CABINET

19 April 2016

Title: Review of School Places and Capital Investment - Update April 2016

Report of the Cabinet Member for Education and Schools

Open Report

Wards Affected: All Wards

Report Author: Mike Freeman, Group Manager
School Estate and Admissions

Contact Details:
Tel: 020 8227 3492
E-mail: mike.freeman@lbbd.gov.uk

Accountable Divisional Director: Jane Hargreaves, Divisional Director Education, Youth and Childcare.

Accountable Director: Helen Jenner, Corporate Director Children's Services

Summary

This report provides an update on the latest information regarding forecast demand for education places across the Borough's schools, an update on some specific projects previously information regarding funding available to support a programme of investment up to 2017 and a schedule of planned projects (Appendix A) for 2015 to 2021.

The key issues to highlight are:

- Additional school places will be made available from September 2016 at the following schools:
 - o Primary Gascoigne and Eastbrook
 - Secondary Dagenham Park, Eastbrook, Riverside, Robert Clack and Greatfields.
- New funding has been announced to support investment in the Borough's schools which includes:
 - £570,328 Devolved Capital for School budgets maintained LA Schools
 - £96,373 Devolved Capital for School budgets maintained VA Schools
 - £4,015,400 Maintenance and Modernisation Funding maintained LA Schools
 - £641,301 Maintenance and Modernisation Funding maintained VA Schools.
- The need to invest in projects as follows:-

0	Robert Clack expansion	£12.5m
0	Dagenham Park expansion	£0.5m
0	Barking Abbey expansion	£12.0m
0	Furze/Warren expansion	£0.325m
0	Riverside expansion	£0.5m
0	Lymington Fields/Eldonwall site purchase	£2.5m

Recommendation(s)

The Cabinet is recommended to:

- (i) Approve the Future Planning Programme to meet Basic Need (including SEN places) 2015 to 2021 (amended April 2016) as set out in section 2 and Appendix A of the report;
- (ii) Approve the inclusion in the Capital Programme of the DfE grant allocations for 2016/17 as detailed in section 3 of the report;
- (iii) Approve the various projects and associated changes to the Capital Programme as set out in sections 5 to 10 and summarised in Section 11 of the report:
- (iv) Delegate authority to the Procurement Board to consider and approve the final procurement strategies for each project, in accordance with the Council's Contract Rules; and
- (v) Delegate authority to the Corporate Director of Children's Services, in consultation with the Cabinet Member for Education and Schools, the Strategic Director of Finance and Investment and the Director of Law and Governance, to award the respective project contracts.

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 practice since 2010 to report regularly to Cabinet on the issue of the forecast for pupil numbers. These reports have also covered a programme of proposed works necessary to ensure that children in the Borough have the opportunity to attend school. The last report presented to Cabinet on this subject was on 10 November 2015, Minute 63 refers.
- 1.2 This report provides an update and sets out the most up to date information on the projected demand for education places for September 2016. Further, the report covers a number of initiatives which build on existing arrangements to develop the use of accommodation.
- 1.3 The third aspect of the report is to provide an updated Programme of School Development through to 2021 to support the forecast pupil demand. Children's Services is currently working to populate this plan through to 2025, and it will be used to contribute to a London wide plan being supported by the Association of London Directors of Children's Services (ALDCS) and London Councils. The appendix to this report shows the current position and plan following advice about site availability. A further report will come back to Cabinet with greater detail later in the year.

1.4 Cabinet are also advised that there was an adjournment debate in the House of Commons on 10 March 2016 secured by Jon Cruddas MP and Rt Hon Dame Margaret Hodge to raise the issue of need for investment in Schools in the Borough where there is a need to improve condition or modernise facilities.

2. Update on Pupil Numbers and Capacity for September 2016

- 2.1 Cabinet has received regular reports about the continuing demand for school places and the need to develop additional provision. It is worth noting that providing sufficient school places is a national issue and in particular regional to London due to rising population. For Barking and Dagenham it has been a major priority for investment since 2007.
- 2.2 When looking at the forecast in growth of the pupil population a number of factors are taken into consideration as follows:
 - Numbers of pupils currently in the borough;
 - Birth figures;
 - New housing proposals, as advised in the Local Plan Review;
 - Historical data e.g. pupils living in borough but choosing out borough schools:
 - Internal knowledge of recent population fluctuations in particular the impact of population movements into and out of the Borough;
- 2.3. The position for the primary phase for September 2016 is that we are anticipating that there will be a small surplus. This is as a result of making additional provision at the following schools:

Gascoigne Primary – 2 additional reception classes

1 additional Yr2 class 1 additional Yr4 class

Eastbrook - 1 additional reception class

1 additional Yr1/Yr2 class

Discussions are taking place about some specific additional provision in certain localities in the Borough to manage demand through the academic year.

- 2.4 With regard to the provision of Yr7 places against demand, the position for September 2016 is a projected shortfall of places having regard to anticipated demand. Cabinet Members will appreciate that it is difficult to be precise about future demand but the indicators are that for this coming September we need to have around 3,000 places and our capacity in the current academic year is 2,679.
- 2.5 There is a provisional plan to create places in the Future Planning Programme for Basic Need and the intention is to keep projects on programme. The need identified above of around 321 places will be satisfied through the following additional places:
 - 30 places at Dagenham Park
 - 90 places at Eastbrook
 - 120 places at Riverside

- 60 places at Robert Clack
- 120 places at Greatfields

Not all of these new or additional places are within the decision making remit of the Council so working with other agencies and operators is essential if we are to achieve the desired outcomes. By creating these places we should generate a small surplus which helps to manage place allocations through the academic year

2.6 The project at Greatfields was reported to the November meeting of Cabinet (Minute 63, 10 November 2015 refers) and in order to support new school places for this September the school will be established on an interim site sharing accommodation at Gascoigne School. Discussions on this proposal are continuing with the Education Funding Agency and representatives from the DfE who authorise the opening and funding of this school. This is a similar arrangement to that which applied to Riverside School sharing accommodation at George Carey CofE Primary when it was first established.

3. New Department of Education Grant Allocations 2016

3.1 New advice has been received from the DfE about funding being made available to support capital projects for improvement or repair in 2016/17. Details are set out in the following paragraphs 3.2 to 3.4.

3.2 Devolved Formula Capital 2016/17

- 3.3 This is a fund of money from the Government which has been allocated now for a number of years (2006/7) and is designed to be passed to all maintained schools in the Borough Academy and free schools receive a separate allocation direct through their own funding allocation by the DfE.
- 3.4 The fund of £570,328 for LA schools is pass-ported directly through the Schools Finance Team under the direction of the Chief Finance Officer to the Borough's schools. Voluntary Aided Schools are advised directly by the DfE of their share of the £96,373 set aside. This sum of £570,328 would need to be shown in the Council's Capital Programme.

3.5 Maintenance and Modernisation 2016/17:

- 3.6 There are two aspects to this fund. The sum of £641,301 is known as LCVAP (Locally Controlled Voluntary Aided Programme) and this sum is a programme developed with the Diocese of Brentwood and the Diocese of Chelmsford and the voluntary aided schools in the Borough based on agreed priorities. The programme is then advised to the DfE who reimburse schools in the programme once accounts are presented.
- 3.7 In terms of the funding for the Borough maintained schools, the sum of £4,015,400 needs to be included in the capital programme. This sum will be the subject of the Capital Appraisal Process and will comply with the provisions of the Strategy for Ensuring Sufficient School Places and School Modernisation. The programme of works will be derived from technical advice and the content of the School Estate Asset Management Plan Database and the recently commissioned DfE school

condition surveys, and will be approved by the Corporate Director of Children's Services and the Divisional Director of Education.

3.8 Capital for Basic Need 2018/19:

3.9 The DfE have announced on 10 March the forecast basic need allocations for all local authorities in respect of the financial year 2018/2019, and the allocation is expected to be £5,339,400. This figure only having been recently announced needs to be analysed in relation to overall allocations to provide school places including new free school provision, and programmes of work which support improvement and expansion to the school estate.

4. Available Capital for meeting Basic Need

- 4.1 At the meeting of Cabinet, 10 November 2015 it was reported that after making allocations to support various schemes there was a balance available of £886,239 to meet the cost of providing new school places. This was being held to support additional places should there be a demand above the expected and planned number of places. Members of Cabinet will be aware of the volatile nature of place demand in recent years. However, this sum has not had to be used and is still available to support schemes where we do need to take action. Future years funding has not been allocated to meet project costs as it has not yet been received.
- 4.2 Projects where officers and technical advisers have been engaged in looking at revised or new schemes are explored in the following paragraphs.

5. Robert Clack Expansion

- 5.1 There has been a dialogue ongoing with the school over a two year period looking at ways in which the school might expand. Governors at the school have now agreed with the Corporate Director of Children's Services to expand by 2 forms of entry so that this is manageable from the school's perspective. This will be achieved on the two existing school sites. These two new forms of entry will support the extra provision necessary in the locality due to an increase in primary school provision. In previous years, and in line with Future Planning Programme for Basic Need 2015-2021. This decision removes the earlier need to secure funding reported to Cabinet 23 March 2015 minute 117, and will mean that an alternative provider will be sought to manage the new all through school proposed for Lymington Fields through the free school process. The consequence of this will be that funding will be made available by the DfE to support a new free school on the site which will release a proportion of the £32m set aside by the earlier decision. This is explained further in section 10 below.
- 5.2 Robert Clack School did take an additional 60 pupils in September 2015, and have agreed to take a further extra 60 pupils from September 2016, with the school growing each year until it is full. This will be subject to some accommodation being provided by summer 2016 (August) but also providing some additional indoor sports facility, additional dining and teaching rooms for both sites. A provisional budget has been set to achieve the desired outcomes of £12.5m having regard to the complexity of accommodation needed and the split site nature of the school. Of this funding some £1m was due to be expended during 2015/16 financial year leaving a

balance of £11.5m for future years 2016 to 2018 as reported by the Strategic Director of Finance and Investment in the report to Cabinet 15 February 2016, Minute 91 refers.

5.3 Some of this cost of £12.5m will be supported through a specific grant from the Government of £3.7m provided as Targeted Basic Need Programme Funding. Additional support for the scheme in terms of funding is set out later in the report.

6. Dagenham Park C of E School

- 6.1 There is agreement with the school to support the provision of a new classroom block to support expansion by a single form of entry. This project was agreed by Minute 124(vii) Cabinet 30 June 2014 with a budget set a £1m investment by the school, and £2m by the Council.
- There has been a great deal of planning and discussion about the scheme and during the passage of time build costs have risen. The later position is that the new building costs will amount to £3.5m, and this will include all fees, fixtures, fittings and equipment including IT. This project still represents value for money to the Council but some additional funding will be necessary from school places reserves, and this is set out later in the report and as reported by the Strategic Director of Finance and Investment in the report to Cabinet 15 February 2016, Minute 91 refers. Cabinet are asked note the position that the forecast budget for the Council will therefore increase to £3m. This will include a £500k contribution from the School. The other £500k of cost will remain the responsibility of the School for all fitting out costs and they will deal with this separately at a later date.

7. Barking Abbey School

- 7.1 There have been ongoing discussions with the school to provide increased capacity as there is a growing pressure in Barking for additional secondary school places. The Governing Body have considered carefully the need to expand within manageable limits and have agreed to increase capacity from 9 forms of entry to 12 forms thus creating 90 extra places per year group.
- 7.2 Some very early discussions are taking place to provide improvements to the existing buildings at the school for this summer. Various projects ranging in value from £250,000 to £550,000 are required and will be funded from the budget previously approved 24 March, Min No 117 refers. A longer term plan is in development and a sum of money £12m should be set aside to start the scheme. Details about how to fund this budget are set out later in the report.

8. Furze Infants and Warren Junior

8.1 At the Cabinet meeting 13 November 2012 approval was given to progress the proposal for the expansion of these two schools with a budget of £1.8m, minute 51 refers. This has been a project which is taking time to complete as it is only possible to progress the works at either school as accommodation is freed up, and this is taking a little time due to school occupation, accordingly the development has had to be phased.

8.2 As the project has only been able to progress slowly and it is anticipated that a further 2 years will be required to complete the project, some additional costs will be incurred specifically as the timing has been impacted by external factors which include building inflation and changes to solution because space on site at Furze Infants School is particularly tight. An additional sum of £325,000 is required to see this project to a conclusion. Details about how to fund this budget requirement are set out later in the report.

9. Riverside – Temporary Site at City Farm

- 9.1 Members of Cabinet will be aware that in order to start the new school proposed at Riverside Secondary it was agreed that Partnership Learning would be occupying the site at City Farm in a temporary capacity. Some works were commissioned last year to secure additional accommodation at the City Farm site and the Cabinet meeting on 30 June 2014 minute 124 refers to this scheme.
- 9.2. As a consequence of demand for Year 7 places for this September as outlined earlier in the report in paragraph 2.4 we need to create additional places for unexpected pupil numbers. Partnership Learning have agreed to take a further 120 pupils so long as the Council provides additional teaching spaces on the temporary site at City Farm. The additional cost of making this provision is expected to be £500,000, discussion is taking place about alternative ways of achieving a desired result as there may be benefits in asking the LEP to secure improved completion timescales at the Riverside new building complex. Details about how to fund this budget requirement are set out later in the report.

10. Lymington Fields All Through School

- 10.1 The decision by the Governors at Robert Clack not to expand beyond the agreed 2 forms of entry as referred to above section 5, does mean that we now have to consider establishing a new school on Lymington Field to support both the new housing development as well as the increased population in the locality generally. In accordance with the regulations issued by the Government this is now likely to be a free school subject to expressions of interest.
- 10.2 Some financial provision has to be set aside as some fees and land purchase costs have already been incurred and the demolition costs of a former warehouse. These costs amount to £2.5m, and details about how to meet these costs are set out below.

11. Managing Support for Specific Projects

11.1 Turning now to the need to set aside some funding for supporting specific schemes as detailed above in sections 5 to 10 above. The schemes and funding allocations are summarised below:

	Budget £	Available Funding £
Available funding Section 4 above Project not proceeding Robert Clack 6 fe Robert Clack expansion, section 5 Dagenham Park expansion, section 6 Barking Abbey expansion, section 7 Furze/Warren expansion, section 8 Riverside expansion, section 9 Lymington Fields/Eldonwall site purchase, section 10	-12,500,000 - 500,000 -12,000,000 - 325,000 - 500,000 - 2,500,000	886,239 32,000,000

This will leave a net budget for future allocation of £4,561,239

12. Options Appraisal

- 12.1 Current strategy is formulated against a backdrop of continuing increase in demand for school places for the foreseeable future; short run surges of demand for school places e.g. over the summer period and on the supply side: limited funding on short time horizons; shortage of sites in areas of high demand; and timescales for new providers e.g. timescales for Free Schools to be established may be two years.
- 12.2 The agreed investment strategy (see Future Planning Programme to meet Basic Need [including SEN places] 2015 to 2021 which is attached to this report) is first, 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); then subsequently 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; 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
- 12.3 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; timescales to achieve cost efficient/competitive prices in short timescales.
- 12.4 The proposed delivery of the strategy is set out in the report appended (Strategy for Ensuring School Places and School Modernisation). As part of the strategy the document encompasses a further document entitled Future Planning Programme to meet Basic Need [including SEN places] 2015 to 2021. This document sets out proposed projects. Specific projects may be subject to change for the reasons set above, and other projects substituted. The overall strategy is robust and remains the same: individual project specifics may change but will remain in the overall strategic framework.
- 12.5 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.

13. Horizon Scanning

- 13.1 The Council has set itself a programme to increase housing supply in the Borough by 35,000 new homes in a 15 year period. In setting that target we need to review the impact of other infrastructure implications and one of those impacts will be school places and specifically the need to create sufficient to be able to offer to parents in the Borough a school place for their child. The new house building is projected to create around 25,533 pupils once complete, and over a 15 year period this will mean we need to create the equivalent of 19 new primary schools and 9 new secondary schools.
- 13.2 Consideration needs to be given about how this might be achieved and the setting aside of suitable sites for new school as part of the regeneration plan.

14. Consultation

14.1 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, risk management and others mentioned in section 17 of this report.

15. Financial Implications

Implications completed by: Daksha Chauhan, Group Accountant, Children's Finance

- 15.1 This report informs Members on the latest information regarding forecast demand for education places for the period 2015 to 2021 and seeks approval of the Future Planning Programme to meet Basic Need.
- 15.2 The report seeks approval to include £4,015,400 of DfE grant allocation in the capital programme for the maintenance and modernisation of the authority's maintained schools.
- 15.3 Approval is also sought for additional funding to existing capital schemes which are to be managed from the balance on basic need funding of £886,239 and £32m as a result of the Robert Clack expansion programme not proceeding (see paragraph 11.1).
- 15.4 Additional funding requests includes £325,000 to complete the Furze Infants and Warren Junior project, which has seen increased costs as a result of building inflation and changes to the build solution. Building costs at Dagenham Park C of E School now has an estimated build cost of £3.5m and requires an additional allocation of £500,000. As a result of additional places required at the Riverside temporary site, funding estimated to be £500,000 is required.
- 15.5 This report also requests a financial provision of £2.5m to be set aside for the Lymington Fields all through school for initial fees and land purchase costs and £12m be set aside to increase capacity at Barking Abbey School from 9 forms of entry to 12 forms.

- 15.6 There is sufficient funding available for the changes requested to the capital programme. A full capital appraisal, including any revenue implications will need to be undertaken before the start of any new projects.
- 15.7 Any major risks/financial impact identified through the appraisal process will be notified to Members through subsequent Cabinet reports.
- 15.8 There are ongoing discussions with procurement on the schemes to ensure value for money and that procurement is appropriate, and this is in line with the legal implications set out below.

16. Legal Implications

Implications completed by: Lucinda Bell, Education Lawyer, and Bimpe Onafuwa, Contracts and Procurement Lawyer

- 16.1 The Council has a duty under s14 of the Education Act 1996 to ensure the provision of "sufficient schools" for the provision of primary and secondary education in their area. Para 6 of this section requires the Council to have regard to the need to secure that special education provision is made for pupils who have special educational needs.
- 16.2 The Education Act 2011 changed the arrangements for establishing new schools and introduced section 6A (the free school presumption) to the Education and Inspections Act 2006. Where a Local Authority thinks there is a need for a new school in its area it must seek proposals to establish an academy (free school). Non statutory advice on this was issued in February 2016 by the Department for Education.
- 16.3 All procurement activity will be conducted in compliance with the Council's Contract Rules and EU Legislation.
- 16.4 Recommendation 4 of this report requests that Cabinet agrees that procurement strategies for all projects costing over £100,000 in value be submitted to the Procurement Board for scrutiny and approval.
- 16.5 Contract Rule 23.3 indicates that Cabinet may approve projects specifically and delegate authority to the Procurement Board to approve the procurement strategy. Cabinet is therefore able to approve the above recommendation.
- 16.6 The Law and Governance Team is available to provide advice on the development of the strategies.

17. Other Implications

17.1 Risk Management

17.1.1 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.

- 17.1.2 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.
- 17.1.3 Primary 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.
- 17.1.4 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.
- 17.1.5 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.
- 17.1.6 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 CPMO 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.
- 17.2 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.

Legal, procurement and other professional advice will be sought regarding the appropriate procurement routes and contractual agreements to procure and secure the individual projects which fall within the second phase, consisting of the secondary and primary school schemes. All procurement activity will be conducted in compliance with the Council's Contract Rules and EU Legislation.

Projects will be subject to the Capital Appraisal Process and the agreement of the Procurement Board to progress schemes. However the Cabinet is asked to approve procurement principles as set out to avoid the need to report back to Cabinet as these procurements are either beyond our control or need to happen quickly within pressing timescales because pupils need to be accommodated.

17.3 **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.

17.4 **Corporate Policy and Customer 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.

- 17.5 **Safeguarding 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 Children Act 2006 in relation to the provision of services to children, parents, prospective parents and young people.
- 17.6 **Health Issues** The health and well being board and JSNA highlight the importance of investing in early intervention and education to support children's and young people's long term well being. 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.
- 17.7 **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.
- 17.8 **Property / Asset Issues -** This proposed decision would facilitate the improvement and renewal of Council assets. The specific proposal for JRCS/Castle Green will provide improved management opportunities at the centre to enhance the use of accommodation and other resources for pupils and the wider community.

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

List of appendices:

Appendix A - Future Planning Programme to meet Basic Need (including SEN places) 2015 to 2025.