

Report for: ACTION
Item Number: 14

Contains Confidential or Exempt Information	NO
Title	Update on school places and related capital approvals
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Portfolio	Councillor Binda Rai, Cabinet Member for Children and Young People
For Consideration By	Cabinet
Date to be Considered	14 February 2017
Implementation Date if Not Called In	27 February 2017
Affected Wards	All
Keywords/Index	Invite and Evaluate Tenders; SEN; School Expansions; Delegate Award Contracts.

<p>Purpose of Report:</p> <ol style="list-style-type: none"> 1. To update Cabinet with the progress of school expansions, current projections (including for pupils with Special Educational Needs), site acquisitions and possible next steps to support the Education Funding Agency in acquiring sites for planned Free Schools. 2. To obtain authority to invite and evaluate all necessary tenders and award contracts for the building contracts for the replacement of life-expired temporary accommodation at Redwood College. 3. To obtain authority to adjust the budget for the Ark Byron Primary Academy to reflect the increased cost to deliver the scheme (to be met by the Education Funding Agency). 4. Seeks in principle agreement to acquire the site identified for the proposed North Twyford High School by means of a Compulsory Purchase Order if necessary and notes that a further report will be brought back to Cabinet for approval.

1. Recommendations

It is recommended that Cabinet:

- 1.1 Notes section 3.1 which sets out the updated projections in relation to demand for primary and secondary school provision across the borough and current proposals to address rising demand;

- 1.2 Approves the addition £0.600m of Big Lottery New Opportunity Fund and Building Research Establishment grants for school works to the Schools Service Capital Programme;
- 1.3 Authorises the Executive Director for Children, Adults and Public Health to invite and evaluate tenders, and award contracts for all necessary contracts required for the accommodation for the replacement of life-expired accommodation at Redwood College up to a value of £0.600m;
- 1.4 Authorises the Executive Director for Children, Adults and Public Health to seek all necessary Planning and Statutory Approvals for the schemes described in this report;
- 1.5 Approves the adjustment of the budget for the Ark Byron Primary Academy to reflect the increased costs of the scheme, noting that these costs are to be met by the Education Funding Agency; and
- 1.6 Agrees in principle that, if the site identified for the proposed North Twyford School as described in paragraph 3.3 below report cannot be acquired by the Education Funding Agency by agreement, the site be acquired by means of a compulsory purchase order pursuant to section 530 (1) of the Education Act 1996 if necessary and that a further report will be brought back to cabinet for approval.

2. Reason for Decision and Options Considered

Under the Council's Constitution Cabinet approval is required to proceed with schemes over £0.1m in value, Portfolio Holder approval is required in order to proceed with schemes between £0.500m and £1m, and the schemes up to £0.500m per annum fall within Director delegated powers. Details of the schemes and reasons for the recommendations are set out below.

3. Key Implications

3.1 Update on School Places

In the most recent report on school places, provided in October 2016, Cabinet was provided with a comprehensive update on pupil projections and future demand for primary, secondary and special school places. This further report is intended to update Cabinet on the latest projections, taking into account the most recent data on pupil admissions, as well providing the latest position on planned new Free Schools, school site acquisitions and plans for temporary solutions should these become necessary.

Primary Places

The October 2016 update to Cabinet confirmed that we now project to have sufficient capacity overall for primary places across the borough, with a borough level surplus of between 4 and 5% this year rising to between 9 and 11% from 2018 onwards. Cabinet was however advised that whilst sufficient capacity is projected in the borough overall, there remains a potential requirement for additional capacity in specific areas in the borough arising through new housing developments, either planned or already under construction. The October report specifically noted that the demand for places in Southall, where birth increases came later, remains a particular part of the borough which is being monitored.

The Council has received 4,148 on time applications for 2017 reception places compared to 4,384 last year (a fall of 236 applications). The reception cohort was

projected to be lower this year, due to a corresponding fall in births of 143, but applications from the Ealing and Greenford, Northolt and Perivale areas of the borough are currently lower than expected.

Secondary Places

In the October 2016 update, Cabinet was advised that the significant increase in births has now begun to impact on the secondary sector (with the September 2015 intake representing the first cohort since births began to rise and the size of the potential intake rising sharply year on year from September 2016).

In terms of high school applications for September 2017, we have a similar number of applications this year (3828) as compared to last (3782) which is in line with the October update to Cabinet. We continue to expect to have sufficient places to meet demand in the 2017/18 academic year.

We do however project a shortfall in capacity from September 2018, with a need for 6 further forms of entry at secondary, rising to a total of 11FE by September 2019 and 13 by 2021. This demand is particularly concentrated in the Acton/Ealing areas. Plans are in place to meet this rising need through the establishment of two further new Free Schools (an Ark High School and North Twyford High School) which together would provide 12.5FE of secondary places.

However, both of the Free Schools, along with the permanent site for the Ealing Fields Free School (which is presently in temporary accommodation), rely on the acquisition of sites and successful development and delivery of new school accommodation. Officers are continuing to work closely with the Education Funding Agency and the respective Academy Trusts to establish these new Free Schools to the necessary timescales.

The preferred permanent site for the Ealing Fields School has been identified as the former King Fahad Academy site in Little Ealing Lane. The EFA has been in negotiation with the owners of the site to acquire the site by agreement and the council has made a compulsory purchase order in respect of the site in case the negotiations are not successful. The owners have formally objected to the CPO and an inquiry date is expected to be fixed shortly. Negotiations with the owner will continue in the meantime.

With regard to North Twyford High School the proposed site forms part of the former Barclays Bank Sports Ground at Corfton Road W5 and the site has been identified in the Planning for Schools DPD as a school site. As with the former King Fahad Academy site the EFA are in negotiation with the owners with a view to acquiring land for the new school. However if those negotiations prove to be unsuccessful it may be also necessary to make a compulsory purchase order to secure the site for school use within the necessary timescale. Members are therefore asked to approve the making of a CPO in principle should the EFA be unable to secure the site by agreement and a further report will be brought back to Cabinet for approval.

Officers are additionally continuing to explore options for the temporary expansion of existing high schools in the event that one or more of the planned Free Schools is delayed. Cabinet previously authorised the Assistant Director for Schools Planning and Resources to incur fees to further develop proposals for temporary school expansions and to submit any necessary planning applications and undertake any other statutory notices or requirements that may be required to facilitate this.

Special Needs Places

In the October 2016 update, Cabinet was advised that like many other LAs, Ealing continues to experience growth in population and children with more complex needs.

For main stream school provision, as part of the capital budgeting process currently underway, a proposal has been made to establish 35 further places (5 places per year) in primary phase ARPs across three schools and one further ARP at a high school which would provide an additional 20 places (4 places per year). Initial discussions have started with potential primary schools in the Greenford area and feasibility studies commissioned to explore how best to deliver this new capacity starting in 2018.

For secondary phase special schools, from 2018, we anticipate that there will be additional demand as more pupils leave the expanded primary special schools and move through into the secondary sector.

A design option at Belvue School has been developed and is currently the subject of a rigorous feasibility evaluation. The proposals are intended to allow the school to increase 11 -15 years capacity to 160 plus a sixth form, whilst also taking account of the potential changing need profiles of students. A consultation with parents and other stakeholders is underway, and it is anticipated that a statutory notice will be published in March 2017 for determination by Cabinet in April 2017.

At St Ann's school proposals are still in the design development stage exploring how best to adapt the school to meet the increased demand for places in the short term and the anticipated changing need profiles of students. The growth is anticipated to peak at 15 additional places increasing the capacity of the school to 105 places before gradually falling back. The governors at St Ann's have indicated their strong preference for the school to be relocated and rebuilt as they believe the existing site and Victorian building are unsuitable for a special school operating in the 21st century for pupils with a combination of complex needs and challenging behaviour. The LA has agreed to work with governors to identify suitable sites and sources of funding to replace the school. No suitable sites are immediately available, and even if a site and funding source could be identified relatively quickly, all parties understand that these plans will require an extended time frame (at least five years from identification) to achieve. In the meanwhile, governors accept that provision of further accommodation is required to meet the short to medium term demand of pupils already attending Ealing primary special schools. DfE guidance indicated a consultation with parents and other stakeholders is necessary as the temporary expansion will exceed 10% of the current capacity of the school. It is anticipated that a statutory notice will be published in March 2017 for determination by Cabinet in April 2017.

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. Further post 16 initiatives are now being explored with Springhallow and John Chilton Special Schools including understanding how best to meet student's needs for access to work, community inclusion, independent living and health. When completed, and agreed by key partners, the project will provide the basis to go ahead with the development of the new approach to Post 16 Learning. It is intended that this approach will take the best pastoral and supportive elements of a school VI form whilst combining it with the breadth of future pathways offered by College.

3.2 Redwood College

The College provides courses in construction, hair and beauty, bike mechanics and electronics for 14 -19 year olds. Students of school age attend two days a week and work towards accredited qualifications alongside studying for their GCSEs in school. Study programmes are also provided for young people at risk of not being in employment, education or training (NEET) and students with special education needs.

Redwood College (previously the Ealing Diploma and Enterprise Centre) is Ealing Council's centre for vocational training and apprenticeships. New, purpose-built facilities were provided in 2014 to replace existing life-expired temporary accommodation. However, some of the temporary accommodation remained and the condition of this is not now economical to maintain.

The replacement of St John's Primary School as part of the Green Man Lane Estate regeneration has released a 4-Classroom permanent modular classroom block for re-use and it is proposed to transfer this block to Redwood College to replace the current temporary accommodation. This is anticipated to be considerably more economical than new build accommodation.

4. Financial

a) Financial impact on the budget

4.1 Update on School Places

The update on school places is provided for information only and there are no financial implications arising from this section of the report.

4.2 Redwood College

Redwood College will be funded from Schools Capital balances accumulated from Big Lottery New Opportunity Fund and Building Research Establishment grants for education works schemes.

Table 1: Funding stream for Redwood College

Scheme	F	15/16	16/17	17/18	Total
		£m	£m	£m	£m
Redwood College	G			0.600	0.600

4.3 Adjustment of budget for Ark Byron Primary Academy

In March 2016, Cabinet approved the addition of £5.557m to the Schools Service Capital Programme in order to deliver the works at the Ark Byron Primary Academy. The costs to deliver the scheme have subsequently increased to £7.3m and are to be met in full by the EFA. Cabinet is asked to approve the adjustment of this budget line item.

5. Legal

5.1 The tender processes followed/to be followed for the contracts for the projects described in this report were/will be compliant with the Council's Contract Procedure Rules and the Public Contract Regulations 2015 as applicable

5.2 The Council has a statutory duty to ensure a sufficiency of places in the area under section 14 of the Education Act 1996. This duty must be exercised with a view to securing diversity in the provision of schools: section 14(3A). Section 14A requires them to consider parental representations as to the exercise of the section 14 power.

5.4 Section 6A(1) of the Education and Inspections Act 2006 provides:-

6A Requirement to seek proposals for establishment of new Academies

(1) If a local authority in England think a new school needs to be established in their area, they must seek proposals for the establishment of an Academy.

5.5 The effect of this section, along with sections 7 and 10 of the 2006 Act, is that the Council cannot publish proposals of their own to set up a maintained school unless (1) the Secretary of State's consent is obtained and (2) the proposed school would replace another school or there has been no response, or no approved response, to an invitation for proposals from anyone else.

5.6 Additionally, the Council must ensure that the premises of schools they are responsible for comply with the School Premises (England) Regulations 2012.

5.7 The Council's power to acquire land for schools is contained in section 530 of the Education Act 1996. Section 530 confirms that an authority may do so where land is required for the purpose of 'any school' which is or is to be maintained by them or which they have the power to 'assist' or is otherwise required 'for the purposes of their functions under the Education Act 1996] or is required for the purposes of an Academy (whether established or to be established)'.

6. Value For Money

6.1 Specifications will be prepared by the Council's in house consultants and tenders will be obtained and evaluated in accordance with the Council's Contract Procedure Rules.

6.2 During the execution of the projects, regular progress review meetings will be held to ensure projects are being executed to approved budgets and timescales.

7. Sustainability Impact Appraisal

7.1 The proposals will include an assessment of the impact on sustainability as outlined within the Council's procurement policies.

8. Risk Management

8.1 There are established processes for managing Capital projects and risks are identified as part of the project management process. Risk Registers will be prepared for all the projects, and these will be updated and managed until completion of the projects.

9. Community Safety

None

10. Links to the 6 Priorities for the Borough

10.1 The proposals in this report are linked to 'Securing Public Services', and 'Delivering Value for Money' priorities.

11. Equalities, Human Rights and Community Cohesion

11.1 An Equalities Assessment has been carried out for the projects described in this report.

12. Staffing/Workforce and Accommodation implications:

None.

13. Property and Assets

13.1 This report deals with schools' property and assets.

14. Any other implications:

None

15. Consultation

15.1 Consultation has taken place, as required, with the Portfolio Holder. Extensive consultations have been/will be carried out with the relevant schools, partner consultants and contractors on the project described in this report.

16. Timetable for Implementation

Redwood College

Cabinet Approval	February 2017
Contracts signed and sealed	June 2017
Construction works start on site	August 2017
Completion of works on site	November 2017

17. Appendices

None

18. Background Information

Report to Cabinet on 18 October 2016

The above report is available on the Council's website at:
http://www2.ealing.gov.uk/services/council/committees/agendas_minutes_reports/cabinet/index.html.

Consultation

Name of consultee	Post held	Date sent to consultee	Date response received	Comments appear in paragraph:
Internal				
Judith Finlay	Executive Director Children Adults & Public Health	19/1/17		
Cllr Binda Rai	Portfolio Holder, Children and Young People	19/1/17		
Gary Redhead	Assistant Director Schools Planning and Resources:	19/1/17	31/1/17	1,3
Ross Brown	Acting Director of Finance	19/1/17		
Chris Neale	Strategic Finance Partner	19/1/17		
Mel Dharmakirthi	Senior Finance Business Advisor	13/1/17	18/1/17	1,4
Halina Bakhovska	Finance Business Advisor	19/1/17		
Jackie Adams	Head of Legal Planning and Property	13/1/17	01/02/17	1,2,3,5
Sima Khatun	Commercial & Procurement Partner	19/1/17		
Chuhr Nijjar	Senior Contracts Lawyer	13/1/17	13/1/17	1,2
External				
	eg voluntary organisation			

Report History

Decision type:	Urgency item?
Key decision	No
Report no.:	Report author and contact for queries:
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