



**Report for:**  
**ACTION**

**Item Number:**  
16

<b>Contains Confidential or Exempt Information</b>	<b>YES (Part)</b> Appendix C contains Exempt Information by virtue of Paragraph 3 of Schedule 12A to the Local Government Act 1972
<b>Title</b>	Update on the School Expansion Programme, SEN Statutory Proposals and BSF PFI Refinancing
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<b>Portfolio(s)</b>	Cllr Yvonne Johnson, Schools and Children's Services
<b>For Consideration By</b>	Cabinet
<b>Date to be Considered</b>	16 October 2018
<b>Implementation Date if Not Called In</b>	29 October 2018
<b>Affected Wards</b>	All
<b>Keywords/Index</b>	School place planning, Free Schools, primary school, high school, expansions, School Expansion Capital Programme, SEN, Springhallow School age range extension, Willow Tree Primary School ARP, PFI, PFI Refinancing

**Purpose of Report:**

The purpose of this report is to update Cabinet with the progress of school expansions, and current projections, including for pupils with Special Educational Needs.

The report also asks Cabinet for approval to publish Statutory Proposals for extending the age range at Springhallow School and providing an ARP at Willow Tree Primary School.

The report also asks Cabinet for approval to commence and complete the process of refinancing the Council's BSF PFI contract.

**1. Recommendations**

It is recommended that Cabinet:

- i. Notes sections 3.1 and 3.2 which set out the updated projections in relation to demand for primary and secondary school provision across the borough and the proposed strategy to meet increased demand;
- ii. Notes the progress made with regards to securing additional provision for pupils with Special Educational Needs;
- iii. Authorises the Executive Director Children, Adults and Public Health, in consultation with the Portfolio Holder, to publish the necessary Statutory Proposals for extending the age range at Springhallow School from 4-16

to 4-19, which adds 30 Special Education Needs (SEN) Places, and publish any further consultative documents required;

- iv. Authorises the Executive Director Children, Adults and Public Health, in consultation with the Portfolio Holder, to publish the necessary Statutory Proposals for setting up a 21-place Additionally Resourced Provision (ARP) at Willow Tree Primary School and publish any further consultative documents required;
- v. Authorises the Executive Director Children, Adults and Public Health, following consultation with the Executive Director of Corporate Resources and the Director of Legal and Democratic Services, to commence the refinancing of the Council's BSF PFI Project Agreement in respect of Dormers Wells High School;
- vi. Subject to the terms of the refinancing arrangement being favourable to the Council, delegates authority to the Executive Director Children, Adults and Public Health, following consultation with the Executive Director of Corporate Resources and the Director of Legal and Democratic Services, to approve the refinancing of the Council's BSF PFI and enter into all the necessary documentation to give effect to the refinancing, including the Deed of Variation to the BSF PFI Project Agreement.

## **2. Reason for Decisions and Options Considered**

The Council has a statutory duty to secure sufficient school places and to promote high educational standards, ensure fair access to educational opportunity and promote the fulfillment of every child's educational potential. The Council must also promote choice and diversity.

The Legal Framework within which Cabinet must consider the proposals is set out in **section 5**.

The relevant background report on projected future demand, which was last presented to Cabinet on the 17<sup>th</sup> of October 2017, can be accessed via the link below:

Update on the School Expansion Programme and Site Acquisitions October 2017  
<http://ealing.cmis.uk.com/ealing/Committees.aspx>

The refinancing of the Council's BSF PFI contract has been identified as a potential area to yield savings under the Future Ealing programme. Cabinet authority is required to authorise the refinancing of this contract.

## **3. Key Implications**

### **3.1. Primary School Places, 4- 11 year olds**

#### Current programme

Expansion of primary school places in Ealing began in 2008, and more than half of all schools either expanded or took at least one bulge class. The primary expansion programme provided 34.5 forms of entry (FE) in permanent expansions, with 33.5 FE

of these available as permanent school places in September 2018. We have temporarily held off on providing the additional 1FE places at St John's (which was rebuilt as a 3FE primary school as part of the regeneration of the Green Man estate) as the latest admissions data suggests we have sufficient places without it this year.

### Births

The rise in birth rate was the key factor influencing the increase in demand for places in Ealing, with a 31% rise in births over the eight year period between 2002/03 and 2010/11. This increase in births has been driven by migrant communities, with births to mothers born in England actually declining during this period and the proportion of births to mothers born outside of the UK increasing from 57% to 72% of births.

**Table 1** Births over time with corresponding year of entry to reception

<b>Year</b>	<b>Entry into reception</b>	<b>Entry into year 7</b>	<b>Number of births</b>
Births 02-03	Sep 07	Sep 14	4,469
Births 03-04	Sep 08	Sep 15	4,599
Births 04-05	Sep 09	Sep 16	4,841
Births 05-06	Sep 10	Sep 17	4,976
Births 06-07	Sep 11	Sep 18	5,231
Births 07-08	Sep 12	Sep 19	5,573
Births 08-09	Sep 13	Sep 20	5,548
Births 09-10	Sep 14	Sep 21	5,829
Births 10-11	Sep 15	Sep 22	5,842
Births 11-12	Sep 16	Sep 23	5,750
Births 12-13	Sep 17	Sep 24	5,606
Births 13-14	Sep 18	Sep 25	5,442
Births 14-15	Sep 19	Sep 26	5,324
Births 15-16	Sep 20	Sep 27	5,205
Births 16-17	Sep 21	Sep 28	5,144

The September 2015 primary school intake (born in 2010/11) represented the peak in births (5,842) and they dropped back to 5,144 in 2016/17 (the September 2021 intake). The latest published calendar year birth figure for 2017 is 5,116.

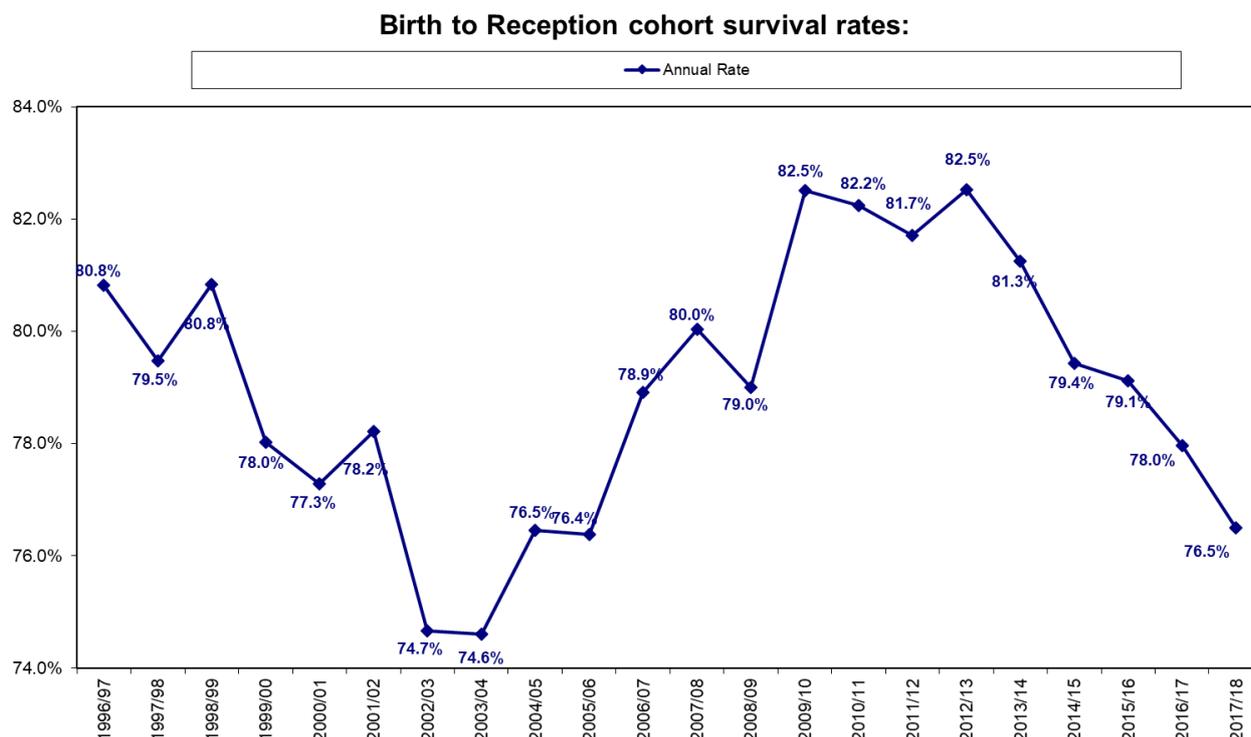
### Future Demand

The 4,770 places available in September 2018 are expected to be sufficient to meet the demand generated by the lower number of corresponding births (5,442).

Migration from and births to families from Eastern Europe (particularly Poland) was a key driver in the increase in pupil numbers in Ealing, with the Polish speaking population of Ealing schools increasing by more than 3000 over the 10 year period from January 2007 to January 2017. This population has now begun to fall, with 150 less Polish speaking children entering reception in 2017/18 compared to the peak in 2015/16, indicating this population may be starting to move away from Ealing, following the Brexit vote in 2016. This is one of the key reasons behind the falling birth to reception retention ratio at primary school (from 82.5% five years ago to 76.5% in 2017/18). An increase in domestic out migration away from Ealing (due to rising housing costs, housing policy, the tightening of the benefit cap and catch up migration following the slowdown during the recession) also appears to be a contributing factor.

Figure 1 shows this fall in birth to reception retention, which is now at the lowest it has been for 12 years:

**Figure 1**



The GLA are now projecting that births in Ealing will remain in the region of 5,100 for the next ten years. We therefore expect to have sufficient capacity to meet demand for at least the next five years, with an increasing number of surplus places. Our latest projections (which are now based on the current three year average birth to reception ratio of 77.9%) project that we will need to provide sufficient places for 4,216 children entering reception classes across the borough in 2018, dropping to 3,910 by 2022, which would represent a surplus of 11.6% rising to 17.3% in reception compared to the current PAN, and 14.7% across R-Y6 by 2022 based on the latest net capacity.

We are in discussions with schools around managing the projected reduction in demand through modifications to planned admission numbers up to 2020 when we would intend to review further.

Although the projections indicate that we will have sufficient capacity overall for primary places, they may not take full account of the potential impact in small areas within planning areas of new housing developments already under construction or planned and we will therefore keep the position under review annually. In particular, the major planned housing developments at Southall Waterside and on adjacent sites to the east of Southall station could potentially add 10,000 additional units over the next 10 years based on the latest plans. We are currently planning a 2FE free school as part of the Southall Waterside development but expect to need a further 3FE in primary places to meet the demand generated from these schemes, which are not yet factored in to our projections.

### 3.2. Secondary School Places, 11- 16 year olds

#### Current Programme

The significant increase in births has now started to impact on the secondary sector, with year 7 numbers rising sharply in September 2016 and further big increases projected for 2018/19 and 2019/20. There are currently surplus places in the secondary sector, concentrated in two schools in the Greenford, Northolt and Perivale planning area (Northolt and Alec Reed), one school in Southall (Villiers) and now also at Ark Acton in Acton.

To date, we have delivered a 2FE expansion in Southall in 2012 and added 4FE in Ealing by expanding two existing high schools in 2016. Two new secondary free schools have also opened in the borough, a 6FE school in Greenford in 2013 and a 4FE school in Ealing, which opened on a temporary site in 2016. A 1FE bulge class in Southall in 2016 became permanent in 2017. An additional 2FE became available in Greenford High School from 2018. A third free school, Ada Lovelace has opened in September 2018, initially providing 4.2FE in temporary accommodation on the William Perkin site, rising to 196 places (6.5FE) once permanent accommodation is developed at Park View.

### Future Programme

In total, there will be 3,561 year 7 places available in September 2018, rising to 3,632 in 2020 once Ada Lovelace is taking its full planned number. These figures take account of the reduced planned admission number (from 240 to 180) agreed in the Ark Acton Academy funding agreement. Our latest projections suggest that this may be sufficient to meet the majority of the demand across the borough, which peaks at 3,644, over the next 5 years. However, at an area level our projections indicate that we will have a 4FE shortfall in Ealing and Acton in 2019 rising to 5-6FE over the following 5 years, before demand is likely to begin to come back down.

Plans are in place to meet this need through the establishment of a further new Free School (Ark Soane High School) in 2020 which would provide 6FE of secondary places and is detailed further below.

**Table 2** shows year-by-year the planned high school capacity the shortfall by area within the borough (excluding Ark Soane)

High school planning areas	Acton	Ealing	GNP	Southall	LB Ealing shortfall	LB Ealing shortfall (if you zero off the excess)
<b>Agreed high school capacity (PAN) - in Forms of entry *</b>	<b>19.5</b>	<b>33.5 (rising to 35.9 from 2020)</b>	<b>40.7</b>	<b>25.0</b>	<b>118.7 (rising to 121.1 in 2020)</b>	
<b>Sep-18</b>	-0.1	0.0	3.5	2.4	5.9	0.0
<b>Sep-19</b>	-2.7	-1.0	1.2	1.8	-0.8	-3.7
<b>Sep-20</b>	-5.3	1.9	1.4	2.5	0.4	-5.3
<b>Sep-21</b>	-5.5	0.4	1.6	2.4	-1.1	-5.5
<b>Sep-22</b>	-6.1	1.0	2.0	2.4	-0.7	-6.1
<b>Sep-23</b>	-4.8	0.4	2.9	2.0	0.6	-4.8
<b>Sep-24</b>	-4.2	3.0	4.3	2.3	5.4	-4.2

### Acton

The capacity of Acton secondary planning area is now 586. A 6FE free school, Ark Soane (originally approved for September 2017) is now planned to open in September 2020 and a site has been purchased. If it progresses as planned, it would provide sufficient places to meet the projected 5-6FE shortfall in Acton from 2020. Pupil numbers at Acton High fell significantly following their 2017 Ofsted. The reopened Ark Acton Academy has transferred with a reduced 180 planned admission number but still has just over 1FE year 7 vacancies this September, despite drawing from a larger year 6 cohort, following an increase in children taking up out borough places. Our projections suggest that we will have a 3FE shortfall in Acton in September 2019, although there is considerable uncertainty around this. We are therefore in discussion with Ark to offer up to 270 places in Ark Acton in 2019. We have commissioned an independent review of forecasts in Acton to inform these decisions.

### **Ealing**

The 4FE Ealing Fields Free School opened in the Ealing planning area in September 2016, initially on a temporary site in Hanwell. A permanent site in Northfields has been secured and is intended to accommodate the school permanently from September 2020. A further 4FE (116 places) was added at two existing high schools (Elthorne Park and Brentside) from September 2016. Ada Lovelace free school opened in September 2018, initially on William Perkin site, offering 125 places. This has taken the current PAN of the Ealing planning area to 1,005. This is due to rise to 1,076 once Ada Lovelace takes its full planned 196 places in each year group when it relocates to its permanent site, currently targeted for 2020. This is expected to meet the projected demand in the Ealing planning area from 2020, although the reduced capacity currently planned for 2019 is unlikely to be sufficient and we are exploring options to meet this demand.

### **Greenford, Northolt, Perivale (GNP)**

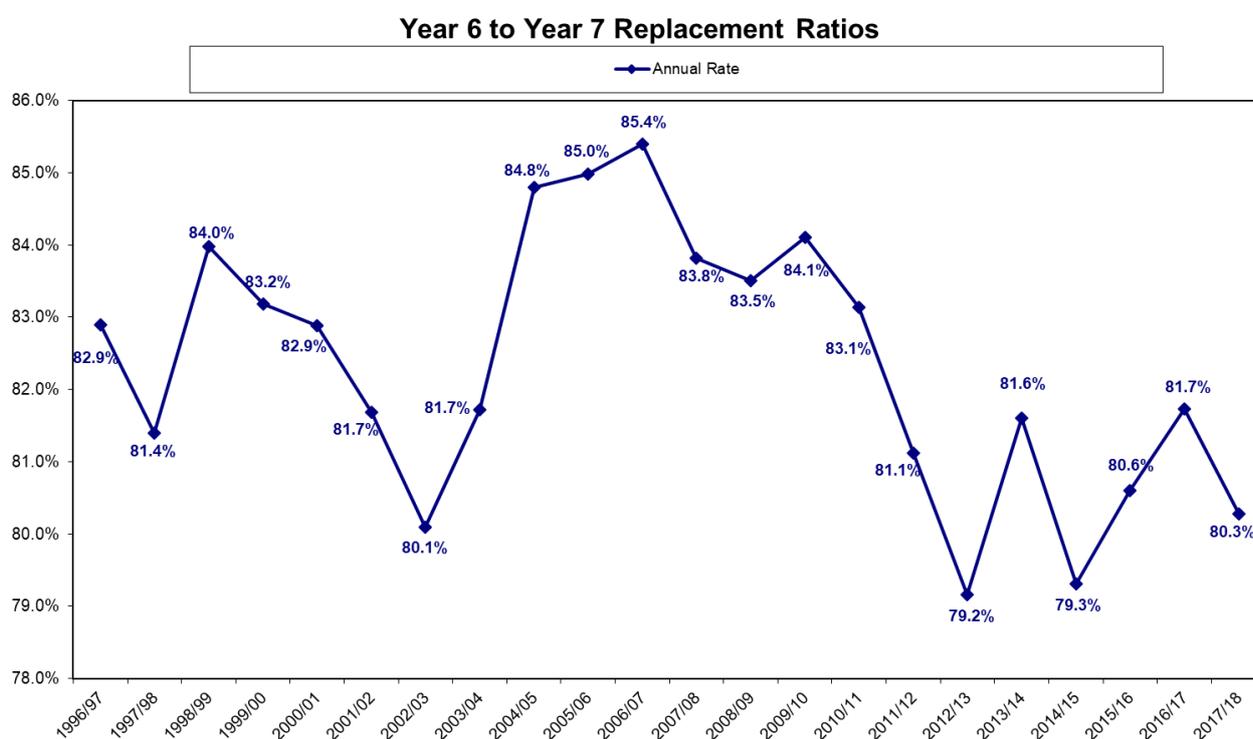
Greenford High School has expanded by 2FE to 300 places from September 2018 and William Perkin increased its PAN from 190 to 200, which has taken the PAN of GNP to 1,220. This is projected to be sufficient to meet demand for secondary places in GNP for the next 5 years. In 2017/18 we had 3.5FE year 7 capacity at Northolt High and 1.5FE capacity at Alec Reed. The latest admissions data suggests we will have a similar number of vacancies in 2018/19, with significant numbers of children from the Northolt and North Greenford areas continuing to access places at out borough schools in Harrow and Hillingdon. We have commissioned an independent review of forecasts in the Northolt area to inform our strategic decision making around the planned new build of Northolt High.

### **Southall**

The overall PAN of the Southall planning area is now 750, following a 1FE increase at Featherstone High School in 2016 (permanent from 2017). This is sufficient to meet demand for September 2018, with vacancies concentrated in Villiers High School. However, Southall is an area of high mobility with significant in year admissions so we do expect some of these places to fill during the course of the year. Our projections do not project the need for further places in Y7 over the projection period based on past trends, although if in year admissions continue at recent rates we may have issues in some of the higher year groups. There is however likely to be a need for significant further capacity over the next 10 years in Southall arising from the major planned residential developments outlined above. We are keeping the timings and potential child yield from these developments under close review.

Ealing currently exports 26% of its secondary age children to out borough state funded high schools (January 2017), while importing only 11% of its high school intake. In total the net difference is almost 3000 children, making Ealing the largest net exporter of secondary pupils in London by some margin – with cross border flows between Hounslow (985), Hillingdon (795) and Hammersmith and Fulham (426) contributing the bulk of the net exports. This is more than 500 pupils higher than it was in 2013 largely due to demand significantly outstripping capacity in the Ealing area of the borough, where the current secondary schools are operating at full capacity. We have, though, seen a small decrease in net outflows to Hounslow following the opening of Ealing Fields free school near the border. Our projections currently assume that the opening of two new free schools in the borough will lead to a fall in net exports and a corresponding rise in year 6 to 7 retention back up from the current 80.3% to 85% (a retention rate last seen in Ealing 11 years ago) over the next 5 years. Figure 2 shows the pattern of year 6 to 7 retention rates over the past 20 years.

**Figure 2**



Our current projection model now assumes a retention rate of 80.9% (the current three year average) in 2018 and 2019, rising to 83% in 2020 and 85% from 2023. We are still working on the assumption that retention rates will rise back up to the 85% rate experienced in 2005-2007 but that it will take longer for this to happen than we originally projected, due to the later free school opening dates and the impact of increased domestic outmigration and Ofsted outcomes.

We are currently testing a range of assumptions in the model and at the other end of possible scenarios produces a lower projection of the need for places. We are exploring further with the assistance of the external reviews of Acton and Northolt areas and in discussions with providers. There are a number of factors which could indicate that the projected rise in retention may not occur as projected. These include increased domestic and international out migration, increased out borough flows, and continued and increasing vacancies at particular schools. Coupled with many of our

neighbouring boroughs revising down their secondary projections this year. If the retention remained around the current three year average of 80.9%, for example, going forward, then the height of demand would be 3,571 in 2021. Which would mean our existing capacity (including the full PAN at Ada Lovelace) would be sufficient to meet demand across the borough with a 1.7% (2 FE) surplus. However, even at this low scenario, we would anticipate a shortfall of 4-5FE in Acton between 2019 and 2023 without the planned places at Ark Soane. We will report further to Cabinet in early 2019 following discussions with schools, academies and free schools.

### **3.3. Places for pupils with Special Educational Needs (primary, secondary and post 16)**

#### Trends and projections

The overall number of children and young people (age 0-25) with EHCPs has increased by a further 147 in the past year to 2,202 in 2017/18. This equates to an increase of 7.2%. In London the rise was 11.2% and for England 11.3%.

Between 2009/10 and 2017/18, the number of primary age children (3-10) with statements or EHCPs increased by 379, from 658 to 1,037 in 2017/18. The prevalence of statements / EHCPs increased from 2% of the 3-10 population to 2.6% over the past 8 years. Just under half (49%) of these were in specialist provision in 2017/18. If these trends continue, the number in specialist provision is expected to increase further over the next 2 years to 1,068 in 2019 (as the higher birth years progress through primary school) before falling back to 931 over the next ten years.

The number of secondary age children (11-15), with statements or EHCPs, has seen much less growth over the same period, only increasing from 633 in 2009/10 to 660 in 2017/18. The prevalence has remained relatively stable (with a high of 3.5% and current low of 3.3%) during this period. Just over half of these were in specialist provision in 2017/18. If these trends continue then we would expect the secondary EHCP population to increase to 802 by 2023/24, as the higher birth years currently in the primary phase progress into secondary. This increase could, however, be larger if the increase in the prevalence seen in primary is replicated in the secondary phase (with each 0.1% increase in prevalence being the equivalent of approximately 20 secondary age children). There is also an increase in numbers of children with complex health needs, including mental health, in line with the increase identified nationally.

The largest increase in the past two years has been in post 16 and post 19. Young people in further education colleges and other specialist post 16 institutions, who would not previously have had a statement, now have an EHCP. This has resulted in the 16-25 EHCP population increasing from 172 in 2014/15 to 505 in 2017/18. In January 2018, there were 146 young people with EHCPs who were post 19. While the lack of trend data makes it difficult to project, we do expect further increases in the post 16 and post 19 EHCP populations. There is also a well-documented increase in the levels of depression and self-harm amongst children and adolescents. This is likely to lead to additional need for placements for SEMH.

Overall, the number of EHCPs is expected to increase to 2,373 in the next 5 years.

#### **Current and Projected numbers of EHCPs in 5 years.**

	<b>Current</b>	<b>5 years</b>	<b>Change</b>
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Primary	1,037	1,002	-35
Secondary	660	787	+127
16-25	505	611	+106
<b>Total</b>	<b>2,202</b>	<b>2,373</b>	<b>+171</b>

We have commissioned an independent review of SEN projections to help us get a better understanding of future need and likely costs.

### Current Programme

Since 2013, the Council has expanded special schools and has increased capacity by 131 places (with 91 of these in primary age schools and 40 in all-through schools). Statutory notices have now been approved for the future expansion of Belvue School to 160 places (11 to 16) plus sixth form and to expand St Ann's school to 105 places (11 to 19). Overall, this will add 45 extra places to Secondary Special school capacity.

Further capacity has been added in the form of Additional Resource Units in mainstream schools. In primary schools, an ARP at Coston Primary opened in September 2018 with capacity for 21 places. The total number of places per year in the primary phase is now 25.

In high schools, ARPs are now open at Elthorne Park (15 places) and William Perkin (30 places), Greenford High School (20 places), and Twyford High (20 places), alongside the already established provision for 20 places at Dormers Wells High School.

### Future requirements

For mainstream school provision, plans are being developed, including the Willow Tree proposals in this report, for 63 further places (9 places per year) in primary phase ARPs across three schools and two further ARPs at high schools which would provide an additional 40 places (8 places per year).

For secondary phase special schools, from 2019, we anticipate that there will continue to be additional demand as more pupils leave the expanded primary special schools and move through into the secondary sector. We will develop more local provision for secondary age students to decrease our dependency on out of borough, non-maintained and independent specialist provision. Following the approval of statutory notices, a contract has been awarded for Belvue School to expand and adapt the school to meet the increased demand for places and the anticipated changing need profiles of students. Plans are also being developed for St Ann's School.

It is expected that these plans will meet the need for SEN places in the primary and high school sectors.

### Post 16 Future requirements

For post 16 provision, the LA has completed a widespread review of SEN Post 16 commissioning with a focus on identifying pathways which offer the best opportunities for young people to prepare for adulthood.

The consensus view is that moving forward with arrangements that allow colleges and schools to plan and deliver programmes more closely together will achieve better outcomes for young people through to age 25 and beyond. In the first instance, the

Ken Acock Centre at Belvue School has added work-related provision for those with learning difficulties and providing a strong vocational pathway from school to college for a group of young people significantly under-represented in the workforce. Up to 40 further post-16 places will be needed in the Borough. The West London post-16 review has also highlighted collaborative working to expand the range of options and use our combined specialisms. A variety of routes for securing new provision is available, including a combination of existing special schools and colleges.

The Springhallow School proposal is an outcome from this review.

#### Publishing a Statutory Notice for extending the age range at Springhallow School from 4-16 to 4-19, which would add 30 Special Education Needs (SEN) Places.

Stakeholder consultation was run by the School supported by the Local Authority in June and July. Details of this are included in **appendix A**.

The proposed expansion will require investment in existing buildings and will be implemented as part of the Council's Capital Programme. Building works would be required to adapt learning spaces to meet the needs of the pupils. Full details including estimated costs will be included in a future Cabinet report along with the responses to the statutory process outlined below for Cabinet to decide whether to proceed. Additional teaching and non-teaching staff would also be recruited.

Consultees were asked to comment upon proposals and other matters associated with such an expansion.

With regard to the statutory consultation period, the Notice will be completed using the applicable Department for Education (DfE) prescribed alterations template and guidance. This proposal is not related to any other proposal. All statutory requirements have been carried out regarding the consultation. Details of the consultation are included in **appendix A**.

Notification of the publication of the Statutory Notice and Statutory Proposal will be advertised widely, in line with DfE guidance. During this time any person could object to or make comments on the proposals by sending written representation to the Council directly or via the school office, to have their views on the proposals taken into consideration by the decision maker (Cabinet in this instance).

#### Publishing a Statutory Notice for setting up a 21-place ARP at Willow Tree Primary School

Stakeholder consultation was run by the School supported by the Local Authority in September and October. Details of this are included in **appendix B**.

The proposed ARP will require investment in existing buildings and will be implemented as part of the Council's Capital Programme. Building works would be required to adapt learning spaces to meet the needs of the pupils. Full details, including estimated costs, will be included in a future Cabinet report along with the responses to the statutory process outlined below for Cabinet to decide whether to proceed. Additional teaching staff would also be recruited.

Consultees were asked to comment upon proposals and other matters associated with such an expansion.

With regard to the statutory consultation period, the Notice will be completed using the applicable Department for Education (DfE) prescribed alterations template and guidance. This proposal is not related to any other proposal. All statutory requirements have been carried out regarding the consultation. Details of the consultation are included in **appendix B**.

Notification of the publication of the Statutory Notice and Statutory Proposal will be advertised widely, in line with DfE guidance. During this time any person could object to or make comments on the proposals by sending written representation to the Council directly or via the school office, to have their views on the proposals taken into consideration by the decision maker (Cabinet in this instance).

### **3.4 Refinancing the Council's BSF PFI contract**

In December 2010, the Council entered into a Project Agreement with Future Ealing (Phase 1) Limited for the full rebuild of Dormers Wells High School under the Private Finance Initiative (PFI). In addition to the rebuild of the school, the agreement includes a full facilities management and lifecycle service for 25 years with an expiry date of September 2037.

The funding arrangements for the agreement require private finance with payment terms based upon rates which were fixed at the time of the Project Agreement being executed in 2010. Based on an analysis of current funding options, terms are felt to be more favourable in the current market as compared to those at the time of signing the agreement and it is anticipated that refinancing the scheme could yield a gain to the Council which would be made as a one-off capital payment back to the Council. The refinancing would be led by the PFI Special Purpose Vehicle (SPV) which is a joint venture between the Council and Amber Infrastructure Ltd who hold a 20% and 80% shareholding in the SPV respectively. The Council has appointed specialist financial and legal advisors to ensure that the Council achieves optimum value for money from the refinancing. The costs of which are to be recovered through the refinancing process.

It is not possible to predict exactly when the Council would be required to enter into the necessary contractual arrangements to finalise and give effect to the refinancing arrangement. However, once the negotiations are concluded the Council would need to act quickly. For this reason, Cabinet is asked to delegate authority to the Executive Director Children, Adults and Public Health, following appropriate consultation, to complete the refinancing process on the basis that this will yield a financial benefit to the Council.

## **4. Financial Implications**

### **Financial impact on the budget**

Expansion of school places requires significant capital spend and the estimated expenditure for the agreed programme is subject to review and may change. The Council's schemes described in this report will be funded from the existing approved budgets in the capital programme which are summarised in the table below.

Item	Scheme	Budget 2018/19	Budget 2019/20	Budget 2020/21	Budget 2021/22	Total Budget 2018/19 to 2021/22
		£m	£m	£m	£m	£m
	Primary and Special Schools	7.423	3.500	-	-	10.923
	Secondary Schools	10.312	7.550	14.261	1.250	40.373
	Total	17.735	11.050	14.261	8.250	51.296

The detailed expenditure for the schemes will be monitored by the Budget Holder and Service Management as part of the overall monitoring process.

As part of the refinancing of the BSF PFI, the Council is anticipating receiving a saving of over £500,000. The precise yield will not be fixed until the date of the completion of any refinance.

Confidential Appendix C provides more detail regarding this proposed transaction by this PFI from the Council's advisor EY.

It is estimated the Council would gain a benefit of £0.7m plus from the transaction, that the Council is reconfirming it would take as a benefit in 2018/19 (as was assumed in the MTFs, with £0.525m budgeted for 2018/19) rather over the remaining 19 years of the PFI.

This benefit is achieved by taking advantage of lower debt margins in the debt market, and for a completed asset, by refinancing the current £28.5m PFI debt at a lower margin whilst not paying more unitary charge.

Currently the above benefit is estimated on the basis of shorter term increasing the PFI's liabilities, on debt and on interest rate swap contracts (in place to achieve fixed interest rates on the debt), by £2.8m, from £37.7m to £40.5m.

The PFI's debt increases shorter term from £28.5m to £35.3m principally due to having to repay on unwinding an interest swap relating to £14m of debt being refinanced by a new funder. The debt however reduces each year and would only be a greater liability of the PFI if the PFI was terminated early, which is not envisaged.

## 5. Legal

Any contracts for building works described in this report will be let in accordance with the Council's Contract Procedure Rules and the Public Contract Regulations 2015 as applicable.

### **Duties in relation to children of school age**

Councils have a statutory duty to ensure that there are sufficient school places in their area. They must also promote high educational standards, increased parental choice, ensure fair access to educational opportunity and promote the fulfilment of every child's educational potential.

In relation to the expansion of maintained schools, the planning of SEN provision and the corresponding increase in published admissions numbers the Council is currently required to comply with the following statutory framework so far as maintained schools are concerned.

The Education and Inspections Act 2006, the School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 and the School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 establish detailed procedures for the establishment of new schools and the making of prescribed alterations to existing schools including enlargement and the establishment or discontinuance of provision that is recognised as reserved for children with special educational needs.

The procedures include the publication of statutory notices and proposals containing prescribed information and defined consultation periods.

In April 2016 statutory guidance was published entitled 'Guidance for decision makers: Statutory guidance for decision-makers deciding prescribed alteration and establishment and discontinuance proposals. The Department for Education has also published Departmental Guidance for Academy Trusts entitled 'Making Significant Changes to an Academy.

The relevant statutory guidance is in the Making 'prescribed alterations' to maintained schools, April 2016. Part 5 of this guidance sets out the four stages for making prescribed alterations.

The Guidance for Decision makers contains factors which are relevant to all types of proposals.

Statutory proposals are required for cumulative expansions in prescribed circumstances, including the making permanent of any temporary enlargement where the enlargement is in place for three years or more.

The regulations provide for conditional approval of proposals to be made in certain circumstances. These include the grant of planning permission.

The decision maker must set a date by which the condition must be met. The condition to be met date must be before the proposed implementation date of the proposal.

The statutory framework for the annual determination of admission arrangements for maintained schools is currently set out in S 88 School Standards and Framework Act 1998, the School Admissions (Admission Arrangements) (England) Regulations 2012 and the School Admissions Code 2014.

Admissions authorities of maintained schools must set and publish admission numbers for 'each relevant age group' within a school

Admission authorities must consult before setting or amending the Published Admission Number (PAN). Consultation must take place by 1 March of the determination year unless (in the case of admission arrangements for entry 2010-2012 and subsequent years) their admission arrangements were consulted on in one or

both of the two previous years and they are the same as the arrangements since the last consultation.

Once an admission number has been set by the admission authority, schools should not admit children above the PAN unless the school and the Council agree that admitting above that number will not adversely affect the school in the longer term and will not have a detrimental effect on neighbouring schools.

Admitting above the admission number does not amount to an increase in the PAN which can only be changed via the annual determination of admissions arrangements, or once determined for a maintained school via a referral to the Schools Adjudicator.

The determination by the Schools Adjudicator to vary admission numbers should follow approval by the Council of any related proposals for enlargement of the school. Where admission arrangements fall to be implemented in accordance with approved statutory proposals the statutory annual determination requirements are modified.

Under the School Premises (England) Regulations 2012 suitable outdoor space must be provided in order to enable:

- a) Physical Education to be provided to pupils in accordance with the school curriculum; and
- b) Pupils to play outside

#### In regard to public law and equalities considerations

When making decisions the Council must act reasonably and rationally. It must take into account all relevant information and disregard all irrelevant information and consult those affected, taking into account their views before final decisions are made. It must also comply with its legal duties, including relating to equalities.

#### Special Educational Needs Provision

Local Authorities have overall responsibility for making sure that children's Special Educational Needs (SEN) are met.

A revised statutory framework under the Children and Families Act 2014 was brought into force in September 2014.

Under S27 Local Authorities must keep under review the educational, training and social care provision made for children who have SEN or a disability and consider the extent to which the provision is sufficient to meet the needs of the children and young people concerned.

In exercising its functions under S27 Authorities must consult children, young people and parents, the governing bodies of maintained schools, nursery schools, Academies, post 16 institutions, non-maintained special schools, advisory boards of Children Centres, providers of early years education and the governing bodies and proprietors institutions outside the area the authority thinks are or are likely to be attended by children and young people in the area, youth offending team and such other persons as the authority thinks is appropriate.

Local Authorities must also have regard to the Joint Strategic Needs Analysis and Health and Wellbeing Strategy in the exercise of this function.

## **Human Rights**

The United Kingdom is a signatory to the European Convention on Human Rights (ECHR) which came into force as an international treaty in 1953. The Convention comprises a statement of rights, which signatory states guarantee, and incorporates machinery and procedures for their enforcement through the European Commission of Human Rights and the European Court of Human Rights in Strasbourg.

The provisions of the ECHR which are of most relevance to compulsory purchase in this context are as follows.

Article 6 - "In the determination of his civil rights and obligations ....everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law...."

Article 8 - "Everyone has the right to respect for his private and family life, his home and his correspondence. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country. For the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

Article 1 of the First Protocol - "Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and the general principles of international law. The preceding provisions shall not, however, in any way impair the right of the state to enforce such laws as it deems necessary to control the use of property in accordance with the general interest."

The Human Rights Act 1998 came fully into force on 2 October 2000, incorporating the provisions of the ECHR into domestic law.

Although the ECHR guarantees the right to peaceful enjoyment of property, it is clear from Article 1 of the First Protocol that compulsory acquisition of land does not involve an infringement of the ECHR so long as it is done in the public interest and subject to the law laid down by statute. Similar considerations apply to Article 8. States are given a "margin of appreciation" in deciding for themselves what constitutes sufficient public interest to justify a compulsory acquisition.

## **Public Law and Equalities Considerations**

When making decisions the Council must act reasonably and rationally. It must take into account all relevant information and disregard all irrelevant information and consult those affected, taking into account their views before final decisions are made. It must also comply with its legal duties, including relating to equalities.

As public bodies schools and local authorities have duties, known as the 'public sector equalities duties' under S 149 the Equality Act 2010.

The Equality Act 2010 places separate duties on Local Authorities as the responsible body (alongside the governing body) for schools maintained by the local authority.

## **Refinancing the PFI**

The Council has appointed specialist legal advisors to support this process. The PFI Project Agreement has specific provisions contained within it to allow for refinancing of the contract and further detailed legal advice will follow in relation to the specific agreements as the project progresses.

## **6. Value for Money**

All expansion proposals pursued are subject to rigorous value for money (VfM) procedures through the feasibility study and option appraisal process. Providing Cabinet approval is granted, tenders will be sought in accordance with the Contract Procedure Rules and Public Contracts Regulations 2015 as appropriate and will be evaluated to establish the most economically advantageous tender to the Council. During the execution of the projects, regular progress review meetings will be held to ensure the projects are being executed to the approved budget and the timescales.

To date, the local authority contribution to Free Schools has been related to site costs and land receipts and the Department for Education have funded the capital costs for the build directly. Schools set up as Free Schools currently represent good value for money for the Council (where new sites for schools are available) if meeting basic need for additional places.

## **7. Sustainability Impact Appraisal**

The planning applications for building works will include an assessment of the impact on sustainability as outlined within the Council's procurement policies.

## **8. Risk Management**

It is recognised that pupil projections may either under or overestimate future numbers and become less accurate the further into the future they go. Projections are kept under review as new data becomes available, including the termly pupil censuses and live birth data. The last detailed report on birth rate figures and population projections was presented to Cabinet in October 2017, directions for the link is above in this report.

The programme is phased where practicable to spread the cost of the work and allow adjustments to the programme should there be changes to the projected figures.

There are risks arising from construction cost increases, and the position will be monitored throughout the process.

There are established processes for managing capital projects and risks are identified and managed as part of the project management process. Associated tendering processes will comply with best practice and be fully compliant with the Contract Procedure Rules and the requirements under the Public Contracts Regulations 2015 as appropriate.

## **9. Community Safety**

Not applicable

## **10. Links to the 3 Priorities for the Borough**

The project is linked to 'Opportunities and living incomes' and 'A healthy and great place' priorities.

### **11. Equalities, Human Rights and Community Cohesion**

An EIA has been completed and the Council will continue to observe its equalities duties with respect to ensuring that sufficient school places are available to meet demand.

### **12. Staffing/Workforce and Accommodation implications**

Implications of the expansion programme will be managed within existing Council staff and any partner consultants. School expansions will have an impact on the school workforce and on school accommodation (i.e. appropriate expansion of staff and accommodation to manage additional pupils).

### **13. Property and Assets**

This report deals with schools' property and assets.

### **14. Any other implications**

None.

### **15. Consultation**

Officers have consulted widely with schools on the demand for primary and high school places and the pressures faced in meeting this demand. In respect of formal proposals, statutory consultation requirements will be met. (See appendix A and B)

The Council has undertaken statutory consultation with regard to the Planning for Schools DPD.

### **16. Timetable for Implementation**

Secondary school expansions and Free Schools are phased in over a 5 year period (Y7- Y11) until the expanded year group is fully implemented throughout the school.

A further report will be presented to Cabinet in early 2019, informing Cabinet of the results of the consultation responding to the publication of Springhallow and Willow Tree statutory proposals. Cabinet will be asked to review and consider the information provided, and make a formal decision on whether or not to give approval to proceed with each of the proposals.

### **17. Appendices**

Appendix A Springhallow Consultation Feedback report  
Appendix B Willow Tree Consultation Feedback report  
Appendix C (Confidential) PFI Refinancing

### **18. Background Information**

1. Reports to Cabinet on need to increase school places in schools (particularly the reports of April 2008, December 2008, April 2009, September 2009, January 2010, July 2010, December 2010, January 2011, July 2011, September 2011, December

2011, January 2012, March 2012, July 2012, December 2012, January 2013, March 2013, April 2013, June 2013, October 2013, April 2014, September 2015, October 2016 and October 2017), along with the report and Minutes of Overview and Scrutiny Committee in October 2016, are available on the Council's website at the following address: <http://ealing.cmis.uk.com/ealing/Home.aspx>

2. Earlier consultation papers and the summary of the results are available on the Council's website at: [www.ealing.gov.uk/pastconsultations](http://www.ealing.gov.uk/pastconsultations)

3. Statutory Guidance

Available at <https://www.gov.uk/government/publications/school-organisation-maintained-schools>

4. Planning for schools DPD.

Available at

[http://www.ealing.gov.uk/downloads/download/3495/planning\\_for\\_schools\\_dpd\\_publication\\_version](http://www.ealing.gov.uk/downloads/download/3495/planning_for_schools_dpd_publication_version)

## Consultation

<b>Name of consultee</b>	<b>Post held</b>	<b>Date sent to consultee</b>	<b>Date response received</b>	<b>Comments appear in paragraph:</b>
<b>Internal</b>				
Cllr. Yvonne Johnson	Portfolio Holder, Schools and Children's Services	20/09/18	20/09/18	Throughout
Judith Finlay	Executive Director Children, Adults and Public Health	20/09/18	20/09/18	
Gary Redhead	Assistant Director, Schools Planning and Resources	20/09/18	20/09/18	Throughout
Justin Morley	Head of Legal Services (Social Care and Education)	13/09/18	19/9/18	5
Catherine Taylor	Head of Legal Services (Contract and Litigation)	13/09/18	19/09/18	Throughout
Geraldine Chadwick	Interim Senior Finance Business Advisor, Children & Schools	13/09/18	14/09/18	
Craig McDowell	Commercial and Procurement Partner	20/09/18		

## Report History

<b>Decision type:</b>	<b>Urgency item?</b>
Key decision	No
Report no.:	Report author and contact for queries:
	Laurence Field, <a href="mailto:fieldl@ealing.gov.uk">fieldl@ealing.gov.uk</a> 020 8825 5425

## **Appendix A: Consultation for extending the age range at Springhallow School from 4 – 16 to 4 – 19 adding 30 Special Education Needs (SEN) places**

### **Consideration of Consultation**

Members should consider the views of all those affected by the proposal or who have an interest in them including pupils, families of pupils, staff, other schools and colleges etc. Members should not simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead, Members should give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposal.

### **Initial Consultation**

The proposal consulted on is for 16-19 provision for students who need an Autism specific environment. Based at Redwood College in Greenford from September 2019, it will focus on employment & life skills. There are limited options for pupils with Autism to continue their education in an Autism-specific environment after leaving school in year 11. For post 16 learners, who need an Autism-specific environment, many families choose to further their education at non-maintained specialist providers outside of Ealing. Many of the learners attend Springhallow School, some are in ARPs, within mainstream and other special schools.

The vision is for a 16 - 19 local authority provision, based at Redwood College in Greenford (UB6 8SR) offering a range of educational pathways, with a focus on employment and further development of life skills. This vision builds on an already existing and successful relationship that has developed over the last four years. Learners will remain on the school roll for Springhallow, and have their curriculum needs/requirements delivered by staff at both Springhallow and Redwood College. A small group of pupils with a more complex Autism profile will be educated solely by Springhallow staff following a life skills programme.

14 – 16 curriculum offer - Many prospective learners will become familiar with the site and staff at Redwood College through their attendance on the newly developed 'My Future' programme during Years 10 and 11 from September 2018.

The whole consultation period was from **Monday 18<sup>th</sup> June** until **Tuesday 31 July 2018**.

### **Who was consulted?**

The proposal was sent to the following stakeholders:

- Parents of pupils at Springhallow School
- Staff and Governors of Springhallow School
- Head Teacher and Chair of Governor of Ealing Special Schools
- Head Teacher and Chair of Governor of Primary and High Schools with ARPs – *for circulation to parents*
- ESCAN Speech and Language Therapy service
- ESCAN Occupational Therapy service
- ESCAN School Nursing service
- ESCAN SEND manager
- Home to School Transport manager
- Ealing Health and Safety manager
- Ealing MENCAP

- School-based Connexions advisor
- Ward Councillors
- Local MP
- Adjacent Local Authorities
- All Ealing Schools through EGFL gatekeeping

The initial proposal was available to download on the school website during the consultation period.

Emails were sent directly to:

- Ward Councillors
- Local MP
- Adjacent Local Authorities

An EGFL gatekeeping article was sent to all Ealing Schools about the proposals

### **How were stakeholders consulted?**

- **Consultation Leaflet and Feedback Forms** – The initial proposal detailed and circulated with a feedback form attached. 14 response forms were received along with 3 emails.
- **Consultation Events** – Consultation events took place within Springhallow School on Thursday 21<sup>st</sup> June (5pm), Wednesday 27<sup>th</sup> June (7pm) and Monday 2<sup>nd</sup> July (9.30am). 5 people attended these events. A separate event was held for Springhallow School staff. This was attended by 50 staff.
- **Pupils at Springhallow School** – School Council have started to elicit pupil views with regards to what the school's current pupils would like to do when they leave school. Further consultation activities will take place to develop and shape the offer to meet identified needs
- **Emails were sent directly to:**
  - The Ward Councillors
  - Local MP
  - Adjacent Local Authorities
- **An EGFL gatekeeping article was sent to all Ealing Schools about the proposals**

### **Feedback from Stakeholders**

Of the 17 responses received, 16 of these were in support of the proposal, 1 did not express a view. Of the responses, positive comments were recorded including:

- Benefits of smooth transition
- Benefits of being supported by staff that know and understand their son
- Great proposal because parents are already concerned about lack of Post 16 provision
- Pathway 1 needs to balance obtaining the best qualification as well as getting them an internship
- The proposal offers more choice for families
- Young people will be able to remain in their local communities
- Springhallow led provision will help to reduce the anxiety and stress during the transition process

Some of the questions raised were (responses in italic):

- Would such a small building and curriculum plan be able to offer the same range of opportunities as some of the larger existing, out of borough establishments?  
*It is hoped that this provision will provide additional parental choice but will not be able to offer an identical curriculum to other establishments, each provision offers a bespoke package.*
- How the staffing and management will be co-ordinated?  
*A new Assistant Head Teacher role will be developed to oversee the day to day management of this offsite provision, feeding into the school's existing leadership team.*
- Will there be entrance test to get into the college provision?  
*No but an Entry Criteria will be agreed with the Local Authority to ensure the provision is offered to the right pupils.*
- Do parents need to pay for the provision?  
*No, the places will be fully funded by the Local Authority placing the pupil. The school will continue to request voluntary contributions for trips/activities that may enrich the curriculum offer.*
- Are there university opportunities on offer by Dynamic Training? What will happen between 19-25? Are there pathways to support children in mainstream higher education?  
*The pathways will offer an educational route with a focus of developing skills for employment (Pathways 1 & 2). Dynamic Training already work with Universities, offering higher apprenticeships and progression agreements.*
- Will priority be given to existing Springhallow students?  
*If an existing Springhallow pupil meets the entry criteria and the placement is their preference, priority will be given to them.*
- Is Pathway 3 being offered at the present Springhallow site?  
*No, all pupils will be educated offsite within this new provision.*
- Will Pathway 3 teaching be delivered by a qualified teacher?  
*A qualified teacher will be allocated to each class group and they will oversee the delivery of the curriculum for each pupil.*
- What tender process was followed to appoint Dynamic Training as a partner?  
*Springhallow School and Dynamic Training have already established a successful working relationship over a number of years. This joint provision will continue to build on this existing relationship.*
- Have plans been drawn up for the refurbishment of Redwood College existing buildings and external space?  
*Not yet, this will be done in collaboration with all stakeholders.*
- How will the SLT and OT provision be delivered and by whom?  
*If SLT and OT are identified with a pupil's EHCP and remains a need, this need will be met. It has not been decided who will deliver this therapy input as yet.*
- How will the places be allocated (within each pathway)?  
*Places will be allocated according to demand for places and pupil need.*
- Is pathway 3 going to provide 1:1 support?  
*If 1:1 support is identified within a pupil's EHCP and remains a need, this need will be met.*

## **Appendix B Willow Tree Consultation Feedback report**

### **Consideration of Consultation**

Members should consider the views of all those affected by the proposal or who have an interest in them including pupils, families of pupils, staff, other schools, etc. Members should not simply take account of the numbers of people expressing a particular view when considering representations made on proposals. Instead, Members should give the greatest weight to representations from those stakeholders likely to be most directly affected by the proposal.

### **Initial Consultation**

The proposal consulted on is about the development of an additionally resourced provision at Willow Tree Primary school. The provision will be for 21 children with an Education Health and Care Plan with needs on the Autistic Spectrum or related Speech, Language and Communications needs.

A small number of children and young people with an Education, Health and Care Plan may require a higher level of support than can be provided in their local mainstream school. However, their needs are not so complex or severe that a place at a special school is appropriate either. To meet this need, the local authority maintains a range of additionally resourced provision and units at mainstream schools.

The council is committed to further developing inclusive education for all pupils in Ealing. Willow Tree School governors support the Borough in this goal. The development of Additionally Resourced Provision (ARP) is a central part of the drive to develop a more inclusive education for pupils with SEN and additional needs.

The whole consultation period was from Friday 7th September until Friday 5 October 2018.

### **Who was consulted?**

The proposal was sent to the following stakeholders:

- Parents at Willow Tree School
- Staff and Governors of Willow Tree School
- Ward Councillors
- Local MP
- Adjacent Local Authorities

Also, an EGFL gatekeeping article was sent to all Ealing Schools about the proposals

**Consultation Events** – Consultation events took place within Willow Tree School on Thursday 27 September (9am & 6pm)

A separate event was held for Willow Tree Primary School staff. This was attended by 60 staff. Most staff supported the proposal and felt opening an ARP was right for the continued development of the school

### **Feedback from Stakeholders**

Of the 82 responses received, 74 of these were in support of the proposal, 6 did not express a view, 2 expressed a view against the proposal. The feedback of 7 parents who attended the parent meetings is also included.

Of the responses received, positive comments were recorded including:

- Brilliant.
- I think it is a fantastic idea.
- The ARP will be a valuable asset to both staff and children. I think this would help Willow Tree and improve standards.
- I am happy to be a part of this. I think it is so important.
- Every child's life will be independent when he/she is growing up as an adult. So, special needs children can also become as an independent adult by these provision.
- This will show the children how to be compassionate and understanding to others.
- Gives children who need the extra support a better opportunity in life.
- The ARP is a great opportunity for Willow Tree and in keeping with our ethos and aims as a school.
- The ARP will increase teacher knowledge and CPD. The ARP is a good way for teachers to gain value knowledge and resources in order to develop their own practice and pedagogy.
- Good initiative by the Council.

Negative comments recorded including (responses in italic):

- The risk that opening an ARP would be detrimental to existing pupils with ASD at the school.  
*It is expected that the additional resources provided for the ARP would ensure that existing arrangements for ASD students would be improved because of the greater expertise in the school.*
- Nursery becoming separate from the main building may create problems for staff and children? Will the nursery be big enough for the number of children attending as well as their outdoor provision?  
*The current Nursery facilities will be replaced in the new location. Generally, nurseries flourish in a separate building with dedicated external play space.*
- I would have some concerns for disruption of the mainstream school community because of the possible relocation/redevelopment to accommodate the ARP
- I strongly disagree that any additional service is required. Kids just being at school regularly make them learn more than anything else.
- Whilst I agree that this type of provision is necessary I am not convinced Willow Tree is the best place for it. We already have a high percentage of children with SEN and I am not sure of the impact on data and the school in general of an additional 21 children with needs.
- In addition, losing extra space for interventions when space is already at a premium will affect the children already at the school.

Some of the questions raised were (responses in italic):

- How much time will ARP pupils spend in main stream classes?  
*The aim is for pupils to eventually spend about 50% of their time in mainstream classes with support. However, this will vary according to individual pupils needs and progress*
- Is there any additional burden of the existing resources of the school? What will be the impact on the children who are not in the ARP but still need the support?

I am concerned that children with lower level SEN not in the ARP will lose out?  
What about future funding of the ARP – confirmation for future years.

*The ARP will have a defined budget for its staff and resources, this level of funding is expected to continue for future years. The whole school will benefit from the additional expertise offered by ARP staff.*

- How to ensure ARP pupils are included and not bullied in any way.  
*The school is already highly inclusive and has effective policies to reduce bullying. Effective inclusion will be central aim of the new ARP. The current evidence is that this is a strength of the school*
- What might be the impact on class sizes? What provisions might be made to ensure this does not impact the quality of teaching and pupil outcomes? What happens if standard in the school fall?  
*School standards remain the responsibility of governors. Governors can get external advice and support to ensure the school has an effective recovery plan if standards fall.*
- How will teaching staff be supported to allow them to provide the appropriate level of support for the children integrating from the ARP  
*There will be training and CPD time for the ARP but also time for the current school plans to develop the curriculum*
- Would someone working in the ARP move with the children when they “dip in” /go to the mainstream school during the day? Would class teachers be able to see their child in the ARP to see how they worked there?  
*The aim is for the ARP to be as integrated with the rest of the school as possible with staff and pupils moving between ARP and school.*
- Would extra funding be given for the essential/additional staff, for example SENCo, managers and admin staff  
*Yes, funding includes an allowance for administration and leadership time*
- Where will the children come from (schools) and are these children already in a unit? Are they coming from schools where they are already integrated?  
*Pupils will have an EHCP. Children may start in the ARP in Reception. There may be pupils already at Willow Tree who meet the criteria to be in the ARP and could transfer. There will be pupils in other local main steam school who need to transfer to an ARP.*