

CABINET

22 September 2020

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
Report Author: Andrew Carr Group Manager School Investment, Organisation and Admissions	Contact Details: Tel: 020 8227 2254 E-mail: andrew.carr@lbbd.gov.uk
Accountable Commissioning Director: Jane Hargreaves, Commissioning Director Education	
Accountable Strategic Director: Elaine Allegretti, Director of People and Resilience	
Summary This report provides an update on the latest information regarding forecast demand for education places across the Borough's schools. It also provides an update on some specific projects which are necessary to respond to place demand and new capital grant from the Department for Education (DfE) for the financial years 2020/21 and 2021/22. Additional school places have been made available from September 2020 at the following school: <ul style="list-style-type: none">○ Secondary – Robert Clack 120 additional places at year Yr7 New DfE funding has been announced to secure investment in the Borough's schools for 2020/21 to support condition and suitability improvements which includes: <ul style="list-style-type: none">○ £557,646 Devolved Formula Capital Allocation – maintained LA Schools○ £5,658,455 School Condition Capital Allocation – maintained LA Schools A further amount of funding to help create additional school places up to September 2022 of £443,356 in the financial year 2021/22 has also been awarded.	
Recommendation(s) The Cabinet is recommended to: <ul style="list-style-type: none">(i) Note the actions being taken by officers to identify additional school places across the Borough to meet future demand pressures, including the need for a suitable site location to be urgently identified for additional primary school provision in the Abbey, Eastbury and Gascoigne areas of the Borough, as set out in section 2 of the report;(ii) Approve the inclusion in the Capital Programme of the DfE grant allocations for 2020/21 and 2021/22, as detailed in sections 3 and 4 of the report;	

- (iii) Delegate authority to the Director of People and Resilience, acting on advice from the Procurement Board, to approve the final procurement strategies for projects noted in the report; and
- (iv) Delegate authority to the Director of People and Resilience, in consultation with the Cabinet Member for Education Attainment and School Improvement, the Chief Operating Officer and the Director of Law and Governance, to conduct the procurements and 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 and to have a safe suitable environment. The last report presented to Cabinet on this subject was on 21 January 2020, Minute 94 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 2020. Further, the report seeks approval to include capital funding grant in the Council's Capital Programme in order to progress projects to improve school provision.

2. Update on Pupil Numbers and Capacity for September 2020

- 2.1 Cabinet has received regular reports about the continuing demand for school places and the need to develop additional high-quality provision. It is worth noting that providing sufficient school places is a national issue and, in particular, regional to London due to rising population which is now causing pressures in the secondary sector. 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 reception year classes for September 2020 is that we are anticipating that there will be a surplus of places as with last year above the operating spare capacity we are aiming for. We aim to have 3% - 4% spare capacity for fluctuations across the Borough and for parents to express a preference. There is surplus above the operating spare capacity for September 2020 as a result of the fall in birth numbers in 2015/16. For information the birth data was as follows:

Birth Year	Birth Numbers	Reception Year
2012/13	3,841	2017/18
2013/14	3,754	2018/19
2014/15	3,698	2019/20
2015/16	3,900	2020/21

- 2.4 To manage this dip in place demand, the Admissions Team are in discussion with some schools to temporarily reduce the Pupil Admission Number at a few schools in the Borough and to manage a reduction aiming to minimise financial hardship to the schools affected. This practice has been used in the last 3 years. The figures show that these numbers are recovering and rise and we are anticipating a further rise in September 2021.
- 2.5 The Council needs to identify a further site in Barking suitable for a Primary School as indicated in the report to Cabinet in January 2019. The position in Barking around the Abbey, Eastbury, Gascoigne and Longbridge wards continues to forecast pressures on school places.
- 2.6 There have been a number of planning applications seeking development of new homes, others which have consent and are waiting for construction, and a number of sites in construction. The numbers of new homes in these Wards which have been made known to Education amount to 4,300 with further developments being considered. It is estimated from the forecast which the Council completed, based on data for May 2019, that the capacity for each year group was 1140. This will increase by 90 places when the new school, Greatfields Primary, is constructed and planned for opening in September 2023. Council Officers are working closely as part of the Local Plan review to identify a suitable future site for a school in the Barking area.
- 2.7 At the January 2019 meeting of Cabinet it was reported that there was a mounting issue about providing sufficient secondary school places across the Borough. A number of factors have changed that pressure including the support from Cabinet to create additional school places at Robert Clack and Barking Abbey Schools and the availability of land on the Gascoigne regeneration project that has allowed the start of construction of the new Greatfields Secondary School. However, by September 2023 with our planned capacity being at 3,710 Yr7 places, the forecast shows demand will have reached a peak which exceeds capacity at 3,901. We are currently examining this forecast to establish whether there are any changes in current house building proposals or population movements, and whether this will impact on demand. We will provide a further update to Cabinet in early 2021.

3. New DfE Grant Allocations 2020

- 3.1. New advice has been received from the DfE about funding being made available to support capital projects for improvement or repair in 2020/21.

3.2 Devolved Formula Capital 2019/20 (DFC)

- 3.2.1 This is a fund of money from the Government which has been allocated for a number of years (since 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.
- 3.2.2 The fund of £557,646 for LA schools which has been advised needs to be passported directly through the School's Finance Team under the direction of the Council Financial Director to the Borough's schools. This sum of £557,646 would need to be shown in the Council's Capital Programme. In respect of Voluntary Aided Bodies, they are advised directly by the DfE of their share of DFC.

3.3 School Condition Capital 2020/21 (SCC)

- 3.3.1 The DfE have released information about the capital allocations being made to local authorities for the maintenance, or to improve suitability, of existing maintained school buildings. The allocation for LBBB schools for 2020/21 is £5,658,455. A plan to utilise this funding will be assembled derived from technical advice, the content of the School Estate Asset Management Plan Database, and information collated from the DfE school condition survey data. The overall investment programme will be approved by the Commissioning Director Education.
- 3.3.2 Funding for Voluntary Aided Schools has, until last year, been allocated to Local Authorities, but this year Government has determined such funding will be allocated to Diocesan Boards. LBBB staff will work with the respective Diocesan representatives, should they so wish, to support programme development and share knowledge.

4 Capital for Basic Need 2021/22

- 4.1 In the Cabinet meeting 16 July 2019 the report indicated that the Government would be making an allocation to support new school places later in the year. The allocation has now been determined and for Barking and Dagenham a sum of £443,356 is being made available to support additional school places up to September 2022. This sum will need to be included in the Council's Capital Programme.
- 4.2 As explained in section 2 of this report, that we have had a surplus of places in Reception year for the last three years and we are managing that. There are some issues in secondary schools where funding has been set aside to address such matters. For mainstream schools, the position is currently being managed. We are expecting some new Free School/Academies that have been approved by the DfE to help respond to a growing demand and respond to some of the proposed housebuilding. As a consequence of pipeline Academy and Free school projects the amount of funding received by LBBB to support provision of new places is lower than it might otherwise have been.

5. Available Capital for meeting Basic Need

5.1 At the Cabinet meeting on 21 January 2020 (Minute 94) a summary of the available capital budget to provide new school places from the Basic Need Grant provided from Central Government (DfE) was presented as follows:

Allocation of funding not set against specific projects (includes Basic Need Funding 2020/21 financial year)	£3,659,874
New Basic Need allocation 2021/22 (section 4 above)	£ 443,356
Balance to be retained for future provisions	<u>£4,103,230</u>

5.2 This sum of £4,103,230 should be held in reserve as there are a number of regeneration schemes which will put pressure on capital to provide new school places. As more information and certainly about timing becomes available this will be reported to Cabinet together with plans about how provision to provide new places will be addressed. The availability of these funds is through grant some of which will not be received until the financial year 2021/22.

5.3 There are ongoing discussion with colleagues in the Finance Team regarding a review of the funding available and a further report will be forthcoming when the next report is made available usually in January of each year.

6 Covid 19

6.1 This report would not be complete without a reference to the pandemic which has impacted upon how schools have found it necessary to use their buildings.

6.2 The DfE produced guidance for schools and Local Authorities in how best school sites should be reviewed as part of plans for full reopening in September. Council Officers, Public Health and partners including BDTogether have worked closely with Headteachers supporting them in their plans and Risk Assessments. Such arrangements put in place include staggered start and finish times, increased cleaning and Hygiene regimes, groups of pupils kept separated from other groups during the school day with separate and staggered break times including lunches. This has been a logistical challenge for schools who have worked tirelessly to make the school environment as safe as possible for staff and pupils.

6.3 The DfE have provided schools with the opportunity to claim for some additional funding to support the increase costs they would have occurred with their buildings and the pandemic. The criteria include;

- additional cleaning;
- improving hand washing facilities, and;
- general increased premises related costs.

Schools have been informed of the availability of this grant which they will be reimbursed for providing there is legitimate evidence of need.

7. SEND Provision

- 7.1 At the Cabinet meeting in January 2020 a report was submitted explaining the process to be used to try and forecast potential demand for children requiring additional support (SEND) minute 94 refers.
- 7.2 Information has subsequently been made available which indicates the level of demand for both Special School provision and places in mainstream schools supported by Additional Resources Provisions (ARP's) have grown above the forecast for September 2020.
- 7.3 In order to respond to this demand discussion is ongoing with Schools to take additional pupils and possibly expanding ARP provision. There are also early discussions taking place about possible new ARP's. Once a detailed plan has been agreed there will be a follow up report to Cabinet, and any consultations will be reported also.
- 7.4 There is also ongoing discussions with DfE representatives to progress the permanent provision of Pathways school on the former Ford Polar Site. This is a school for pupils with Social Emotional and Mental Health needs.
- 7.5 A further, special school, approved in April 2017 for pupils with Profound and Multiple Learning Difficulties, Autism and Severe Learning Difficulties, sufficient for 176 pupils, is still in development. Demand has now reached critical, but we are in the hands of the DfE to secure an agreement about the site, build and costs. Every effort by officers is being made to progress this as a matter of urgency,

8. Greatfields Schools Complex

- 8.1 Cabinet received a report at the January meeting about costs and the need to support the provision of the school due to issues regarding groundworks, clearing the site and managing underground services.
- 8.2 The discussion with the DfE has continued over the past 5 months as the school complex was only partially completed. Zone 1 and Zone 2a are now operational. The final phase of the Secondary School build was further delayed by the pandemic. In August the DfE signed the funding agreement with the Council to complete the final phase of the Secondary School Zone 2b. The building works will commence in the Autumn term.
- 8.3 Although this is excellent news the delay has impacted upon the school and the available spaces for September 2020 and subsequent year 2021 as the final phase of the build is approximately 18 months long. Discussions have taken place with Greatfields School and Partnership Learning Trust. It has been agreed that they may utilise the part of the former City Farm site to give some accommodation capacity while the final works take place. Part of the City Farm site is leased to Pathways School who are operating from there until the DfE construct their permanent school on the former Ford Polar site in Dagenham. The Trusts from each respective school have come together with Council Officers to work through arrangements for sharing the same site, which has been positive.

- 8.4 The second aspect of the Greatfields complex involves a new Primary School and the DfE, whilst giving approval to open the school, have not yet made the capital resources available. They are current working towards putting in place a funding agreement with the Council to deliver the project on their behalf. It is hoped that this will be concluded within the next four months and a further update will be provided in the next School Places and Capital Investment report.

9 Options Appraisal

- 9.1 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.
- 9.2 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.
- 9.3 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.

10. Consultation

- 10.1 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 12 of this report.

11. Procurement Implications

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

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

12. Financial Implications

Implications completed by: Alison Gebbett – Capital Accountant, Corporate Finance

- 12.1 This report provides an update on projected pupil numbers and planned place provision for the 2020/21 academic year. There is a need for an additional primary

school in areas where there have been a large number of new homes built and although the pressure on secondary places has been eased for current years by the previous new places created through capital schemes, there is forecast to be a shortage of secondary places by 2023. The report also highlights the demand for special educational needs and sets out the options that are being reviewed.

- 12.2 There is currently £3.660m of unallocated Basic Need grant approved at Cabinet in January 2020, along with a further allocation from DfE in 2021/22 of £0.443m, giving a total of £4.103m that will be set aside to address the ongoing demand for primary, secondary and SEND places.
- 12.3 A review of prior year grant funding has been taking place to establish if there are further unallocated resources that can be used to allocate to capital schemes to increase the number of pupil places. This has been further complicated by the fact that the DfE are yet to provide funding for Zone 2a of the Greatfields Free School project as set out in section 8 of this report.
- 12.4 This report also sets out capital programme funding allocations for 2020/21 of £557,646 Devolved Formula Capital which will be passported directly to schools and £5,658,455 Schools Condition Capital. Cabinet approval is requested to add this to the capital programme.
- 12.5 These allocations are fully grant funded and will have no additional financial implications for the Council. 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.

13. Legal Implications

Implications completed by: Ian Chisnell - Major Projects Solicitor

- 13.1 The Council as an education authority has a duty to promote high standards of education and fair access to education. It also has a general duty to secure sufficient schools in their area, and to consider the need to secure provision for children with SEN (sections 13 and 14 of the Education Act 1996).
- 13.2 Where the Council carries out any procurements it must do so in accordance with the Council's Contract Rules and where the contract has a value which is in excess of the EU thresholds then the procurement must be carried out in accordance with the Public Contracts Regulations 2015 (PCR).
- 13.3 In line with Contract Rule 50.15, Cabinet can indicate whether it is content for a Chief Officer to award contracts following a procurement process in accordance with the Contract Rules, PCR and with the approval of Corporate Finance.

14. Other Implications

14.1 Risk Management

- 14.1.1 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.

14.1.2 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.

14.1.3 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.

14.1.4 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.

14.1.5 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.

14.1.6 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 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.

14.2 **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.

14.2.1 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.

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

- 14.3 **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.
- 14.4 **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.
- 14.5 **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.
- 14.6 **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.
- 14.7 **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.
- 14.8 **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