

<b>Report for:</b>	<b>Cabinet</b>	<b>Item Number:</b>	
<b>Title:</b>	<b>Proposed School Expansions</b>		
<b>Report Authorised by:</b>	<b>Anji Phillips, Interim Assistant Director, Schools and Learning</b>		
<b>Lead Officer:</b>	<b>Jennifer Duxbury, Head of Education Services Eveleen Riordan, Deputy Head of Education Services</b>		
<b>Ward(s) affected:</b> The wards within which the affected schools sit (Bounds Green ward and Hornsey ward and their adjacent wards are primarily affected, but the provision of school places has the potential to impact on all wards in the borough as the benefits of local place sufficiency ripples out across the borough		<b>Report for Key/Non Key Decisions:</b> Key	

## 1. Describe the issue under consideration

- 1.1. Demand for primary reception places in our borough is increasing. Information published in our annual School Place Planning report (SPPR) shows that we will need additional places from 2015 if we are to continue to meet our statutory duty to provide sufficient school places. The 2014 SPPR is available to view on line at [www.haringey.gov.uk/schoolplaceplanning](http://www.haringey.gov.uk/schoolplaceplanning)
- 1.2. This report seeks a final decision on whether or not to permanently expand the following two schools:
  - **Bounds Green Infant and Junior School** – to expand from two forms of entry (60 children admitted into the reception cohort each September) to three forms of entry (90 children) with effect from the September 2016 intake
  - **St Mary's Infant and Junior School** – to expand from two forms of entry (60 children admitted into the reception cohort each September) to three forms of entry (90 children) with effect from the September 2015 intake
- 1.3. Recommendations on whether or not either or both of these schools should be expanded are set out in paragraph 3 below.

## **2. Cabinet Member introduction**

- 2.1. The proposed expansions of these two primary schools – Bounds Green and St Mary’s – have been the subject of considerable engagement with the Governors, Head Teachers, parents and carers of the children at the schools and local residents.
- 2.2. It is most encouraging that in both cases the governing bodies are very supportive of the proposals and that the majority of respondents have also supported them, although it is of course disappointing that only a small proportion of interested parties have responded.
- 2.3. The response in relation to both schools has reflected concern about local traffic management and school access as the number of pupils attending the schools expands and this will need careful attention as work on expansion goes forward.
- 2.4. Overall these areas of the borough need more primary school places, these schools have the leadership and management to manage the expansion without significant disturbance to the schools while maintaining their high standards and I recommend that both expansions proceed as proposed.

## **3. Recommendations**

- 3.1. Cabinet is asked to:

- 1) Note the views, opinions and evidence received in response to the representation period carried out between 9 January and 5 February 2015 on the statutory notices published to permanently expand the following schools by one form (30 pupils) of entry each:

Bounds Green Infant and Junior School N11  
St Mary’s CE Primary School N8

- 2) Note the:

- Analysis of the views, opinions and evidence of the representations received;
- Analysis of other factors including the demand for and supply of reception places in the borough, with particular reference to the demand for and supply of places in Planning Application 2 and Planning Application 5;
- The projections for school rolls in our borough for up to ten years ahead and based on actual and projected birth rates.

- 3) In considering 1 and 2 above, approve the proposals without modification (Stage 3 of the statutory steps outlined in the Department for Education’s statutory Guidance<sup>1</sup>) the

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<sup>1</sup> The Department for Education’s Guidance – School Organisation: Guidance for proposers and decision makers January 2014

expansions of Bounds Green Infant and Junior School N11 and St Mary's CE Primary School N8.

- 4) Agree that implementation of the proposals can begin, noting that work on the design of how the additional form of entry will be delivered on-site at each school is ongoing and that planning permission will be sought as required.

#### **4. Alternative options considered**

- 4.1. This report seeks a final decision on the permanent expansion of Bounds Green Infant and Junior School N11 and St Mary's CE Primary School N8. Previous reports (July 2013 and 2014 and a Cabinet member signing report dated 11 December 2014) have set out why additional school place are required in these areas of the borough and why these specific schools were identified for consultation. The identified reports summarise the results of the pre-statutory consultation carried out between September and November 2014.
- 4.2. The Education Act 2011 changed the arrangements for establishing new schools and introduced section 6A (the academy/free school presumption) to the Education and Inspections Act 2006.
- 4.3. Local authorities are not able to set up new schools in this way and there are currently no known free school providers proposing a school in this area. Any proposals would be subject to central government approval and subject to a site being identified.

#### **5. Background information**

- 5.1. Our annual School Place Planning Report (SPPR) sets out that we need more school places (see para 1.1 above) to ensure that every child in the borough will have access to a place. Where we seek to expand existing schools we will use our agreed Place Planning Principles (Appendix 2) to ensure that we propose to expand schools :
  - in areas where there is proven demand,
  - that have proven standards, leadership and management to drive through a successful expansion
  - that meet the needs of local families and do not unnecessarily impact on demand for other local schools,
  - and that there is sufficient space to make the best use of scarce capital resources.
- 5.2. In 2013 we carried out feasibility work that identified both Bounds Green Infant and Junior School and St Mary's CE Primary School as two schools that best met the Place Planning Principles, to meet identified unmet local demand for places.

#### **Consultation**

- 5.3. Consultation on the possible expansion of Bounds Green Infant and Junior School and St Mary's CE Primary School was carried out between September and November 2014 and a Cabinet member report was prepared outlining the feedback from the consultation and recommending next steps.
- 5.4. The 11 December 2014 Cabinet member signing report (Appendix 1) sets out in detail why we are considering an increase in the provision of school places (para 5.1 – 5.2 of the report), how we will meet future demand (paras 5.3 – 5.4) and signposts more detailed information on the supply of and demand for reception places in our borough. The December report also summarises the wide ranging eight week period of (non statutory) consultation that was carried out on the possible expansion of Bounds Green Infant and Junior School (hereafter called Bounds Green) and St Mary's CE Primary School (hereafter called St Mary's) and recommends that a statutory notice is published setting out the Council's intention to expand both schools.
- 5.5. Paragraph 10 of the Department for Education's statutory Guidance<sup>2</sup> acknowledges that there is no requirement for a "pre-publication consultation period" but does say that there is a strong presumption that a local authority will consult interested parties in developing their proposals prior to publication as part of their duty under public law to act rationally and take account of all relevant considerations.
- 5.6. The Council's Education Service carried out an eight week period of consultation on both schools between 15 September and 7 November 2014. There was support for and against the expansion of both schools and these views were considered alongside the need to increase local reception places and a recommendation made (in the December 2014 report) to proceed to the publication of statutory notices on both schools. In the same report a recommendation was made and agreed not to publish a statutory notice for the expansion of a third school, St James C of E Primary, but instead to carry out a wider consultation on how additional reception places might be provided in the Muswell Hill area.
- 5.7. Appendix 12 provides the most up-to-date information we have for the demand for reception places for September 2015.

### **The statutory process**

- 5.8. Where a local authority wants to expand a maintained school (increase the number of children admitted each year) and the expansion involves physical building works a statutory process must be followed. The Department for Education's (DfE) School Organisation: Guidance for proposers and decision makers sets out that the following statutory stages must be followed:
- **Stage 1:** Publication (of a statutory proposal)

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<sup>2</sup> The Department for Education's (DfE) School Organisation: Guidance for proposers and decision makers



- **Stage 2:** representation (formal consultation – fixed four week period that cannot be shortened or lengthened)
  - **Stage 3:** Decision (must be within two months of the end of the representation period)
  - **Stage 4:** Implementation (when the first intake of the expanded cohort starts at the school)
- 5.9. **Stage 1** - On the 9 January 2015 statutory notices were published in the Haringey Independent setting out the Council's intention to expand Bounds Green by one form of entry (30 children) with effect from the September 2016 reception intake and expand St Mary's by one form of entry (30 children) with effect from the September 2015 reception intake. The statutory notices set out that the expansions would be incremental, with the reception intake being 90 children for each school year on year until Bounds Green has three form entry across all year groups by 2022 and St Mary's has three form entry across all year groups by 2021. The full statutory notices for both schools are attached at Appendix 3.
- 5.10. **Stage 2** - The publication of the notices (9 January) marked the beginning of a fixed statutory four week representation period to gather views on the proposals set out in the statutory notices. Full details of how the consultation on this representation period was carried out are available to view in the Consultation Report at Appendix 4 of this report. A summary of the demand for school places in the local area around Bounds Green and around St Mary's and a summary of the presentations received between 9 January and 5 February 2015 is set out below. The schools are considered in alphabetical order.
- 5.11. **Bounds Green Infant and Junior School (Statutory Stage 1 and 2)**  
For the purposes of school place planning we divide the borough into planning areas (PAs). A map of the PAs is included at Appendix 5 of this report. Bounds Green falls into PA1 for the purposes of place planning, but the school rolls for Bounds Green show that the demand for and supply of school places in the adjacent PA5 (comprising of Noel Park, West Green, Woodside and the south half of Bounds Green ward) has the most impact on how uptake of places at Bounds Green is determined. So, for the purposes of determining place sufficiency in and around Bounds Green, the data for PA5 has been used. PA5 data (Appendix 6) shows that demand for reception places is expected to outstrip local supply in 2015 by one form of entry (1fe), rising to 2fe by 2018 and 3fe by 2021. This is based on a published admission number (PAN)<sup>3</sup> of 3260 reception places across the borough.
- 5.12. Demand for school places is also monitored in boroughs that border with Haringey. In the case of Bounds Green the London Borough of Enfield is very close to the school and we know that demand for places on the south-western side of Enfield is high and that Enfield has already increased provision of reception places to meet rising demand. This rise, coupled with regeneration projects close to the borough boundary with Haringey (and Bounds Green Infant and Junior School) will mean a continued rising demand for

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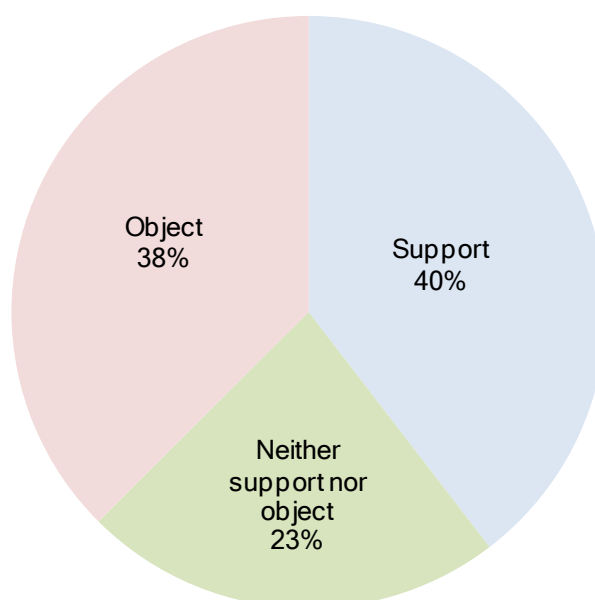
<sup>3</sup> PAN – Published admission number – the number of reception places the authority expects to admit each September

places which both Enfield and Haringey will need to address to ensure continued place sufficiency in the local area, providing enough local places for local families.

- 5.13. Below is a summary of representations received in respect of Bounds Green Infant and Junior School between 9 January and 5 February 2015. Further details on the representation period, including full details of how consultation was conducted during the representation period, of the representations received, and details and minutes of public meetings held are available to view in Appendix 10 of this report.
- 5.14. 40% of respondents to the consultation (19) said they supported the proposal to expand the school compared with 38% (18) who objected to it (see Figure 1 below for complete results). 23% of respondents (11) said they neither supported nor objected to the proposal.
- 5.15. We received 40 electronic and 8 paper consultation responses. The most popular respondent type was parent /carer of pupil(s) at Bounds Green (30) followed by local resident (21). Respondents could tick as many categories as were applicable to them.

**Figure 1: Support for proposed expansion  
(Bounds Green)**

Source: LBH Consultation survey 2015



Note 1: Totals may not sum to 100% due to rounding

Note 2: For the precise questioning used for each survey please refer to the survey forms given in the appendices.

- 5.16. The most commonly cited reasons for opposing the expansion of Bounds Green were parking/safety/crossing (16), the loss of the character of the school (9) and (joint third) less space/too disruptive. The most commonly cited reasons for supporting the

expansion of the school were more school places (17), this school is a good one (4) and enhancement of the community (3).

- 5.17. Conclusions on the recommended next step for Bounds Green are set out below in paras 5.30 to 5.35.

### **St Mary's CE Primary School (Statutory Stages 1 and 2)**

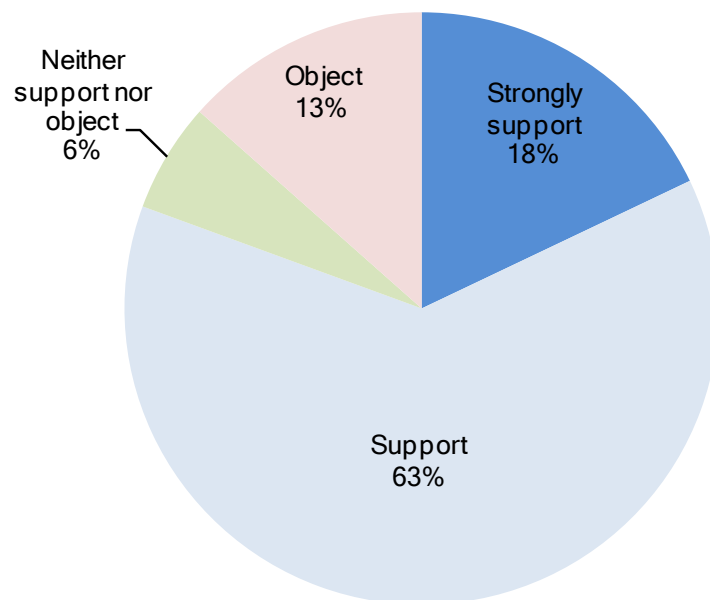
- 5.18. St Mary's falls within PA2 for the purposes of place planning (see Appendix 7 for a map of the planning areas and Appendix 5 for more detail on the data on demand for places in PA2). In this PA we expect demand to outstrip supply by 2fe in 2015/6 and 1fe from 2016/17 onwards.
- 5.19. Below is a summary of representations received for St Mary's CE Primary School between 9 January and 5 February 2015. Further details on the consultation, including full details of how consultation was conducted during the representation period, of the representations received, and details and minutes of public meetings held are available to view at Appendix 10 of this report.
- 5.20. 81% of those who responded to the consultation (54) said they supported or strongly supported the proposal compared to 13% (9) who objected to it (see Figure 1 below for complete results)<sup>4</sup>. Some 6% (4) neither supported nor objected to the proposal.
- 5.21. We received 11 electronic and 42 paper consultation responses for St Mary's, together with a further 14 consultation forms which were developed by the school (see Appendix 9). The most popular respondent type was parent/carer (22) followed by member of staff/governing body at St Mary's (20) and local resident (17). Respondents could tick as many categories as applicable.

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<sup>4</sup> Two types of response form were received, the original consultation form (53 received) as issued by the local authority and an amended form developed by the school (14 received) that replaced the 3 options for a response with 5 options which were: Strongly support, Support, Neither support nor do not support, Do not support, Strongly do not support. For the purposes of Figure 2, data from both response forms was aggregated to allow an analysis using the original questioning. Strongly support and Support was aggregated into Support whilst Do not support and Strongly do not support was aggregated to Object.

**Figure 1: Support for proposed expansion  
(St Mary's CE)**

Source: LBH Consultation survey 2015



Note 1: Totals may not sum to 100% due to rounding

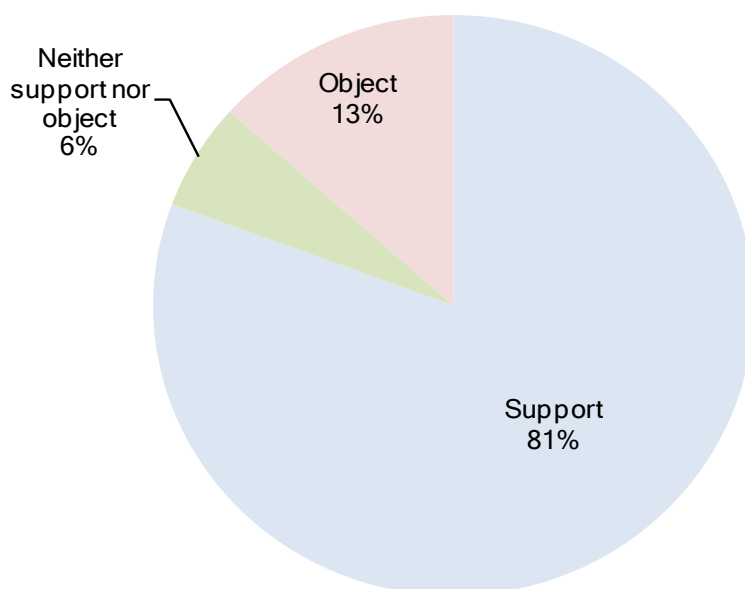
Note 2: For the precise questioning used for each survey please refer to the survey forms given in the appendices.

5.22. Figure 2 shows that the support for the proposed expansion using the original questioning. Please see above footnote for more details.



**Figure 2: Support for proposed expansion  
(St Mary's CE) - original questioning**

Source: LBH Consultation survey 2015



- 5.23. The most commonly cited objections to the expansion of St Mary's were that the school needs more time to consolidate from recent changes before more are made (5), too disruptive (4) and loss of character (4). The most commonly cited reasons for supporting an expansion of the school were more school places (33), this school is a good one (20) and better prospects for staff (8).
- 5.24. Conclusions on the recommended next step for St Mary's are set out below in paras 5.40 to 5.44.

### **Conclusions on both schools**

- 5.25. We have seen an overall upward trajectory in birth rates in our borough in recent years and this has led to a rise in the demand for reception places. This trend reflects a national upward trajectory in births (up 18% in England and Wales in the last ten years).<sup>5</sup> In London the pressure for places is even more acute. The Local Government Association (LGA) have shared the results of a survey which states that an extra 90,000 primary places had been created nationally in 2013 and forecast that a further 130,000 will be needed by 2017/18.
- 5.26. Our latest projections (Appendix 6 and 7) reflect the upward trend in births and in demand for places and sets out that we expect year on year birth rates to increase by 295 between now and 2024.

<sup>5</sup> Source: The Independent, February 2014

- 5.27. In response to rising birth rates we have, over a number of years, expanded a number of our primary schools to increase capacity, and capacity has been further increased through the provision of free school places across several settings. The number of children in our reception cohort has risen steadily. In 2003/04 there were 2820 reception children in schools across Haringey; by 2013/14 this figure had risen to 3139 representing an increase of 11 forms of entry.
- 5.28. As with the period of consultation carried out in the latter half of 2014, the period of representation which ran from 9 January to 5 February inclusive has garnered differing views both in favour of and against both expansions, as well as views that support the expansions but where there are concerns about the impact of their delivery on the education of children.
- 5.29. The conclusions on the representations we have received are set out in the following paragraphs:
- Bounds Green Infant and Junior School - Paras 5.30 to 5.35 inclusive
  - St Mary's CE Primary School - Paras 5.40 to 5.44 inclusive
- 5.30. **Bounds Green Infant and Junior School** – Paras 5.11 above sets out the demand for reception places in the area around Bounds Green and shows a deficit of three forms of entry (90 places) in the coming years if action is not taken to increase local capacity.
- 5.31. Paras 5.13 to 5.17 above provides a summary of the representations we have received during the four week statutory representation period. A full account of all representations and details of public meetings can be viewed at Appendix 6 and 7. Of those who supported the expansion the main areas of support were the provision of new places, that the school is a good one (this ties into our Place Planning Principle and government guidance that, where expansion needs are identified, only good or outstanding schools should be expanded) and the enhancement of the community.
- 5.32. There was also opposition to the expansion of the school based on parking and safety, the loss of the school's character and the disruption of the expansion on the school's life.
- 5.33. The expansion of any school, while bringing much needed additional places to a local area, is not without challenge, and concern about this challenge has quite rightly been reflected in the questions and comments that have been made during the representation period. Our Place Planning Principles reflect this acknowledged challenge and that we look to schools where successful leadership is proven. Bounds Green has an Ofsted rated "good" (July 2013) for the Infant School and "outstanding" (January 2013) for the Junior School in terms of leadership and management and both the Head teacher and governors have shown support for the expansion of their school at public meetings.
- 5.34. Before we even consider an expansion of a school we look at the Place Planning Principles and apply them to the school. We also talk to the senior leadership and

governors of the school to ensure they support our proposal for its expansion. This dialogue with the school began as far back as 2013. The Governing Body of the school has challenged us across a wide variety of areas including the data we hold in terms of expected increasing demand and how an expansion can be delivered on the school's site. The Chair of Governors wrote to us during the representation period setting out that "the proposal for expansion was discussed exhaustively before it was agreed to support this development. The supporting data presented by Haringey Council staff was rigorously examined by governors on a number of occasions and a range of pertinent issues were raised especially in relation to the impact on the existing ethos and organisation of the school. However, the final decision in favour of the expansion was motivated by the evident future shortage of primary school places in this part of Haringey and a strong commitment to filling this gap".

- 5.35. On balance and having regard to representations received, their feedback and questions posed in public meetings held in January 2015, school roll projections, the impact of regeneration in the adjoining borough and close to the school, and the support of senior leaders and governors at the school, it is recommended that the expansion proposal as set out in the statutory notice dated 9 January 2015 is implemented. This would mean that the school would expand from two to three forms of entry with effect from the reception entry in September 2016. In the period between now and the admission of an increased number of pupils into the reception class in 2016 the local authority will continue its close collaborative work with the school's leaders and governors to provide an expansion that is fit for purpose and meets the identified needs of the school.
- 5.36. **Design progress to date** - Following the decision by Cabinet Committee to proceed formally with a period of statutory consultation the project team undertook to work closely with Stakeholders including the Head Teacher and Governors on developing the feasibility study into an outline design. Various site surveys have been undertaken during this period to inform the design which concluded with a RIBA stage 2 (C) design report being presented to key stakeholders on the 5th January 2015. Support was given to proceed with design development with materials selected for the formal Public Meeting held on the 12th January.
- 5.37. Presently the project is progressing with RIBA Stage 3 (D) - design development, with a design report scheduled for the end of March. If the decision to reinstatement Bounds Green Primary School to 3 forms of entry is made, it's intended to proceed with the following key project activities:
  - Present a RIBA stage 3 (D) design report to Stakeholders for approval by the end of March.
  - Implement a 2 stage tender process where the Council will select a suitable contractor based on quality and cost to undertake detailed design and construction work.
  - Formal submission of a planning application.



- 5.38. It's expected that on completion of the 1st stage tender process a report will be presented to Cabinet Committee seeking approval to enter into a pre construction contract based on a maximum value. Delegated authority will be requested within this report for the Leader or Director to finalise the award on completion of the 2nd stage tender process.
- 5.39. Construction activity would be expected to commence in January 2016 with completion in the autumn term.
- 5.40. **St Mary's CE Primary School N8** – paras 5.19 to 5.24 above set out a summary of the representations received in respect of St Mary's and includes both support and opposition to the expansion. A full account of the representations can be found at Appendix 10. Where there is opposition the single biggest reason cited is that the school needs more time to consolidate recent changes before further changes are implemented. In 2013 the age range of the Infant school was extended and the Junior school was closed to create the school now known as St Mary's CE primary (previously there were two separate schools – an Infant school and a Junior school). The changes were a result of an outstanding Ofsted rating for the Infant School and a Junior School that had been placed into special measures. This new school is led by the Head of the former Junior School, Fran Hargrove, under whose leadership and management the (then) Infant school was judged to be 'outstanding'.
- 5.41. In more recent years the school has taken two bulge classes to support the need for additional places locally. In September 2013 the school took an additional year 1 class due to the increasing demand within this year group in what was already a large cohort across the borough. In 2014 the school took a further bulge in the form of an additional or bulge reception class, again to meet high demand for local school places. The organisation and implementation of these additional classes underpinned the standard of the leadership within the school and provides an illustration of one of the reasons why St Mary's is considered a school capable of carrying a permanent expansion forward successfully and meeting the Place Planning Principles as set out in Appendix 2.
- 5.42. Governors have made a representation to us setting out that "overall and on balance there are strong advantages for proceeding with an expansion as against retaining the status quo". They set out that they have reached this conclusion following careful scrutinising of all plans and data and they invite parents and carers to work with the school in securing what they have concluded will be a successful expansion of their school.
- 5.43. Our data shows that without an expansion in PA2 we will have a deficit of 30 places in the coming years. Demand in the local area has been high for some years now and in recent years Coleridge Primary has expanded from two to four forms of entry and Weston Park Primary has provided two consecutive bulge reception classes (2012 and 2013). Bulge classes are a useful way to increase capacity in the short term but they do not provide a long term sustainable solution to increasing demand for school places and, critically, they do not give parents and carers the certainty they look for in planning to ensure that their pre-school aged children will be able to access a local school place when the time comes for them to start school.

- 5.44. On balance and having regard to all representations received in January and February 2015, comments and questions posed during the public meetings, the comments of the Head teacher and governors of the school, and the projections for school rolls in the area up to ten years ahead, it is recommended that the expansion as set out in the published statutory notice is implemented so that the school begins an incremental expansion from two to three forms of entry with effect from the reception intake in September 2015.
- 5.45. **Design progress to date** - Work has been undertaken with the school's senior leadership, governors and with parents and carers to ensure the delivery of the expansion meets the school's needs and provides a school that is fit for purpose and supports pupils, teachers and governors in their pursuit of an outstanding education of current and future children of the school.
- 5.46. Following the decision by Cabinet Committee to proceed formally with a period of statutory consultation the project team worked closely with Stakeholders including the Head Teacher and Governors to develop the feasibility study for St Mary's CE Primary into an outline design for the Rectory Gardens site and a detailed design for the Church Lane site. Outline designs have been presented to all stakeholders during the statutory consultation meetings.
- 5.47. Various site surveys have been undertaken during this period to inform the design which concluded with outline designs for Rectory Gardens and a RIBA stage 3 (D) design report for Church Lane being presented to key stakeholders on the 22nd January 2015. Support was given to proceed with design development and submission of a planning application, on behalf of the school in February 2015. This planning application is to allow the project to achieve programme targets to delivery additional nursery spaces by January 2016 if Cabinet approves the proposals to expand.
- 5.48. Design development for Rectory Gardens is also in progress with a RIBA stage 3 (D) design report concluding this phase and being presented to key stakeholders at the end of March 2015.

## **6. Comments of the Chief Finance Officer and financial implications**

### **6.1. Revenue Implications**

The Dedicated Schools Grant (DSG) will provide for the revenue implications of school expansions. The Schools Block of the DSG is determined by the October school census preceding the financial year and therefore will not reflect September increases in roll until the following financial year. Individual school budgets are based on the same data but the School and Early Years Finance Regulations allow a schools forum to set aside a growth fund for in-year planned expansions covering the unfunded period from September to March. Haringey's Schools Forum have previously approved funding criteria for expanding schools on the basis of 7/12<sup>th</sup> of the relevant Age Weighted Pupil Unit (AWPU) funding plus £500 multiplied by the standard class number (30 in primary

schools). Schools Forum on 4 December 2014 agreed a Growth Fund for 2015-16 that will cover the expansion at Bounds Green and St Mary's CE.

## 6.2. Capital Implications

The total estimated cost for the expansion of Bounds Green is £3.3m. The Council's approved capital programme includes budgetary provision for this project. The total estimated cost for the expansion at St Mary's is £3.5m. The Council's approved capital programme includes budgetary provision for this project. The current estimate for capital expenditure for both schools is shown below.

Spend Forecast	To end 14/15	Projected 2015/16	Projected 2016/17	Projected 2017/18	Projected 2018-21	Outturn forecast (all years)
Project	£	£	£	£	£	£
Bounds Green	196,631	1,624,000	1,479,369			<b>3,300,000</b>
St Mary's	219,220	1,577,044	1,181,065	253,236	269,435	<b>3,500,000</b>

## 7. Comments of the Assistant Director of Corporate Governance and Legal Implications

- 7.1. The Assistant Director of Corporate Governance has been consulted on the content of this report and comments as follows.
- 7.2. Cabinet is required to make a decision on the proposal to expand Bounds Green and St Mary's School. Before making this decision, Cabinet must not only take into account relevant primary and secondary legislation and statutory guidance, but must also ensure that they have been complied with. For this purpose, Cabinet must carefully consider all the relevant information contained in this report including the appendices.
- 7.3. The report covers the main statutory provisions and guidance. However, Cabinet should note the background legislative provisions contained in this paragraph 9.3 to 9.6. Section 13(1) of the Education Act 1996 imposes on the Council an obligation to contribute towards the spiritual, moral, mental and physical development of the community by securing that efficient primary education is available to meet the needs of the population of their area.
- 7.4. Section 14 of the Education Act 1996 provides that the authority must secure that there are sufficient schools for providing primary education in its area. The School Admissions Code dated 01 February 2012 states that admission authorities for admission in school year 2013/14 must provide for the admission of all children in the September following their fourth birthday.
- 7.5. Sections 18 and 19 of the Education and Inspections Act 2006 (the 'EIA') provide for alterations to schools. Section 19 relates to the publication of proposals to make alterations. This provision and the supporting regulations and statutory guidance are more pertinent to the decision under consideration.





- 7.6. The relevant regulations made under the EIA are The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 (“Regulations”) under which the authority must, when bringing forward proposals to which the regulations apply, to expand a school, consult with interested parties and in doing so have due regard to the Secretary of State guidance as issued from time to time. The relevant guidance is for the School Organisation Maintained Schools, Guidance proposers and decision - makers issued January 2014 (the Guidance) is attached at appendix 11 to this report. The authority must also have regard to the Guidance when considering or determining proposals and making decisions in relation to their implementation.
- 7.7. Paragraph 10 of the Guidance provides that although there is no longer a prescribed ‘pre-publication’ consultation period for prescribed alterations, there is a strong expectation on LAs to consult interested parties in developing their proposal prior to publication as part of their duty under public law to act rationally and take into account all relevant considerations. Schools will also need to ensure that they have the consent of the site trustees and other relevant religious authorities (Including under the CofE Diocesan Board of Education) (where necessary).
- 7.8. Paragraph 11 of the Guidance provides that it is best practice to take timing into account when considering a significant change or prescribed alteration to a school. For example, by holding consultations and public meetings – either formal or informal – during term time, rather than school holidays. The location of any public and stakeholder meetings should also be planned to maximise response. The admissions cycle should also be taken into account, for changes that will impact on the school’s admission arrangements.
- 7.9. Cabinet should note that in the case of Bounds Green, expansions at a mainstream school that do not require a physical enlargement to the premises of the school are not covered by the Regulations. An increase in pupil numbers may be achieved solely by increasing the PAN in line with the School Admissions Code. The School Admissions Code provides that for a community or voluntary controlled school, the local authority (as admission authority) must consult at least the governing body of the school where it proposes either to increase or keep the same PAN. In undertaking wider consultation the local authority will have discharged as part of their duty under public law to act rationally and take into account all relevant considerations.
- 7.10. The recommendation on expansion for Bounds Green and St Marys was that the Regulations are followed with regard to ‘pre-publication’ consultation.
- 7.11. Responses received as a result of the pre-publication consultation were considered by the Lead Member for Children’s Service who made an informed final decision concerning the publication of the proposal for St Mary’s and Bounds Green on 11 December 2014 following a report from Officers (Appendix 1).
- 7.12. Paragraph 12 of the Guidance provides that the publication of a statutory proposal must contain sufficient information for interested parties to make a decision on whether to support or challenge the proposed change. Annex A.2 of the Guidance sets out the

minimum that this should include. Further the proposal should be accessible to all interested parties and should therefore use 'plain English'. Cabinet must also be satisfied that these requirements have been met. This is covered in paragraph 7.3 in the report under the heading Stage 2 – Publication and the Full Notices can be found at Appendix 3.

- 7.13. Paragraph 9 of Annex B of the Guidance sets out the factors which Cabinet should consider before making a decision on this proposal. This includes being satisfied that the published notices comply with the statutory requirements and that the statutory consultation and/or representation period has been carried out. Cabinet must have regard to the responses received and must consider all the views submitted, including all support for, objections to and comments on the proposal. These are dealt with in paragraphs 5.13 to 5.17 and 5.19 to 5.24 above and Appendix 4,6,7 and 9.
- 7.14. Paragraph 31 of Schedule 5 to the Regulations and paragraph 22 of the Guidance states that in determining proposals to which the Schedule applies the local authority may –
- (a) reject the proposals;
  - (b) approve the proposals without modifications; or
  - (c) approve the proposals with such modifications as the local authority think desirable, having consulted the governing body (unless the modifications are proposed by the governing body).
- 7.15. Where proposals are approved by the authority (whether with or without modifications) the approval may be conditional on the occurrence of an event prescribed in paragraph 22 of the Guidance. Such specified events, cited in the Guidance, include, for example, the grant of planning permission. If the approval is expressed to take effect only if a specified event occurs then the event must occur by the date specified in the approval.
- 7.16. Paragraph 23 of the Guidance states that proposals may be withdrawn by the local authority which published the proposals provided that (a) such proposals are withdrawn before any determination is made and (b) written notice is given to the governing body and the schools adjudicator and placed on the website the original proposal was published on.
- 7.17. Paragraph 26 of the Guidance states that with regard to the implementation of proposals they must be implemented in the form in which they were approved, taking into account any modifications made by the authority.
- 7.18. Paragraph 26 of Annex B of the Guidance states that where proposals require capital resources for their implementation the funding for the proposals should be in place when the proposals are decided.
- 7.19. Paragraph 20 of the Guidance states that if the Local Authority must make a decision within a period of two months of the end of the representation period or they must be referred to the Schools Adjudicator.





- 7.20. Due consideration must be given to responses received as a result of the consultation before any final decision is reached concerning the proposals outlined. An overview of the consultation responses is set out at paragraphs 5.13 to 5.17 and 5.19 to 5.24 above and Appendix 4. Further information in relation to the consultation is provided in the Equalities and Community Cohesion at Appendix 13. Members attention is drawn to Appendix 9 and 10 which sets out the consultation representations and responses made. Attention is also drawn to paragraph 10 of Annex B of the Guidance which states ' The decision-maker must consider all the views submitted, including all support for, objections to and comments on the proposal.'
- 7.21. Cabinet must also give due regards to the public sector equality duty under Section 149 of the Equality Act 2010 when determining the proposal for expansion. An Equalities and Community Cohesion has been provided to consider the impact of the proposals on protected groups and measures to remove or minimise the disadvantage suffered as a consequence of the proposals. The Equalities and Community Cohesion is attached at Appendix 13.

## **8. Equalities and Community Cohesion Comments**

- 8.1. The Council has a statutory duty to secure sufficient education provision within Haringey to promote higher standards of attainment and must ensure that all Haringey children of Reception age have a place at school. In this statutory role, the Council must respond to changes in demand for school places over time by increasing or removing capacity, as necessary.
- 8.2. Evidence set out in this report clearly demonstrates the need for additional reception places in School Planning Areas 1, 2 and 5 where the two schools – St Bounds Green and St Mary's – which are the subject of the expansion proposals in this report are located. (Please note Bounds Green is located on the Border of Planning Areas 1&5.)
- 8.3. The Council also has a general equality duty under section 149 of the Equality Act 2010 to have due regard to the need to, among other things, advance equality of opportunity and foster good relations between groups in Haringey.
- 8.4. Ensuring there is sufficient provision to enable all Haringey children of Reception age to have a school place is consistent with this duty. However, the duty also requires that the Council demonstrate due regard to the wider impact the proposal might have on persons or groups who might share any of the characteristics protected by sections 4 – 12 and 17 of the Equality Act 2010. To comply with this duty, the Council must seek to identify what impact the proposals may have, *if any*, and take steps to address any adverse impact they may have on any relevant protected characteristics.
- 8.5. Following the recommendation in the December report to complete an equality impact assessment, a full screening has been undertaken and the analysis provided in Appendix 12.

## **9. Head of Procurement Comments**

9.1. Not applicable

## **10. Policy Implication**

- 10.1. Our continued assessment of actual demand and projection for school places across all of our schools and settings helps to ensure that we are contributing towards planning to meet the projected demand for future places from both children who have already been born and for those children that it has been projected will be born over the coming years.
- 10.2. Our place planning principles contribute towards ensuring that this process is robust and considered. This underpins the Children and Young People Strategic Plan 2009 - 2020 which seeks to develop sustainable schooling (under the priority of Enjoy and Achieve) and empower families and communities through the provision of local school places (under the priority of achieving economic wellbeing). The provision of additional reception places to meet identified future unmet demand also contributes towards the 'Outstanding for All' outcomes and priorities as outlined in Haringey's Corporate Plan.

## **11. Reasons for Decision**

- 11.1. This decision has been made to ensure that there will be future sufficiency of school places in identified areas of demand. The schools are been identified as best meeting the School Place Planning Principles. The projected demand has been balanced with the views of those who responding to periods of consultation and representation with local stakeholders.

## **12. Use of Appendices**

12.1. See below

## **13. Local Government (Access to Information) Act 1985**

## **Appendices for Cabinet Report 2015**

### **School Expansions**

<b>Appendix</b>	<b>Title</b>
1	Cabinet Member Signing report December 2014
2	School Place Planning Principles
3	Full statutory notices
4	Consultation reports– contains detailed information on feedback received on all three schools during the consultation period together with consultation material, FAQs, and questions asked at public meetings/in correspondence.
5	Map of Planning Areas (PAs) 5 and 2
6	PA5 data on demand and supply of places, projections
7	PA2 data on demand and supply of places, projections
8	List of streets where fliers were delivered
9	Consultation documents (pamphlet) for each school and fliers
10	Link to DfE (School Organisation Maintained Schools - Guidance for proposers and decision-makers)
11	Demand for reception places (see email from Eveleen)
12	Equalities and Community Cohesion