holders on its proposed strategy for meeting the challenge of the rising school population and in so doing reduce the risk of these plans being unsuccessful.

### **PRE-DECISION CONSULTATION**

#### **1. Introduction**

- 1.1 In Havering we have seen an increase of 52% in the number of births between calendar years 2002 to 2016. This includes a 19% increase in the birth rate from 2012 to 2016. Havering saw the highest birth rate increase over this period for a London Local Authority. The next highest birth rate increase for a London Authority over this period was less than 5%, with the majority of boroughs seeing a decrease in their birth rate.
- 1.2 The number of Primary age pupils (Years R -6) in Havering schools is expected to rise significantly from 22,619 in 2018/19 to 25,307 in 2022/23. Beyond this point the pupil population continues to increase year on year. Across Havering, by 2027/28, pupil numbers are forecast to be 26,956.
- 1.3 The number of Secondary age pupils (Years 7-11) in Havering schools is expected to rise significantly from 14,338 in 2017/18 to over 16,600 in 2024/25 (the end of the standard forecasting period). Beyond this point, the longer term strategic forecasts indicate that pupil numbers will continue to rise, although this estimate is heavily influenced by projections of new housing development beyond 2025, the principal driver for Havering's long term strategic forecasts. Any further major housing developments in any of the secondary planning areas may require new school sites and school provision in order to accommodate the school place demand.
- 1.4 This substantial change in primary and secondary population requires an agreed plan to enable the Council to continue to meet its responsibility for ensuring there are sufficient school places in the area.

2. **Early Years Education and Childcare**

2.1 Sufficiency - Overall 46% of parents and Stakeholders agreed there are sufficient early years and childcare in their local area.

2.2 Future priorities over the plan period - Analysis of childcare places for 0-4 year olds shows that across the borough there are sufficient places apart from some wards already identified within the plan. We will continue to work with providers, schools and potential providers to encourage the establishment of additional provision where this is required.

2.3 Any other issues raised:

- Surplus places highlighted in Harold Hill although there is a deficit of early places in Gooshays ward, the surplus is in Heaton ward.
- Need for more pre-school places highlighted in Hornchurch planning area.

No change is needed in the plan.

3. **Primary Places**

3.1 Sufficiency

614 of 628 respondents who completed the survey answered this question. Of the 614 who responded:

- The majority of respondents (59%) agreed that there were sufficient primary school places within their local area.

All responded to the following:

- The majority of respondents (51%) said that the LA **shouldn't** proceed with creating additional places in outstanding/good oversubscribed primary schools in a planning area to meet parental demand, despite there being some schools in the area with space.

3.2 Options for the creation of additional places to meet projected demand

All but one respondent answered this question.

Respondents were asked to choose their two most preferred options for the delivery of additional primary school places needed from 2020, from five options.

First choice option:

- 49% of respondents selected the delivery of additional primary places by establishing a new school
- 26% chose expansion of existing schools in these areas.

Bulge classes were the least popular choice at 6%.

3.3 Main issues raised

- Impact of housing on primary places- prevent housing developments without supporting infrastructure, developers need to contribute to new school provision required
- More support/improvement needed for unpopular, unsubscribed schools so they fill
- Build new schools
- Do not allocate Havering school places to out borough children
- Do not make schools too large
- Provide good value for taxpayers
- Do not build on school play space, green space, fields etc.
- Make sure school places are located in areas where they are needed

4. **Secondary Places**

4.1 Sufficiency

612 of 628 respondents who completed the survey answered this question. Of the 612 who responded:

Less than half of parents (44%) agreed that there were sufficient secondary school places within their local area- 33% disagreed and 23% didn't know.

4.2 Options for the creation of additional places to meet projected demand

All but two survey respondents answered this question.

Respondents were asked to choose their two most preferred options for the delivery of additional secondary school places needed from 2022, from four options.

First choice option:

- 48% of respondents wanted the delivery of additional secondary places by establishing a new school
- 32% wanted expansion of existing schools.

Temporary places (10%) and expanding schools on to separate sites (10%) were the least popular choices.

4.3 Main issues raised

- Build new schools
- More support/improvement needed for unpopular, undersubscribed schools

- Schools need to have sixth forms
- Do not make schools too large
- Should create a grammar
- Areas of the borough where there is a lack of choice regarding a high quality school
- Housing, use sites identified for housing to build new schools, build schools not more housing, Council needs to engage with developers regarding school place need
- Do not build on school play space, green space, fields etc.
- Do not allocate Havering school places to out borough children
- Make sure school places are located in areas where they are needed

## **5 Post-16 Provision**

### **5.1 Sufficiency**

601 of 628 respondents who completed the survey answered this question. Of the 601 who responded:

Majority of respondents (73%) either disagreed or didn't know whether there were sufficient post 16 places within their local area.

### **5.2 Main issues raised**

- More school sixth form provision needed
- School sixth form preferred over college
- Existing post 16 school sixth form/college options do not provide enough curriculum options
- Some areas of borough have limited post 16 options as school sixth forms are at faith/single sex schools, leaving only college as option.

## **6 Special Educational Needs (SEND) and Alternative Provision (AP)**

### **6.1 Sufficiency**

598 of 628 respondents who completed the survey answered this question regarding SEND. Of the 598 who responded:

- Majority of respondents (57%) didn't know whether there were sufficient SEND places in their area, while 32% disagreed and 11% agreed.



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- 585 of 628 respondents who completed the survey answered this question regarding Alternative Provision. Of the 585 who responded:
- Majority of respondents (61%) didn't know whether there were sufficient AP places in their area, while 27% disagreed and 12% agreed.

### 6.2 Options for the creation of additional places to meet projected demand:

618 of 628 respondents who completed the survey answered this question regarding SEND. Respondents were given several options and were asked to identify how much they agreed with each one.  
Of the 618 who responded:

The majority agreed that delivering more additional resourced provisions in mainstream schools (61%), re-designating existing special schools as appropriate (66%) and commissioning new special schools (63%) were all viable options to pursue when commissioning additional SEND places.

### 6.3 Main issues raised

- Lack of resources and funding
- Concern SEND places in mainstream schools has an impact on the whole school as there is inadequate funding and staff resources
- Additional special schools and ARPs are needed
- Mainstream schools do not have the resources or staff to fully support SEND pupils.
- A need for better SEN provision in the special schools
- More training for staff to support pupils with SEND
- Need additional short break provision
- Children are not receiving the right support
- Transport costs are high and reducing this could release money to build a new special school
- SEND must take greater priority
- Additional AP/Post 16 AP is needed

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

Name: Pooneeta Mahadeo

Designation: School Organisation Manager

Signature:



Date: 6 March 2019

## Part B - Assessment of implications and risks

### LEGAL IMPLICATIONS AND RISKS

The Council has a statutory duty to secure that efficient primary and secondary education are available to meet the needs of the population of their area. (Section 14 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.

Under section 6 of the Child Care Act 2006

“(1) An English local authority must secure, so far as is reasonably practicable, that the provision of childcare (whether or not by them) is sufficient to meet the requirements of parents in their area who require childcare in order to enable them—  
(a) to take up, or remain in, work, or  
(b) to undertake education or training which could reasonably be expected to assist them to obtain work.”

The Education Act 2011 changed the arrangements for establishing new schools and introduced section 6A (the free school presumption) to the Education and Inspections Act 2006. Where a LA thinks there is a need for a new school in its area it must seek proposals to establish an academy (free school). The CPEP indicates that new schools are likely to be needed and when this arises officers will be provided with detailed legal advice.

Individual proposals will need to be submitted to Cabinet for all those schools requiring statutory approval to expand their accommodation to admit additional pupil numbers above a certain threshold i.e. above 200 pupils or 25% of all school places as long as this is at least 30 pupils. Detailed legal advice will be provided on individual cases as they arise.

The Decision makers must conscientiously take into consideration the comments of the consultees set out in Appendix 2 to ensure that the consultation exercise is meaningful and to minimise the risk of any successful legal challenge.

### FINANCIAL IMPLICATIONS AND RISKS

Approval of the strategy, which sets out the authority's aims and aspirations for education provision in the borough, does not give rise to any financial implications. However, implementation of the strategy will have significant financial implications. The most significant of these being capital costs arising from the delivery of additional school places and the associated revenue implication once these places are filled.

There are no costs associated with the submission of bids for free school as this will be completed by existing Council officers. A successful bid could attract millions of pounds of investment in providing a new school in the borough which otherwise would need to be funded by the Council. Before any successful bid is accepted the financial implications will be fully assessed.

#### **CAPITAL**

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The bulk of Basic Need Grant funding allocated up to 2018/19 is fully committed in the Schools Expansion Programme, with only £2.8m unallocated. There was no allocation for Havering in 2019/20 and recently £21,953,472 of grant has been awarded for 2020/21.

Until detailed plans for the provision of additional school places are formulated, it is difficult to say whether this funding will be sufficient to meet the costs arising. However, given that there will be a need to provide both new schools and SEND/ AP places, which are more costly than expansions previously delivered, it may well be that further funding is required.

Potential options for bridging any funding gap are as follows:

- S106 contributions/Tariffs/CIL
- Contribution from the DSG as agreed by the Schools Forum
- Further grant allocations
- Council Receipts
- Successful bids to the DfE for funding Free Schools within the Borough
- Borrowing (although there would be associated revenue costs)

The financial implications of the whole school expansion programme will be kept under review as detailed plans for the delivery of additional places becomes clearer. This will consider the estimated capital cost and funding sources plus the revenue implications of schools and the local authority. Any significant issues will be reported through the appropriate channels as necessary. It is expected that an update will be provided to Cabinet in May 2019.

## **REVENUE**

### Revenue Implications for the Local Authority

An increase in school admissions across the Borough may also have a 'knock-on effect' on other budgets such as free school meals, home to school transport, pupil referral units. Any pressures arising will be addressed through the appropriate channels as the needs arise.

### Revenue Implications for schools

The revenue implications for schools are that in creating additional classes, additional resources will be incurred particularly for teaching and support staff. The funding received by the LA for allocation to schools through a mainly pupil-led formula is based on the numbers on roll at Havering schools as at an October census date. Schools therefore receive funding for a financial year based on the preceding October pupil numbers (other data is also used to recognise deprivation and special educational needs). Any additional pupils who are placed in schools after the October census are not funded by the DfE formula even though schools will need to appoint additional staff. The DfE currently allocates a budget of £2.7m within the DSG (Dedicated Schools Grant) from which to fund schools for mid-year increases in pupil numbers where a new class is required. This is currently under review and it is the DfE's intention to allocate this funding on a formulaic basis rather than on historic

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spend.

This funding is also used to fund the growth already in the school system from previous years as the larger cohorts move through the school and to protect schools that have committed additional resources where the expected increase in pupil numbers is slower than expected.

Funding to LAs for pupils with behavioural or special educational needs is allocated to LAs through a High Needs Block. Each Special School place or Additional Resource Provision will require funding at £10,000 per place plus a needs-led top up. The Additional Resourced Provisions will help increase capacity and ultimately reduce the costs of expensive out of borough provision.

LAs receive funding for Early Years places on the basis of participation measured against numbers on roll at a January census point at early years settings. The LA funds provision on the basis of a Single Funding Formula consisting of an hourly rate and supplements for deprivation.

Schools will also be responsible for the ongoing running costs and revenue maintenance costs of any new buildings. Such costs will need to be contained within their overall revenue budgets.

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

The human resources implications will be managed by the school with Education HR support where appropriate. There is likely to be a need for both recruitment of new and reorganisation of current teaching and support staff. The school will undertake both the recruitment and selection and organisational change processes in accordance with the existing and relevant policies and procedures.

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

The Commissioning Plan/Strategy provides an overarching framework for determining when and where education provision may be needed in the future. It sets out the forecast number of children and young people in Havering, and breaks this down to smaller geographical areas (planning areas) to show where there may be a need for more or fewer places.

The Plan also sets out the principles which will be used to consider and evaluate individual proposals which might come forward (be commissioned) to address any identified shortage or surplus of places in a locality.

It is envisaged that the Plan/Strategy should have a positive impact on children and young people at school age across all protected characteristics and will provide a vehicle through which individuals and groups can make their voices heard regarding

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both current education provision and future proposals.

The overarching Commissioning Plan/Strategy has been subject to an Equality Impact Assessment (EIA) attached as Appendix 3. The overarching assessment concludes that in line with Council's legal duties, the principles and planning guidelines, and thus commissioning decisions, may impact on particular protected characteristics such as gender (where single sex education exists or is demanded/proposed), and race and religion (where planning guidelines around the size and structure of proposed school provision have flexibility built in to address any potential discrimination against proposals put forward by minority groups), and special educational needs and disability (where the Plan is positive about improving appropriate local opportunities for children and young people). The EIA also identifies data gaps that will need to be addressed via future monitoring and consultation arrangements to better inform commissioning decisions.

The specific proposals arising from the strategy will be subject to a separate consultation and EIA that will provide a comprehensive and evidence based analysis of the impact the specific proposals will have on individuals and groups with protected characteristics.

## **BACKGROUND PAPERS**

None

### **Appendices:**

Appendix 1 – CPEP 2019-2023

Appendix 2 – Survey analysis response to the consultation

Appendix 3 - EqHIA

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

Name: *Robert Benham*

Cabinet Portfolio held: *Children + Learning*

CMT Member title:

Head of Service title

Other manager title:

Date: *14/03/2019*

**Lodging this notice**

The signed decision notice must be delivered to the proper officer, Debra Marlow, Principal Democratic Services Officer in Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on *14/3/19.*

Signed

*A-H-Conn*