

## Notice of KEY Executive Decision

<b>Subject Heading:</b>	Implementation of the Children & Young People Education Place Planning Plan 2023-2027
<b>Decision Maker:</b>	Councillor Oscar Ford, Cabinet Member for Children & Young People
<b>Cabinet Member:</b>	Councillor Oscar Ford, Cabinet Member for Children & Young People
<b>SLT Lead:</b>	Tara Geere, Director 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> 01708 431092
<b>Policy context:</b>	<p>Havering Council has a statutory duty to plan the provision of early years and childcare places, primary and secondary school places, post 16 places, SEND and AP places and to ensure there are sufficient appropriately located places for all 2 to 25 years old young people in the borough.</p> <p>The plan has implications for all wards in the borough.</p>
<b>Financial summary:</b>	There are no financial implications from approving the plan, however, there will be significant financial implications arising from its delivery.

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	These will need to be assessed and raised through the appropriate channels as needs arise.
<b>Reason decision is Key</b>	Significant effect on two or more wards
<b>Date notice given of intended decision:</b>	12 June 2023
<b>Relevant OSC:</b>	People Overview & Scrutiny Sub-Committee
<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**

People - Things that matter for residents **X**

Place - A great place to live, work and enjoy

Resources - A well run Council that delivers for People and Place.

## Part A – Report seeking decision

### DETAIL OF THE DECISION REQUESTED AND RECOMMENDED ACTION

Havering's Cabinet approved the draft Children and Young People Education Place Planning Plan 2023-2027 at its meeting on 8 March 2023 and recommended that it should be circulated for wider consultation. A consultation survey was therefore undertaken by the School Organisation Team from Monday 20 March 2023 to Monday 15 May 2023 to gather views from education providers, parents and other stakeholders, proposals that will help address the needs identified in the draft 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 and demographic trends.

The responses and findings of the survey attached as Appendix 2 are based on 427 responses received.

### Recommendation

To **approve** the amended Children & Young People Education Place Planning Plan (C&YPEPPP) set out at Appendix 1.

### The proposed final version of the C&YPEPPP includes the following amendments:

#### Early years

- (i) To explore implementing nursery provision at schools currently without a nursery provision, where appropriate (pg 28)
- (ii) Ensure delivery of childcare places required to ensure sufficient high quality, flexible places are available to meet the expanded early years entitlements as follows:
  - Phase 1: April 2024 - 15 hours of childcare over 38 weeks of the year made available to eligible parents of two-year-olds

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- Phase 2: September 2024 - 15 hours of childcare over 38 weeks of the year made available to eligible parents of 9-month to 36-month-olds
- Phase 3: September 2025 - 30 hours of childcare over 38 weeks of the year made available to eligible parents of 9-month to 36-month-olds (pg 29)

### **SEND**

- (i) If the Local Authority provide more specialist provisions as detailed above, this will in turn reduce the pressure on schools and other settings that they are experiencing at this time due to the increasing number of pupils with complex needs attending mainstream provisions. The Local Authority will then support these schools and other settings in focusing their resources into early identification of needs within their pupils, enabling earlier intervention for those pupils at SEN Support and preventing those needs escalating due to lack of resources. (pg 51)

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

The draft C&YPEPPP was approved by Cabinet on the 8 March 2023. Cabinet also agreed to delegate the determination of the final C&YPEPPP, to the Cabinet Member for Children's Services 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 demand.

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

It was considered that the Council could proceed with the expansion programme without an agreed C&YPEPPP in place. However, as the Council is in the leadership role for this major and long-term programme, it should be consulting with stakeholders 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**

Consultation on the draft Children & Young People Education Place Planning Plan ran from Monday 20 March 2023 to Monday 15 May 2023. The consultation was sent to a wide range of stakeholders, including but not limited to parents, school staff, Councillors/MPs and voluntary groups. Full details of the stakeholders sent the consultation can be viewed in the attached Communication Plan.

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In total 427 responses were received to the consultation. 341 responses were received from parents via the online citizen space survey. 86 responses were received from stakeholders, with the majority received via the online citizen space survey and three responses submitted as hard copies.

The following is an overall summary of the key responses to the consultation questions:

### **Early Years**

- Just under a third (30%) of parents and stakeholders agreed that there are sufficient childcare places. Over a third (38%) disagreed.
- The majority of stakeholders (71%) agreed that an onsite nursery provision should be included when opening a new school
- Half of parents (50%) and more than three-quarters of stakeholders (77%) stated that there are not enough places for SEND pupils

### **Primary and Secondary**

- The majority of parents and stakeholders (71%) agree that that a new secondary school is needed in Havering from 2027/28
- More than half of stakeholders (56%) agree that the Local Authority should formulate an action plan and accommodation strategy for those schools where we have permanently reduced the PAN, in order to address surplus places

### **Post 16**

- The majority of parents and stakeholders responded either no (45%) or don't know (43%) when asked whether there are sufficient sixth form places available at Havering school sixth forms to meet the projected demand. Only 10% of respondents replied yes to this question.
- Nearly half of stakeholders (48%) said don't know when asked whether there is sufficient capacity available at the Havering Colleges- just under a third (29%) said no.

### **SEND**

- The majority of parents and stakeholders (64%) agree that we need a new special school in Havering
- The majority of stakeholders (93%) agree that a lot of children with EHCPs in mainstream school settings need to be placed in a SEND unit instead. This was also a frequently commented on by parents in the SEND comment section.
- The majority of stakeholders (81%) agree that we need to revisit the capacity in our current local special schools to increase place numbers where possible

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- The majority of stakeholders (86%) agree that we need to develop a community base in conjunction with a specialist provider and establish a coordinated 'Education Other Than At School' (EOTAS) provision for children with EHCPs to support children and families who are either out of school or who are struggling to attend mainstream school until more special school places are available.

### **Alternative Provision (AP)**

- More than half of parents and stakeholders (51%) agree that Havering would benefit from a new AP school
- Two-thirds of stakeholders (65%) think we should develop the 'AP Out Reach Offer' - to be utilised as an Early Intervention to address needs and avoid fixed term and permanent exclusions
- Just under half of stakeholders (47%) said no when asked if our mainstream schools are inclusive enough in supporting vulnerable children and young people

Other most common comments made in response to the free text questions in the C&YP EPPP are:

**SEND-** not enough SEND provision to meet growing need/not enough places at special schools. More SEND provision (SEND units, special schools etc.), more places and more specialist staff needed.

**SEND-** impact of too many SEND pupils with more severe needs in mainstream- negative impact on SEND pupils, mainstream pupils and staff.

**School sixth forms-** all secondary schools should have school sixth forms/more secondary schools should have sixth forms/want my child's school to introduce a sixth form.

**How school places are offered-** admissions priority should be given to local children- need to ensure that there are sufficient school places available for local children.

More details regarding the responses to all the consultation survey questions can be found in the consultation report - Appendix 2.

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

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Name: Pooneeta Mahadeo

Designation: School Organisation Manager

Signature: *P.Mahadeo*

Date: 20/07/2023

## 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 for approval for all those schemes requiring statutory approval. Detailed legal advice will be provided on individual cases as they arise.

As the Plan has been to consultation the decision maker must conscientiously take into consideration the responses to the consultation set out in Appendix 2 before approving the plan.

### 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.



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The Local Authority has submitted two bids to the Department for Education for a new special free school and a new Alternative Provision free school. We have been unsuccessful in our bid for the new special free school, this will now need to be funded by the Council. We are still awaiting the outcome for the new AP Free School.

### **CAPITAL**

Havering has £50.5m basic need funding available (including the 2025/26 allocation of £19.6m). Of this, £39m has been earmarked for the provision of a new special school.

Until detailed plans for the provision of additional school places are formulated, it is difficult to say whether the overall 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 November 2023 for Phase 5 School Expansion Programme.

### **REVENUE**

#### **Revenue Implications for the Local Authority**

Revenue funding for mainstream schools is met from the Schools Block of the Dedicated Schools Grant (DSG). This includes a specific separate allocation for growth and falling rolls.

If the reduction in the number of primary school places is achieved as outlined in the plan, then the funding allocated to schools will fall in line with the reduced Schools Block funding resulting from the overall fall in primary pupil numbers. If the reduction outlined above does not take place then the separate allocation for growth and falling rolls can be used to provide protection to those schools that will be operating with classes that are not filled. The allocation for growth and falling rolls may not be sufficient to provide full protection leading to budget pressures in those schools with unfilled places.

From April 2024, the use of allocations for growth and falling rolls will be subject to new conditions introduced by the Department for Education. Funding for schools with falling rolls will only be permissible where the LA can demonstrate that the unfilled places will

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be required in future years. This may create budget pressures for schools where this is not the case.

The growth in secondary school places will be met from the separate allocation for growth and falling rolls and by the increase in the Schools Block funding resulting from the overall increase in secondary pupil numbers.

Revenue funding for SEND and AP places is met from the High Needs Block of the dedicated schools grant. If the new 300 place special school is delivered and the application for a new 150 place AP academy is successful, the additional 450 places will need to be funded from Havering's High Needs Block allocation.

The annual cost per place, net of additional funding received, averages £24,000. Although 450 new places will need to be funded, it is expected that overall expenditure in the High Needs Block will be lower if the new places are created than if they are not. This is because pupils attending the new provisions would otherwise be placed in out of borough and independent settings costing more than £24,000 per annum.

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)**

There are no Human Resource implications of, or risks relating to, the proposed decision.

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

The Public Sector Equality Duty (PSED) under section 149 of the Equality Act 2010 requires the Council, when exercising its functions, to have due regard to:

- (i) the need to eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Equality Act 2010;
- (ii) the need to advance equality of opportunity between persons who share protected characteristics and those who do not, and;
- (iii) foster good relations between those who have protected characteristics and those who do not.

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Note: 'Protected characteristics' are: age, sex, race, disability, sexual orientation, marriage and civil partnerships, religion or belief, pregnancy and maternity and gender reassignment.

The Council is committed to all of the above in the provision, procurement and commissioning of its services, and the employment of its workforce. In addition, the Council is also committed to improving the quality of life and wellbeing for all Havering residents in respect of socio-economics and health determinants.

The overarching C&YPEPPP has been subject to an Equality Impact Assessment (EqHIA) attached as Appendix 3.

### **HEALTH AND WELLBEING IMPLICATIONS AND RISKS**

There are no health and wellbeing implications of, or risks relating to, the proposed decision.

### **ENVIRONMENTAL AND CLIMATE CHANGE IMPLICATIONS AND RISKS**

There are no environment and/or climate change implications associated with this Report.

That said, new builds are encouraged to adopt reduced carbon-centric approaches to development, and this is advanced through the tendering and procurement processes expected in all LBH engagement with external service providers as part of the pursuit of best value.

### **BACKGROUND PAPERS**

None

### **APPENDICES**

Appendix 1 – C&YPEPPP 2023-27  
Appendix 2 - Consultation report  
Appendix 3 - EqHIA

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**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: Councillor Oscar Ford

Cabinet Portfolio held: Children & Young People

CMT Member title:

Head of Service title:

Other manager title:

Date: 7<sup>th</sup> August 2023

**Lodging this notice**

The signed decision notice must be delivered to Democratic Services, in the Town Hall.

**For use by Committee Administration**

This notice was lodged with me on \_\_\_\_\_

Signed \_\_\_\_\_

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