

CABINET

20 September 2022

Title: Review of School Places and Capital Investment – Update	
Report of the Cabinet Member for Educational Attainment and School Improvement	
Open Report	For Decision
Wards Affected: All Wards	Key Decision: Yes
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Accountable Commissioning Director: Jane Hargreaves, Commissioning Director Education	
Accountable Strategic Director: Elaine Allegretti, Strategic Director, Children and Adults	
Summary	
<p>This report provides an update on the forecast demand for education places across the Borough's Schools and education settings. It gives a flavour of the impact on demand across nursery, mainstream and special schools, and units in the borough. The detail in the report about demand for school places is based on a recent exercise which has been completed. The data has been used to inform the Department for Education (DfE) of the trends and impacts on demand for school places at local level.</p> <p>The report sets out some changes to the programme of investment currently approved by Cabinet, as the forecast has identified where funding secured from Government grant needs to be invested. Furthermore, it provides details of new grant allocations from the DfE.</p> <p>Finally, the report provides information on a consultation of school admission arrangements where there are no proposed changes.</p>	
Recommendation(s)	
The Cabinet is recommended to:	
(i) Note the actions being taken by officers to identify additional school places across the Borough to meet further demand pressures and the ongoing discussions relating to future provision in the Council's Local Plan;	
(ii) Approve the proposed changes and allocations of funding as set out in paragraphs 6.2 and 6.3 of the report, to support the provision of new places and improvements;	
(iii) Delegate authority to the Strategic Director, Children and Adults, acting on advice from the Procurement Board, to approve the final procurement strategies for Additional Resource Provisions referred to in section 6 of the report;	

- (iv) Delegate authority to the Strategic Director, Children and Adults, in consultation with the Cabinet Member for Education Attainment and School Improvement and the Chief Legal Officer, to conduct the procurements and award the respective project contracts; and
- (v) Note that in accordance with the School Admissions Code 2021, a six-week public consultation was undertaken on the Council's intention to continue with its existing school admission arrangements for 2023/24 and no adverse comments were received.

Reason(s)

The decision will assist the Council in fulfilling its statutory obligations to provide a school place for every child and support the intention of the Council's Vision and Priorities, including encouraging civic pride, enabling social responsibility, and growing the Borough, and delivering the ambition for excellence in education set out in our Education Strategy.

1. Introduction and Background

- 1.1 It has been the practise for the last ten years to provide Cabinet with regular information on the forecast demand of pupil numbers in Barking and Dagenham. This is important as the Council has a statutory obligation to provide a suitable school place for every child who lives in the Borough and wants to attend school here.
- 1.2 The reports have also covered details of how it is intended to meet rises in demand and discussions with both schools and Academy operators which support the future provision of school places.

2. Update on Pupil Numbers and Capacity for September 2022

- 2.1 The need exists to review information which supports the forecast for pupil numbers as this helps to have a dialogue with Central Government about the level of support needed to meet the obligation to provide school places. It has led to an improved working relationship with sections of the Department for Education in certain areas and consequently has been beneficial to local residents in helping to respond to demand. Every Summer, the Council's Education team makes a data submission showing, by locations across the Borough, where there is likely to be a need for new places based on the projected rise in expected pupils. This could be, for example, to provide support to reflect new home building as part of a wider network of funding for place making, and particularly for designating suitable spaces for schools.
- 2.2 To ensure that there are sufficient high-quality places to meet current and future demand for mainstream and specialist places for pupils with Special Educational Needs (SEND), intelligence led forecasting takes into consideration the following factors.
- Numbers of pupils currently in the Borough;
 - GLA data including population, migration and birth numbers;
 - Transition rates from birth to Reception age five years later;

- New housing proposals as advised in the Local Plan Review and planning applications received for proposed housing developments;
- Historical data and trends such as migration patterns and those pupils who live in the borough but choose schools outside;
- Internal knowledge of recent population fluctuations in particular the impact of population movements into and out of the Borough.

2.3 The information described above is submitted in an approved format to the DfE on an annual basis. Subsequently, in a spirit of collaborative working, officers have discussed the data and the outputs with officials from the DfE Place Planning Team and agreed the interpretation. There is little immediate need for additional places in the next two years; however, beyond that we need to be prepared to open new places to respond to the growth in new homes in the Borough. As there is a time lag between planning places and securing funding and building new school facilities, the Council's Education team will be focusing on some specific projects to have places ready for future children. For example, a new school is planned to start in construction which will need to open in 2/3 years' time – Greatfields Primary – as part of the Gascoigne Regeneration project.

2.4 In the past 15 years, the Borough has seen its pupil population rise from 31,421 pupils in May 2007 to today where it is now stands at 44,639 pupils. This was originally driven by the changing demographics in the Borough such as the average age of the population reducing and migration from inner London. The current position is that the Borough has the largest proportion of 0–15-year-olds (27%) as its population when compared to London average 20%. In short, this means LBBDD has a higher number of its population attending school than the average of other London Boroughs.

2.5 The ambition set out in the Local Plan for increasing the number of new homes in the next 15 years will see the number of pupils proportionately increase, as reported to Cabinet in July 2021. This forecast based on 35,000 new homes could be an increase of 30,000 pupils.

3. Current demand for Special Educational Needs and Disabilities (SEND)

3.1 Numbers of Pupils with SEND are growing exponentially in terms of the proportion of the pupil population and severity of their disabilities. The summer 2021 census indicated that there were 1,667 pupils with an Education Healthcare Plan (EHCP) who were allocated across the following provisions below.

Make Up of Provision

	Total Numbers	%
Special Schools	491	29%
Additional Resource Provision (ARPs)	341	20%
Mainstream Schools	625	37%
Out of Borough Schools	210	13%
Total	1667	100%

3.2 This number has increased and there are now 1,854 pupils with an EHCP which equates to 4.2% of the population compared to the London average of 3.7%. The

demand is placing an unequitable strain on suitable placements being found along with the right support these pupils need. The revised forecast based upon this growth is shown on the table below.

Educational Health Care Plans in Barking & Dagenham

	2015/ 16	2016/ 17	2017/ 18	2018/ 19	2019/ 20	2020/ 21	2021/22 (provisional)	3-year average (2018/19 to 2020/21)
Total	914	974	1,050	1,123	1,255	1,389	1,854	1,256
Annual Increase		60	76	73	132	134	465	113
EHCP %	2.2%	2.4%	2.5%	2.7%	3%	3.3%	4.2%	3%

In effect this means the data shows that between 2015/16 and the current year 2021/22 the numbers of pupils with EHCPs has increased 91%, and in particular over the last year the numbers have risen by 27%.

- 3.3 There are two new SEND schools being procured by the DfE which will provide much needed additional facilities in the Borough. Pathways, who are currently operating from the City Farm site on a temporary basis, will move to their permanent location in South Dagenham once the building has been constructed. This is due to commence in summer 2022, having recently secured planning approval. The second school, Oxlow Bridge, will be constructed on the former Pondfield site. Scheme development and procurement are underway and the DfE plan to commence construction in January 2023 with an opening of September 2024.
- 3.4 However, the Council needs further capacity, both short and long term. The above projects were originally approved by the DfE in 2018 but struggled to secure suitable sites. Council officers approached The Partnership Learning Trust, who operate the Riverside Special School, to ask if they would consider expanding their provision by 90 places commencing in September 2022 (30 places initially). The Trust welcomed the proposals to meet the demand and submitted a business case to the DfE which was approved. The provision will be located on part of the City Farm site where the Council will provide a lease and undertake some adaptations to the building in readiness for September 2022.
- 3.5 The Council needs further additional capacity in a specialist setting such as expansion of the special schools and creation of ARPs which are specialist units within mainstream schools to support pupils with SEND. Cabinet approved the setting aside of funding from DfE allocations to create additional places to support pupils with SEND in ARPs in schools Cabinet 13 July 2021, minute 24.
- 3.6 In addition to the growth in the numbers of pupils with an Education Health Care Plan, there are an increasing number of pupils who need to have an element of support in their mainstream school for part of the week. Schools have been very receptive to ensuring that pupils remain in their mainstream school and this positivity means that, collectively, pupils' education can be maintained with some support to ensure that they can withdraw at certain times, for example providing a specific space with designated teacher and/or non-teaching staff. In adopting this strategy, it is intended to give the early intervention needed.

4. New Grant Allocations for 2022

- 4.1 The Department for Education (DFE) announced in April 2022 its grant allocations to Councils which included Basic Need, School Condition grant and High Needs Provision.
- 4.2 The Council has received £5,754,079 School Condition grant for 2022/23 to invest in the maintenance of school buildings. Of this funding, £566,417 is called devolved Capital funding which will be distributed to schools so they can undertake small investment projects themselves.
- 4.3 In addition, the Council has received an allocation of £5,949,069 for 2022/23 and £5,609,695 for 2023/24 for High Needs Provision Projects. This funding will be used to create additional specialist SEND places such as the Riverside Special School expansion, new ARPs and finally to rebuild and expand Mayesbrook Pupil Referral Unit (PRU).
- 4.4 The Council did not receive a Basic Need allocation for 2023-24 and 2024-25. This is due to the fact that there are a number of DfE approved school projects in the pipeline which will be delivered under the Free Schools Programme. This includes Fords View, Beam Park, Mallard Primary, Barking Riverside and Beam High in South Dagenham.

5 Reducing Energy Consumption In Education Buildings

- 5.1 As part of the work being commissioned within Education for the school estate each year, a priority list of schemes are identified of the most urgent need for major repairs or to update facilities. It has been reported previously that there is an approx. £50m backlog of repairs and because the age of a sizeable number of buildings on school sites are similar the progress about updating the school estate and keeping buildings modernised is difficult. At present, we are dependent on receiving annual capital grant funding from Central Government to support any works in Council-owned and operated school buildings, and there are a number of pressures for use of the funding.
- 5.2 A good example of the fortuitous design is that several schools were fitted with oversize pipework when they were constructed, as this has meant that hot water systems in those schools continue to function despite the build-up of residue inside the pipework.
- 5.3 Examples of works undertaken at schools over recent years to improve fuel efficiency are:
 - Removal of lightweight temporary buildings being replaced with bricks and mortar as part of our expansion programme;
 - Replacement boilers, small, multiple, efficient units that work sequentially thus reducing wear and tear and providing for one-off replacement while avoiding full shutdown, rather than relying on one or two large boilers;
 - Replacement windows with improved energy efficiency.

- 5.4 In the work we have commissioned on behalf of the DfE to construct Greatfields Secondary School, the building has been insulated to a more effective level and the system for heating and cooling is by way of air source heat pumps. It is intended to replicate the use of this technology when the Greatfields Primary School is constructed during the next year. This raises the effectiveness of the heating and cooling system. It has been necessary to contribute from other grant funding the Council has received from the DfE to create school places.
- 5.5 Thinking about the available funding, maintaining the functioning school estate and trying to address deficiencies, together with investing in improved energy efficiencies which would need to include rethinking the school estate in terms of existing design, new insulation, outer coverings and whole new internal fit out the cost would exceed £100m. At the current rate of investment, all funding for 26 years would need to be committed and realistically the school estate and functionality of the building would not survive the starvation of investment needed to maintain the capital repairs.
- 5.6 In addition to these projects and in view of the Council's net zero carbon ambition 2030, we have commissioned a pilot dining hall project to determine what zero carbon heating looks like for an older education building. Carrying out a project like this will help us to identify schemes' issues for future projects.

6. Current position regarding capital funding for meeting Basic Need (New School Places)

- 6.1 By Minute 24 (13 July 2021), Cabinet approved the allocation of funding as follows:

Budget indicated available as at July 2021, to be allocated as follows:	£14,852,237
<i>Item 1:</i> Conduct discussions and design investigations to assess the feasibility of expanding an existing special school.	£100,000
<i>Item 2:</i> Provision of a replacement ARP (Additional Resource Provisions) building at Monteagle Primary.	£1,500,000
<i>Item 3:</i> Develop ARP provision at a number of mainstream schools.	£1,000,000
<i>Item 4:</i> Cost of Additional Classroom space at Mayesbrook Park School	£300,000
<i>Item 5:</i> Cost of continuing to provide improvements to mainstream schools to support the curriculum especially where schools have been previously expanded, or where the implications of Covid have caused particular issues.	£2,000,000
Retained basic need funding held as a contingency	£9,952,237

- 6.2 Subsequently the major impetus has been to secure suitable places in schools to accommodate pupils with additional needs. These have been a priority as, without various building adjustments, some pupils may have been unfairly excluded. This has meant that some of the projects shown in 6.1 above have not been progressed as quickly as might otherwise had been hoped. Progress on each aspect is as follows:

Item 1: As previously referred to, two new special schools are being provided by the DfE - Pathways at New Road, Dagenham, and Oxlow Bridge on the former Pondfield Depot in Wantz Road, Dagenham. These facilities will help to address some of the urgent need as some pupils currently in ARPs will receive a designated space at these two schools. The pressure in terms of place demand does appear to be at the older age range now and officers are exploring ways this might be addressed with school operators. Further work is also underway in this area and in particular, the expansion of Riverside Bridge onto part of the City Farm school site. The Trust, together with the Council, are preparing a business case to the DfE for expansion. If approved, the intention is that the Council will provide a lease to part of this site to facilitate the expansion.

Item 2: The proposal at Monteagle has currently been met using existing accommodation as the numbers of pupils in the locality of the school have reduced temporarily. It will be necessary to review this position each year and to address the need for replacing any lost school places in a timely manner. A feasibility study will be completed in readiness for when school places are required. An issue has been identified in terms of sufficient dining accommodation at the school which needs to be addressed. It is proposed to use £1.2m of the funding set aside for the school to resolve this and to complete the separate feasibility study above. The balance of funding will be placed in the Basic Need reserves funding.

Item 3: The funding set aside for new or improved ARPs at schools has supported 10 projects and has significantly supported pupils towards an improved education experience. This work needs to continue at further schools this year because of the increased demand set out in section 3.2 above. See below for suggested additional funding of £1m from the current grant fund received from DfE

Item 4: A discussion and review is currently being undertaken with the Headteacher of Mayesbrook Park School and some work is being planned to support the necessary site improvements to make one of the sites more functional. It is proposed that additional funding of £100k be allocated from the current grant fund received from DfE.

Item 5: There has been support for 7 projects at schools, the type of work needed at schools has been to provide additional science facilities as students have sought to increase the opportunity for studying exams at higher level in the sciences. A further example is the need to increase external useable space for dining reflecting the difficulties of the numbers of pupils in dining spaces particularly in the current Covid pandemic.

6.3 A new allocation list has been designed as follows:

Retained Basic Need funding held as a contingency	£8,867,731
Continue the development and refurbishment of ARP provisions at a number of mainstream schools, increased funding	£1,000,000
Cost of Additional Classroom space at Mayesbrook Park School, increased funding	£100,000
Adjustment following the Roding Primary fire settlement	£490,095

JRSC Science classrooms	£1,250,000
Monteagle budget reduction	-£300,000
Revised Retained Basic Need funding	£6,327,637

- 6.4 In addition to this funding we have current schemes identified in the Capital programme which includes a sum of £7m set aside to increase the number of school places in Chadwell Heath. The timing of this project will need to be determined once we have improved information about the progress of the development of new homes in the locality. There may need to be a number of issues addressed using this funding at a few existing schools and this will be assessed once information is available.
- 6.5 The reduction of retained basic need funding from the July 21 Cabinet report of £9,952,237 to £8,867,731 is due to a number of current projects which have seen their costs rise due to increased material costs and inflation.

7. Options Appraisal

- 7.1 The agreed investment strategy (see Future Planning Programme to meet Basic Need [including SEN places] 2019 to 2027 Cabinet 21 January 2020) is firstly to expand provision on existing school sites as far as practicable to meet local demand on a forward looking basis (i.e. to seek value for money solutions which have longevity); secondly to seek and build on sites in areas of demand in Council or other public ownership that are suitable for development as a school and which also offer value for money and longevity; then subsequently to support those external providers that have access to further capital funding and are capable and willing to provide high quality inclusive education places that comply with the Council's Admissions Policies.
- 7.2 The variables that influence the delivery of this strategy are: demand fluctuations; the willingness of governing bodies to accede to expansion plans; funding limitations; cost variances – specific to sites and timescales to achieve cost efficient / competitive prices often in short timescales.
- 7.3 Options exist for any specific scheme and are explored to ensure that the overall strategic outcomes sought are achieved in the most beneficial way being economic and appropriate for the school. Other overall strategies e.g. to rely on outside providers to meet the prospective short fall of school places would not be effective on their own: timescales and speed of reaction are too short.

8. Consultation on School Admission Arrangements 2023/24

- 8.1 In accordance with the School Admissions Code 2021, the admission arrangements must be consulted upon at least every seven years. This is even if there are no proposed changes. It is a requirement that any proposed changes to admission arrangements are consulted on to a date schedule set by the Department for Education.

- 8.2 Academies, including free schools, voluntary aided and foundation schools are also required to consult if they intend to change their admission arrangements. The local authority will respond to those consultations, ensuring they are in accordance with the Admissions Code.
- 8.3 Although there were no proposed changes to our current admission arrangements, following the code we undertook a consultation period which ran from 20 December 2021 and closed on the 31 January 2022. Here a full copy of the consultation document was published on the Councils website and included a response form. All Barking and Dagenham Schools, neighbouring Local Authorities, interested bodies were contacted. The Councils communications team published the consultation information in the Councils Newsletter so to reach local residents and families.
- 8.4 Historically the consultation exercise has previously received a low response rate. In 2011 we received 69 replies and in 2015, 16 replies. For this consultation no replies were received. One possible reason for this is that we were not seeking to change anything and or families are either in agreement with the current admissions process or had no strong views as it is more likely that consultees who disagree would record their views.

9. Consultation

- 9.1 These proposals are not Ward specific. There has been consultation with a range of officers throughout the Council in order that appropriate matters are considered including financial, legal, procurement and others mentioned in section 12 of this report.

10. Procurement Implications

Implications completed by: Euan Beales – Head of Procurement and Accounts Payable

- 10.1 The spend detailed in the report will be procured in line with legislation at the time of the procurement and in line with the Council's Contract Rules and governance processes.

11. Financial Implications

Implications completed by: Anmol Mahmood, Capital and Investment Monitoring Officer

- 11.1 This report provides an update on projected pupil numbers and planned place provision for the upcoming year but also longer term projections, along with the known resources available to support this provision.
- 11.2 There will be increasing numbers of school pupils in the borough over the next 15 years due to housing developments. The report also highlights the demand for special educational needs and sets out the options that are being reviewed.
- 11.3 The allocations in section 6.3 are fully grant funded and will have no additional financial implications for the Council.

- 11.4 Any major risks, issues or overspending that becomes apparent will be monitored, managed, and reported on as part of the Council's normal quarterly capital monitoring process.

12. Legal Implications

Implications completed by: Kayleigh Eaton, Senior Solicitor, Contracts and Procurement, Law & Governance and Lindsey Marks Deputy Head of Law

- 12.1 Any procurement carried out must comply with the Council's Contract Rules and the Public Contracts Regulations 2015 (the "Regulations") where the contract has a value in excess of procurement thresholds set out in the Regulations.
- 12.2 In line with Contract Rule 50.15, Cabinet can indicate whether it is content for the Chief Officer to award the contract following the procurement process with the approval of Corporate Finance.
- 12.3 The report author and responsible directorate are advised to keep the Council's Legal team fully informed at every stage of the proposed tender exercises. The team will be on hand and available to assist and answer any questions that may arise.
- 12.4 Local authorities have legal duties to identify and assess the special educational needs of children and young people for whom they are responsible. Local authorities become responsible for a child or young person in their area when they become aware that the child or young person has or may have special educational needs and the local authority must ensure that those children/young people receive support to help them in "achieving the best possible educational and other outcomes".
- 12.5 Each local authority is required to publish a Local Offer detailing relevant information about all the services and support it expects to be available for children/young people with special educational needs and/or a disability for whom they are responsible. The Local Offer must set out what the local authority expects in terms of support provided by schools/colleges, educational health and care provision, training provisions, transport arrangements from home to school/college and support for preparing the young person for adulthood and independent living. The local authority has a duty to secure sufficient school places which applies to all children, including those with SEND.

13. Other Implications

- 13.1 **Risk Management** - The provision of school places is a matter which is directly identified in the Corporate Risk Register and listed at Corporate Risks 31 – Provision of School Places. An assessment of specific risks is set out below:

Risk that funding levels will not be sufficient to meet demand to create new education places needed - This risk is high impact (4) and medium (3) probability = 12 red. This risk is being managed by purchasing the most affordable accommodation which is system build where possible. Post control the risk is high impact (4) and low (2) probability = 8 amber.

Risk that funding levels will not be sufficient to create suitable new school places - This risk is high impact (4) and high (4) probability = 16 red. This risk is being managed by purchasing the most affordable accommodation, which is system build, and blending it with site specific proposals. Post control the risk is high impact (4) and low (2) probability = 8 amber.

Primary and Secondary schools: risk that site availability would prevent delivery of school places in the areas where demand is highest - This risk is high impact (4) and medium (3) probability = 12 red. This risk is being mitigated, as far as practicable, by expanding all available sites in high demand areas, and reviewing other buildings for potential school use. Post control the risk is still high impact (4) and medium (3) probability = 12 red.

Risk that the cost of the rate of deterioration of the school estate will outrun the funding available to maintain it - This risk is high impact (4) and high (4) probability = 16 red. This risk is being mitigated as far as practicable by lobbying DfE for improvements in funding. Post control the risk is high impact (4) and medium (3) probability = 12 red.

Risk that final costs will be higher than estimate costs - This risk is high impact (4) and high (4) probability = 16 red. This risk is managed through monthly finance meetings and initial planning figures that architects and schools are asked to work within being set below the highest estimate to allow for unforeseen challenges.

- 13.2 **Contractual and Procurement Issues** - It is anticipated that projects will be procured through options related either to the Local Education Partnership or through the Council's Framework of Contractors or other national or local frameworks which are accessible to the Council to secure value for money. It is a requirement of the grant funding to achieve value for money and demonstrate that all procurement options have been evaluated.

Legal, procurement and other professional advice will be sought regarding the appropriate procurement routes and contractual agreements to procure and secure the individual projects. All procurement activity will be conducted in compliance with the Council's Contract Rules and EU Legislation. The procurement routes will be approved at Procurement Board which will consider a report from Education Commissioning about a procurement strategy based on a project basis. This will ensure that Value for Money is tested.

Projects will be subject to the Capital Appraisal Process and the agreement of the Procurement Board to progress schemes.

- 13.3 **Staffing Issues** - There are no specific staffing issues although the growing demand for school places will create additional opportunities in schools for both teaching and non-teaching staff.
- 13.4 **Corporate Policy and Equality Impact** - The decision will assist the Council in fulfilling its statutory obligations to provide a school place for every child and support the intention of the Council's Vision and Priorities, including encouraging civic pride, enabling social responsibility, and growing the Borough. It is part of the mitigation of Corporate Risk 31 – Inability to Provide School Places.

The short-term impact of the recommendations for the coming year would be positive for customers on all counts of: race, equality, gender, disability, sexuality, faith, age and community cohesion. The longer-term outlook is unlikely to be positive on the proposed funding levels as it will be difficult to address need on current budget levels.

- 13.5 **Safeguarding Adults and Children** - Adoption of the recommendations in the short term would contribute to the Council's objectives to improve the wellbeing of children in the borough, reduce inequalities and ensure children's facilities are provided in an integrated manner, having regard to guidance issued under the Childcare Act 2006 in relation to the provision of services to children, parents, prospective parents, and young people.
- 13.6 **Health Issues** - The health and wellbeing board and JSNA highlight the importance of investing in early intervention and education to support children's and young people's long-term wellbeing. The evidence and analysis set out in Fair Society, Healthy Lives (Marmot Review) has been developed and strengthened by the report of the Independent Review on Poverty and Life Chances. The reports draw attention to the impact of family background, parental education, good parenting and school-based education, as what matters most in preventing poor children becoming poor adults. The relationship between health and educational attainment is an integral part of our Health and Wellbeing Strategy. At this point there is no need to change the focus of the Health and Wellbeing Strategy as a result of this report. Healthy Schools funding is to be welcomed.
- 13.7 **Crime and Disorder Issues** - Appropriate consideration of the development of individual projects will take into account the need to design out potential crime problems and to protect users of the building facilities.
- 13.8 **Property / Asset Issues** - This proposed decision would facilitate the improvement and renewal of Council assets.

Public Background Papers Used in the Preparation of the Report: None

List of Appendices: None