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| <b>Cabinet</b><br><br>30 October 2019                                      | <br><b>TOWER HAMLETS</b> |
| <b>Report of:</b> Debbie Jones, Corporate Director, Children's and Culture | <b>Classification:</b><br>Unrestricted   |
| <b>Planning for School Places 2019 /20 Review and Recommendations</b>      |  |

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| <b>Lead Member</b>                       | <b>Councillor Danny Hassell, Cabinet Member for Children, Schools and Young People</b>   |
| <b>Originating Officer(s)</b>            | Terry Bryan, Service Head (Pupil Services and School Sufficiency)  |
| <b>Wards affected</b>                    | All wards  |
| <b>Key Decision?</b>                     | Yes  |
| <b>Forward Plan Notice Published</b>     | 24 September 2019  |
| <b>Reason for Key Decision</b>           | To be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority. |
| <b>Strategic Plan Priority / Outcome</b> | Children and young people are protected so they get the best start in life and can realise their potential   |

### Executive Summary

This report is the annual review of planning for school places. It updates cabinet on the latest position with projected demand; seeks agreement on the proposals being put forward to reduce the numbers of primary school places in areas of surplus; explain plans to increase places in areas of current or projected increased demand; and the options to be considered for future school development sites.

### Recommendations:

The Mayor in Cabinet is recommended to:

1. note the position on the current and projected demand for school places;
2. agree the plans put forward in 3.12 to rationalise the primary school provision in areas of surplus,
3. note the progress made in relation to:
  - The development of a new primary school at Wood Wharf on the Isle of Dogs.
  - The development and the arrangements for the appointment of the school provider for the new secondary school at London Dock;
  - The development of a secondary provision at Westferry Printworks on the Isle of Dogs and the options for determining the school to occupy this new site;

- The progress on the expansion of Phoenix Special School on the site of the former Bow Boys Secondary School at Paton Close, E3 and the planned enlargement of Beatrice Tate Special School.
  - The plans and options for future school developments to meet the anticipated need for additional places.
4. agree the recommendation not to proceed with plans for a new 2FE primary school at the site of Alpha Square.
  5. note that this report sets out the Council's plan to exercise its Education functions, not its functions as a Local Planning Authority (LPA). It aligns with the LPA stance at the Local Plan Examination in Public, particularly on the plan to retain the majority of the current allocation of school sites.
  6. note the specific equalities considerations as set out in section 5.

## **1 REASONS FOR THE DECISIONS**

- 1.1 The council has a statutory duty to provide and plan for sufficient, high quality and appropriate schools, which are accessible to all children in the local community and are available when they are needed.
- 1.2 Proposals to provide school places often require long-term planning to implement (e.g. opening a new school). Evidence about the projected need for places must therefore be reviewed regularly so that decisions can be made in time.

## **2 ALTERNATIVE OPTIONS**

- 2.1 In cases where the council is not able to ensure new schools are established when needed, short-term measures to provide additional places in the form of bulge classes at existing schools or expansions into temporary buildings may be required. Although these measures will address capacity issues in the short-term, they do not provide best value and are not viewed as a sustainable approach to meeting an increased demand for school places.

### **3 DETAILS OF THE REPORT**

#### **Context**

- 3.1 The demand for school places is driven by population growth and the borough's housing development. Population growth in Tower Hamlets has continued and remains amongst the fastest in the country. However, in recent years this growth has not translated into the expected increased demand for primary school places. This is due to falling birth rates, changing resident demographics, and the migration of young families out of the borough. Other London boroughs have experienced similar trends.
- 3.2 This has resulted in a significant surplus of places at primary schools in Tower Hamlets in some areas of the borough. Whole estate figures show that primary schools carry a 6.5% surplus at January 2019; with 1656 spare places. The current overall percentage of surplus places in the reception year at primary schools is now at 11%. As a benchmark, it is generally recommended that local authorities in urban areas operate on the basis of a 5% surplus to allow authorities to meet their statutory duty with operational flexibility, while enabling parents to have some choice of schools.
- 3.3 This situation is exacerbated by the stark contrast between number of surplus places at primary schools in the West and those in the East of the borough. Whilst primary schools in the West are continuing to see a rise in their number of surplus places, the majority of schools in the East have maintained steady rolls or even seen increases in their pupil numbers. By 2027/28, the West of the borough is projected to have an overall surplus of around 364 reception places, whilst the East has a projected shortfall of around 162 places.
- 3.4 It is therefore necessary for the LA to manage and support a series of school organisation changes to ensure that the right numbers of primary school places are in the right parts of the borough at the right time. These changes are being developed in collaboration with school leaders and other key stakeholders with the central focus being the need to safeguard high quality provision in our schools, which is well resourced and will enable them to continue to thrive and offer the opportunities that children deserve. The work is being planned and supported through the LA's work with the Tower Hamlets Education Partnership (THEP), which plays a key role in enabling schools to meet the challenge of ensuring that all children and young people in Tower Hamlets achieve the best possible outcomes and flourish through schools working in effective partnerships. The planned approach is outlined in sections 3.11 – 3.20 of this report.
- 3.5 The latest round of pupil projections indicates that the demand for secondary school places will continue to increase, but not at the rate that was projected in previous years. Demand for secondary school places is expected to peak in 2023, before falling slightly and mirroring the current position in primary. The previously agreed plan to develop at least one new secondary school will ensure there are enough places in the medium term as well as allow for any significant school organisation changes, such as the closure or amalgamation of existing secondary schools. It will also enable already agreed development sites to be considered for the purpose of improving the facilities of the existing secondary school estate. The planned approach is outlined in sections 3.21 – 3.27 of this report.

## **Pupil Projections Methodology and Approach**

- 3.6 Tower Hamlets Council commissions school roll projections through the Greater London Authority (GLA), like most other London boroughs. GLA have access to data on all pupils in London (via the National Pupil Database) which enables them to model movements across borough boundaries in a way that would be difficult for an individual authority.
- 3.7 Projections are run each year in March/April using information based on demographic trends (e.g. births, deaths, and migration); the borough's housing development trajectory; and the flow of pupils from their ward of residence (including those out of borough) to each school. Scrutiny on the reliability and accuracy of this information has taken place over recent months and has concluded that the recent figures fall within the tolerances set by the Department for Education (DfE) for total pupils projected and that the methodology for calculating demand for school places is fit for purpose. It ensures that the LA is complying with its statutory duty to provide a school place for every child that wants one, and as far as possible, in the place where the family wants it.
- 3.8 The unprecedented growth in residential developments within Tower Hamlets has not, as yet, yielded the number of children expected in our schools. The LA is therefore being mindful and vigilant of this recent change in demographic, to determine whether this is a short term 'blip' or an emerging trend. A complementary pupil forecasting system is therefore being developed and stress tested, to further improve accuracy within the individual school catchment (planning) areas.
- 3.9 Whilst every effort continues to be made to ensure that the pupil projections presented in this report are robust, projections can be unstable, particularly in the medium to long term (e.g. more than five years into the future). They continue to rely heavily on information about historical trends (e.g. births, migration), which makes them less reliable in times of significant demographic change. Factors, such as the negotiations over Brexit, is already impacting the economy and migration patterns, making this a particularly uncertain time for population and pupil projections in Tower Hamlets and across London.

## **Place Planning Strategy**

- 3.10 Pupil projections are just one of a number of tools used to plan for future school demand. Intelligence sharing between internal departments, the GLA and neighbouring boroughs has taken place to enable a joined up approach. Recognising that pupil forecasting can become skewed, significantly, in times of political and economic change, a responsive and resilient place planning strategy is necessary to ensure best value for Tower Hamlet's children and schools. This flexible approach was recognised by the government's planning inspectorate, following its recent and in depth scrutiny of the Borough's Local Plan.

## **Primary Schools**

### **(a) Review of primary school places**

- 3.11 Primary place planning in Tower Hamlets is split into six planning areas referred to as school catchment areas.

- 3.12 Tower Hamlets had previously experienced a long run of gradual increases in demand for primary school places. Other London boroughs did too. Since 2017, there has been a drop in primary applications followed by a further substantial drop in 2019. The decline in pupil numbers is similar to the experience of most other London boroughs.

|   | 2016/17 | 2017/18 | 2018/19 | 2019/20 |
|---|---------|---------|---------|---------|
| No of Applications Received for Reception | 3405    | 3305    | 3329    | 3169    |

- 3.13 The current round of projections indicate that, numbers in most of the school catchment areas will remain steady up until 23/24, with the exception being that the areas of Poplar and the Isle of Dogs still expect to see significant increases through planned housing developments from 2020 onwards. However, the projections for these two areas need to be viewed with caution as it is evident from the current new developments that the levels of child yield are not as high as previously anticipated.
- 3.14 In last year's report on pupil place planning the council cabinet was informed of the LA's plan to undertake a review of its primary school places. The aim of the review was to identify long-term solutions to reduce the significant number of surplus places in the west of the borough, whilst ensuring that schools remained financially sustainable and able to maintain high quality education. Progress on the review has previously been reported to the Mayor's Advisory Board and also to elected members through two focussed seminars, the members' bulletin and individual letters to the members for the ward constituencies of the schools concerned. As the review reaches its conclusion, parents and the public are being kept informed through the 'Parents Matters' newsletter, direct correspondence from the LA and schools and through the council's dedicated website [here](#).
- 3.15 The initial findings from the review identified that a number of schools were already facing significant declines in their pupil roll and therefore financial challenges. This included some schools having to apply to the LA for a licensed deficit and the LA then having to establish whether or not the school would be able to repay the deficit over the now necessary three year period. In certain cases, it became evident that these schools would not be able to recover to a financial position that would enable the LA to be confident of their long term viability.
- 3.16 The review therefore included an independent consultant working with schools and the diocesan bodies to develop proposals for organisational changes, based on a set of principles agreed with the stakeholder advisory group overseeing the review process. The consultant's report on the first part of this process recommended a new model of school organisation based on 'educational communities'. Under this model, groups of neighbouring schools would work together to reduce the number of school places in their local area as well as optimise their resources and potential to deliver excellent education. It included schools exploring options, such as, amalgamation, hard federation and the possibility of relocation to new primary school sites planned for the pupil growth that is expected in the East of borough. The options also, reluctantly, included the LA and school leaders considering schools closures, in cases where it was evident that the continuance of the school was no longer viable or financially sustainable and, where a decision to keep it open would have a negative impact on pupils' progress and attainment. However, decisions that involve the potential for a school to close will seek to ensure

that the pupil's educational experience is maintained, through the process of an amalgamation with a neighbouring school.

- 3.17 The process of the review was purposely designed to enable school leaders to find their own solutions and work towards these with the support of the LA and the independent consultant. It has therefore provided better options to further develop partnerships and meaningful collaborations between schools, with the opportunity for genuine gains in shared learning and professional development as a result. The key involvement of the Tower Hamlets Education Partnership to complement this approach supports the LA's ambitions as it continues to work towards a productive school system that has professional learning and improvement at its front and centre. The feedback from schools during the process will provide invaluable evidence to inform school organisation and education policy-making going forward.

### **(b) Plans following the outcome of the review**

- 3.18 Below is the current position within each school catchment area and the plans for reducing or increasing the Planned Admission Numbers (PANs) for schools, following the outcome of the primary review:

#### **Catchment Area 1 (Stepney)**

There are currently 840 Reception places available in Stepney. In January 2019 there were 110 (4FE) unfilled places and this is projected to rise to 141 (5FE) by 2027. Plans to reduce this surplus are outlined as follows:

| <b>Plan</b>   | <b>Responsible Agency and Timescale</b>   | <b>PAN Reduction</b>         |
|---|---|------------------------------|
| The amalgamation of Redlands (2FE) and Smithy Street (2FE), whereby Smithy would close and its pupils transfer to Redlands. Redlands would expand to 3FE to accommodate the pupils from Smithy. | The schools' governing bodies have undertaken an initial, informal, consultation with their communities.<br><br>The outcome of the pre-publication consultation will be reported to the Mayor for a decision to be taken in respect of publishing a statutory notice in respect of this proposal, if taken forward. | Reduction of 1FE (30 places) |
| Reduction to the PAN of Cayley School from 3FE to 2FE   | The LA will consult on this change for the start of the next school year.   | Reduction of 1FE (30 places) |
| The amalgamation of Guardian Angels (1FE) and St Anne's RC (1.5FE), whereby Guardian Angels would close and its pupils transfer to St Anne's RC.  | The RC Diocese and school governing bodies are working to initiate a consultation in respect of this proposal. The outcome will be reported to the Mayor for a decision to be taken in respect of publishing a statutory notice in respect of this proposal, if taken forward.                                      | Reduction of 20 places.      |

#### **Catchment Area 2 (Bow)**

There are currently 450 Reception places available in the Bow catchment area. In January 2019 there were 42 (1½FE) unfilled places and this is

projected to rise to 86 (3FE) by 2027. Plans to reduce this surplus are outlined as follows:

| <b>Plan</b>   | <b>Responsible Agency and Timescale</b>  | <b>PAN Reduction</b>           |
|---|--|--------------------------------|
| A reduction to the PAN of Malmesbury School from 2½ FE to 2FE | The LA will consult on this change for the start of the next school year.              | Reduction of 0.5FE (15 places) |
| To reduce the PAN of Olga from 3FE to 2FE                     | The LA will consult on implementing this change for the start of the next school year. | Reduction of 1FE (30 places)   |

### **Catchment Area 3 (Poplar)**

There are currently 890 Reception places available in the Poplar catchment area. In January 2019, there were 44 (1½FE) unfilled places; but with anticipated growth in the pupil population, this area is expected to have a shortfall of 122 places (4FE) by 2027. The current plans to address this potential shortfall are as follows:

| <b>Plan</b>   | <b>Responsible Agency and Timescale</b>  | <b>PAN Increase</b>               |
|---|--|-----------------------------------|
| Increase to the PAN of Mayflower School from 1½ FE to 2FE     | The LA is currently developing its plans to expand Mayflower to ensure the additional capacity can be available from as early 2022.      | An increase of 0.5 FE (10 places) |
| To increase the PAN at St Saviour's CE School from 1FE to 2FE | The LA is working with the London Diocesan Board and the School's Governing Body to develop plans to expand the existing school on site. | An increase of 1FE (30 places)    |

The LA will explore the potential to expand other existing schools in the Poplar area, as and when it can be more certain about the projected levels of child yield resulting from the planned housing developments in this area.

### **Catchment Area 4 (Isle of Dogs)**

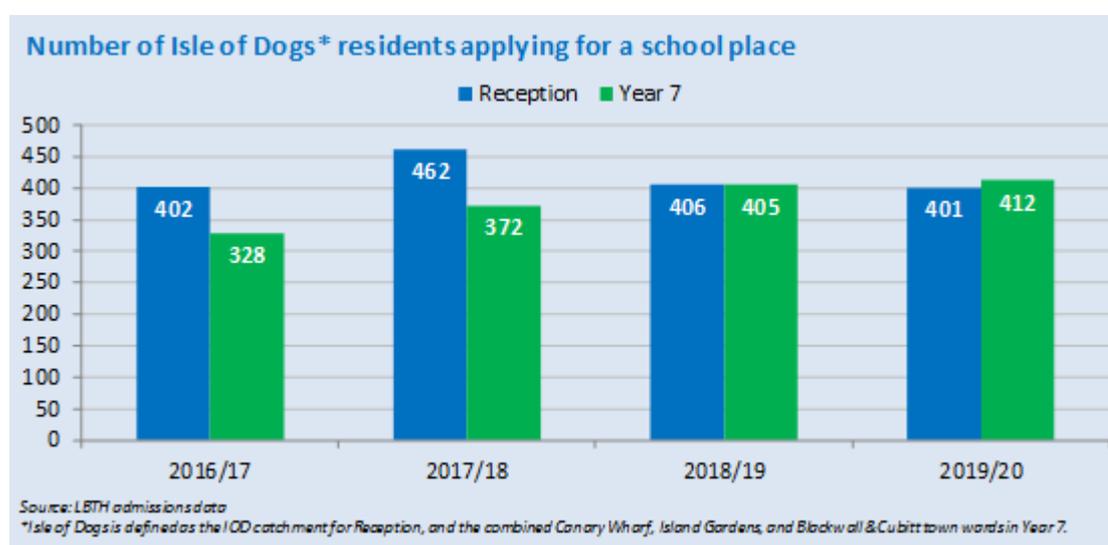
There are currently 441 Reception places available in the Isle of Dogs catchment area. In January 2019 there were 15 (0.5FE) unfilled places. However, with anticipated growth in the pupil population, this area is expected to have a shortfall of 156 places (6FE) by 2027.

The plans to address this potential shortfall are as follows:

| Plan                           | Responsible Agency and Timescale   | Pan Increase                |
|--------------------------------|--|-----------------------------|
| New 2FE School at Wood Wharf.  | Cabinet has already agreed to open this new School from as early as September 2022, subject to the new housing development generating the level of child yield needed to sustain a 2FE primary school from the outset.                                     | Increase of 2FE (60 places) |
| New 2FE School at Millharbour. | LA has taken up the s106 option to develop new 2FE school at Millharbour. The planned timescale for the school to open is September 2025. Cabinet will be asked to approve the funding and arrangements for the delivery of this new school in due course. | Increase of 2FE (60 places) |

The LA is working on the development of further new school sites in the Isle of Dogs area, but in the next 18 months will decide with developers on the precise timescales for bringing these sites forward for 2027. These timescales will be informed and determined by the levels of child yield resulting from the planned housing developments in this area.

It is important that the LA takes a cautious approach to further new school developments in the Isle of Dogs, given that it is clear from the current school admissions data that housing and population growth in this area is not resulting in the expected increased demand for school places. The number of Isle of Dogs residents applying for a Reception place has actually fallen in the past two years, and there has been very modest growth in the number of residents applying for a Year 7 place (see chart below).



The number of schools sites already secured through the Local Plan will therefore provide opportunity and the necessary flexibility to meet fluctuations in demand as well as determine the options for improving the existing schools estate.

### Catchment Area 5 (Wapping)

There are currently 480 Reception places available in the Wapping catchment area. In January 2019 there were 62 (2FE) unfilled places and this is projected to rise to 92 (3FE) by 2027. Plans to reduce the surplus are outlined as follows:

| Plan   | Responsible Agency and Timescale   | PAN Reduction                  |
|--|--|--------------------------------|
| To reduce the PAN of Canon Barnett School from 1½FE to 1FE   | The LA will consult on implementing this change for the start of the next school year.     | Reduction of 0.5FE (15 Places) |
| The LA has not yet fully developed its proposal for the future of Shapla School, but is currently working with school leaders on the potential for Shapla to partner with a neighbouring school, in order to further reduce the surplus in the Wapping area. | The LA will present recommendations for decision by the Mayor in Cabinet in February 2020. | Reduction of 1FE (30 places)   |

### Catchment Area 6 (Bethnal Green)

There are currently 660 Reception places available in the Bethnal Green catchment area. In January 2019 there were 132 (4FE) unfilled places and this level of surplus is projected to continue through to 2027. Plans to reduce the surplus are outlined as follows:

| Plan  | Responsible Agency and Timescale  | PAN Reduction                 |
|---|---|-------------------------------|
| The possible amalgamation of Christchurch (1FE) and St Matthias (1FE) Primary Schools.  | The London Diocesan Board and school governing bodies are working towards implementing this proposal for start of the school year 2021/22. The outcome will be reported to the Mayor in cabinet in February 2020.   | Reduction of 1FE (30 places). |
| To establish a Hard Federation between Hague and Stewart Headlam Schools, whereby the schools would then come under a single governing body. This will include a reduction to the PAN of Stewart Headlam from 2FE to 1FE. | The governing bodies of both schools are currently working towards the schools federating from January 2020 and the LA will consult on reducing the Stewart Headlam intake for the start of the school year 2020/2. | Reduction of 1FE (30 places)  |
| To reduce the PAN of  | The LA will consult on  | Reduction of 1FE              |

|                                       |   |             |
|---------------------------------------|---|-------------|
| Bangabandhu Primary School 2FE to 1FE | implementing this change for the start of the next school year. | (30 Places) |
|---------------------------------------|---|-------------|

- 3.19 The changes to Planned Admission Numbers (PANs) and catchment area capacities will see a reduction of 260 (8.5FE) reception places in the West of the borough and the addition of 160 (5FE) reception places in Poplar and Isle of Dogs catchment areas by 2025. They have been considered in the context of the effects on local provision, including looking at school recruitment patterns and ensuring that the knock-on effects in the adjustment of PANs is considered within the context of the necessary equalities considerations.
- 3.20 The planned capacity for primary schools provided in Appendix 1 do not yet include the proposed PAN reductions, as it is possible that the statutory consultations with stakeholders will further inform the LA as to what is an appropriate and proportionate adjustment to the borough's primary capacity going forward.

## Secondary Schools

### (a) Current position and projected need

- 3.21 Secondary place planning in Tower Hamlets is carried out on a borough-wide basis. Catchment boundaries do not apply and pupils will travel to schools across the borough and, in circa 10% of cases, to out-borough schools.
- 3.22 Tower Hamlets has been experiencing a gradual increase in secondary applications in line with the previous growth in primary as follows:

|  | 2016/17 | 2017/18 | 2018/19 | 2019/20 |
|--|---------|---------|---------|---------|
| No of Applications Received for Year 7 | 2738    | 2878    | 2995    | 3069    |

- 3.23 The current round of projections indicates that, numbers will continue to increase until 2023 before remaining at a steady level through to 2027. However, the LA's plans to meet the projected demand will need to be flexible, given factors, such as, the future sustainability of existing underperforming schools and need to increase and or improve provision in particular parts of the borough.

### (b) Plans to establish new provision and improve the existing secondary schools estate

- 3.24 The council previously agreed plans to establish a new 6FE secondary school at London Dock from September 2022. As this is a new provision it will be established as a Free School and the appointment of the school provider would normally be determined through the process of the 'free schools competition'. However, prior to running a competition, the LA must consider any existing applications from academy sponsors with permission to open a new school in the borough. The Mulberry Schools Trust, which already has approval to open a new school in Tower Hamlets, has expressed its interest in opening its school at London Dock. Subsequent discussions with the DfE have now confirmed that it is the Secretary of State's intention for the Mulberry Schools Trust to be the preferred provider for the school at London Dock. The Trust is therefore being invited to enter into a funding agreement with the DfE who will be obliged to make a substantial contribution towards

the school's building development. Details of the routes for the LA to establish new schools in its area are set out in Appendix 2.

- 3.25 This new school at London Dock will ensure that there will be sufficient secondary places, even when allowing for some of the changes that could result when decisions are determined over the future of existing schools, including the current proposal to consider the closure of Raine's Foundation. However, The planned capacity for secondary schools do not yet include changes that might result from these proposals, because to do so in this report would presuppose the potential decision(s) to be made by the Mayor in cabinet early next year.
- 3.26 The council has also previously stated its intention to develop the site at Westferry Printworks on the Isle of Dogs for a secondary school. It is now evident that there is no longer the need for a new school to be established in order to provide additional places, as this would only result in an over-supply. However, the LA is acutely aware of the need for improved accommodation at both the secondary schools in the Isle of Dogs area. Canary Wharf College Free School is currently on a temporary site and is need of new permanent accommodation. George Green's School is on a site that is no longer considered suitable for the requirements of a modern secondary school curriculum and is therefore also in need of new accommodation. The LA is therefore in discussions with the DfE to find a solution, given the competing priorities and the need to provide high quality education for both sets of pupils. There are currently 300 pupils on roll at Canary Wharf College and 1200 children on the roll of George Greens.

### **(c) Post 16**

- 3.27 The LA through its work with the Tower Hamlets Education Partnership is currently undertaking an assessment of Post 16 secondary school places, focusing on the sufficiency, suitability, supply and location. This will inform discussions between the local authority and schools to address identified issues and gaps. An update on the progress of this work will be reported to the Mayor in Cabinet in the annual school admissions report to be presented to cabinet in February 2020.

### **Specialist Provision (Special Schools, Resource Bases/Alternative Provision)**

#### **(a) Current Position**

- 3.28 Tower Hamlets has high demand for provision for children with special educational needs. In 2019, 4.6% of pupils in Tower Hamlets have an EHC Plan compared with an average of 3.3% in Inner London, 3.1% in Greater London, and 3.1% in England.
- 3.29 The proportion of pupils with EHC Plans in the borough has also risen over the past decade. In 2008, 3.3% of borough pupils had EHC Plans compared with 4.6% in 2019. However, this proportion has remained relatively stable in London and the country as a whole.
- 3.30 A significant proportion of children with EHC Plans will have a complex special educational need or disability that require their needs be met in special schools or resourced provisions set up as dedicated environments within mainstream schools. There are currently 6 special schools, 7 resource bases within mainstream schools and two alternative provision centres.

- 3.31 Projections indicate that the number of pupils with EHC Plans in Tower Hamlets will increase from 2947 in 2019/20 to around 3346 in 2027 – an increase of 11.9%. Projections also indicate that the borough will require over 200 additional specialist places by 2027.

**(b) Plans to Increase Specialist Provision**

- 3.32 Plans are progressing to expand Phoenix Special School from Sept 2020. Work has now started on the redevelopment of the former Bow Boys School at Fairfield Road, E3 to provide the School with additional accommodation. The new site will be used for the Phoenix Upper School (14 – 19). The existing Phoenix site at Bow Road, E3 will operate as its lower school (3 – 13). This will provide up to 144 additional places for pupils in the borough with Autistic Spectrum Disorder.
- 3.33 Plans are in place to expand Beatrice Tate School on its existing site at Southern Grove, E3. Temporary accommodation will be in place by December 2019 to enable the School to accommodate an additional 20 pupils. The LA is also finalising plans for the school to permanently expand to increase its capacity from 75 to up to 130 pupils. This will ensure there will be sufficient secondary and Post 16 places for pupils with Profound and Multiple Learning Difficulties (PMLD), following the earlier expansion of the borough’s primary provision at Stephen Hawking School.
- 3.34 The LA is also reviewing its provision for children with Social, Emotional and Mental Health (SEMH) needs and children requiring Alternative Provision. This work could result in recommendations for new specialist provisions and the existing site allocations will be considered for development if this proves the best option.
- 3.35 Provision for SEND pupils requires input from a number of agencies, the LA is therefore working with health and social care colleagues and especially the Clinical Commissioning Group (CCG) to ensure that there is the necessary planning of services to support the increases in demand going forward. For example, plans to provide sufficient nursing and speech and language therapy for pupils as they move in and through the various specialist provisions.

**4. ADDITIONAL SCHOOL SITES PROVIDED THROUGH THE LOCAL PLAN**

- 4.1 The Local Plan allocates a number of additional school sites to meet the projected need new or improving the existing schools estate. The Local Education Authority supports this approach as it provides the necessary options, flexibility required to manage risk relating to site deliverability and ensures the Council is confident it can meet its legal duty as an education provider, particular in the medium to long term. The rationale for this is set out further in Appendix 3.

| School / Site  | Action   | Decision required   |
|----------------|--|---|
| <b>Primary</b> |  |   |
| Alpha Square   | Alpha Square is a site for a 2FE primary school within the Marsh Wall West site allocation in the north Isle of Dogs, provisionally planned to open in September 2023. Although, the LA has the option to take forward the school, a decision must be made in the context of the LA’s school | To agree that the LA will not to take up the option for a 2FE primary school at Alpha Square. |

|                      |   |  |
|----------------------|---|--|
|                      | <p>place planning strategy and other schemes being developed in the area. Alpha Square is within very close proximity (approximately 300 metres, or a 4 minute walk) to the Millharbour site allocation for a 2FE primary school with a nursery. Projections indicate that the demand for places in this particular part of the Isle of Dogs would not be sufficient to take forward two 2FE primary schools within such close proximity. It is therefore recommended to Cabinet that the LA not to take forward the Alpha Square scheme, unless an alternative education or community use can be agreed.</p> |  |
| Crossharbour         | <p>Site allocation for a 2FE primary school in the Isle of Dogs catchment. Currently in pre-app discussions with the developer who are proposing the option of a 3FE primary school but details have not been confirmed. No indicative timescales for delivery on the site.</p>   | <p>No decision required. Cabinet to note current position.</p> |
| Limeharbour          | <p>Site allocation for a 2FE primary school in the Isle of Dogs catchment. A planning application has now been submitted for this development; however the timescales for delivery have not been determined.</p>  | <p>No decision required. Cabinet to note current position.</p> |
| Reuters              | <p>Site allocation for a 2FE primary school in the Poplar catchment. No indicative timescales for delivery on the site.</p>   | <p>No decision required. Cabinet to note current position.</p> |
| Marsh Wall East      | <p>Site allocation for a 2FE primary school in the Isle of Dogs catchment. No indicative timescales for delivery on the site.</p>   | <p>No decision required. Cabinet to note current position.</p> |
| Millharbour South    | <p>Site allocation for a 2FE primary school in the Isle of Dogs catchment. No indicative timescales for delivery on the site.</p>   | <p>No decision required. Cabinet to note current position.</p> |
| <b>Secondary</b>     |   |  |
| Leven Road Gas Works | <p>Council in negotiation with the developers to safeguard the space for a period of 10-15 years – to enable it to take up the option for a school through the S106 agreement.</p>  | <p>No decision required. Cabinet to note current position.</p> |
| Bow Common Gas Works | <p>Site allocation for a 6FE secondary school. No indicative timescales for delivery on the site.</p>   | <p>No decision required. Cabinet to note current position.</p> |

|                     |  |   |
|---------------------|--|---|
| Billingsgate Market | This site has been allocated for a 6FE secondary school and is co-owned by LBTH and the City of London Corporation. No indicative timescales for delivery on the site. | No decision required. Cabinet to note current position. |
|---------------------|--|---|

### **School Development Funding Streams**

- 4.2 A summary of funding streams available for the development of new schools and improving the existing schools estate is set out in Appendix 4.

### **Schools Estate and Capital Development**

- 4.3 As part of its school organisation plan, the LA will ensure there is sufficient focus on providing a high-quality school estate, based on local area plans that reflect current and projected pupil numbers and take account of the quality of school buildings. Capital resources will need to be identified and made available to support the development and improvement to school buildings when an amalgamation or other significant school organisation change is enacted.

## **5 EQUALITIES IMPLICATIONS**

- 5.1 Access to good quality school places is essential to raising achievement and addressing poverty and inequality in the long term. The reorganisation of school provision and the development of new schools in certain areas of the borough will have a positive impact on all groups by improving accessibility, increasing parental choice and promoting inclusive education.
- 5.2 When the council undertakes its plans to consult on changes to its school organisation, or when it works with the Secretary of State to appoint new school providers, it will seek to ensure that the offer is universally applicable to children and young people of school age and there is no unequal impact on different groups.

## **6. BEST VALUE (BV) IMPLICATIONS**

- 6.1 The report sets out proposals for meeting the need for school places. Proposals include making the best use of existing and future council assets.
- 6.2 Implementation of capital schemes will be subject to competitive procurement. Proposals will be subject to consultation as they are developed and before implementation.

## **7. CONSULTATIONS**

- 7.1 The planned public consultations programme is included as Appendix 5. It follows agreement with schools and advice from the Strategy, Policy and Performance Directorate.

## **8. ENVIRONMENTAL**

- 8.1 The proposals to provide additional school places to meet the needs of the population will be implemented taking account of sustainable design standards and materials. The planned organisational changes to primary

school provision is intended to ensure that children can access a local school place and so minimise impact on travel.

## **9. RISK MANAGEMENT IMPLICATIONS**

- 9.1 The council has a statutory duty to provide sufficient school places. In order to plan to meet this need projections are obtained annually and reviewed each year against the known school capacity. It is clear that the projections indicate that a significant change in the need for places has to be planned for. There may be further variations in the projections so the council has to retain some flexibility in its ability to respond to the need.
- 9.2 The plans required to meet the need for school places can often require the balance of complex and competing considerations, for example for other social infrastructure requirements. Because of the long time that is required to implement projects, decisions need to be taken in sufficient time to plan the use of resources and to identify shortfalls.
- 9.3 The council has to manage the risk of failing to meet its statutory duties by having sufficient options available for implementation to meet the need and by keeping the changing circumstances under review.
- 9.4 The LA is also aware that the primary review could lead to the discontinuance of school sites either through hard federation, amalgamation or closure. Should this prove necessary, the LA will seek to ensure that these sites and/or buildings are retained for use by the council and will work with its partners to facilitate their re-designation for other education and or community service. However, it should be noted that when a school is declared surplus to requirements the LA needs to secure the consent of the Secretary of State to release the site from education use. Priority will be given to PFI schools, due to the financial liability that will be retained by the LA and the schools, including the holding costs of any empty buildings.

## **10. CRIME REDUCTION**

- 10.1 There are no specific implications arising.

## **11. SAFEGUARDING**

- 11.1 The report deals with the Council's approach to providing school places for the local population. The supply of good quality school places contributes to the safeguarding of children by ensuring their early access to education.

## **12. DATA PROTECTION**

- 12.1 Subject to the Mayor's agreement to the plans presented in this document, the LA will undertake a full public consultation on the proposed school organisations changes. All comments received through these mechanisms or made directly to council officers or members will be collected to be included in the analysis of feedback received. Responses will only be used to assess the community's view of the proposals and not for any other purpose.
- 12.2 Tower Hamlets Council will handle information in accordance with the Freedom of Information Act 2000 and the Data Protection Act 2018 and is the data controller for the purposes of the Data Protection Act 2018. For more information the privacy notice for Pupil Services can be accessed [here](#).

### **13 COMMENTS OF THE CHIEF FINANCE OFFICER**

- 13.1 The capital funding streams for the development of the school estate are set out in Appendix 4. The appendix also sets out the current position in respect of specific sites.
- 13.2 Revenue funding for pupils aged 0 to 16 in maintained schools and academies is provided through the Dedicated Schools Grant (DSG). Revenue funding for post-16 students is provided directly by the Education and Skills Funding Agency (ESFA), with top-up funding for students with Special Educational Needs and Disabilities (SEND) coming from the DSG.
- 13.3 Mainstream school funding through the DSG is determined by lagged pupil numbers; so funding for the 2020-21 financial year is determined by pupil numbers in the October 2019 census. The Council and Tower Hamlets Schools Forum will determine how the DSG is to be used to best manage changes in pupil numbers and school organisation. The Forum can decide, on an annual basis, to set aside funding to facilitate growth in mainstream schools and academies and to mitigate the impact of falling roles in eligible schools.
- 13.4 The Growth Fund can be used to fund the start-up costs and offset diseconomies of scale in new and expanding mainstream schools. It can also provide funding for new forms of entry established since the previous October census and for bulge classes. Similar support for special schools would need to be found within the DSG's High Needs Block.
- 13.5 In Tower Hamlets over 92% of the Individual Schools Budget (ISB) was allocated on the basis of pupil numbers and characteristics in 2019-20; this is in line with the National Funding Formula. Changes in pupil numbers therefore have a significant impact on the sustainability of individual schools and unfilled places can destabilise a school's finances. A strategic approach to dealing with schools in financial difficulty is being developed but addressing the underlying problems of capacity is essential to long term sustainability.

### **14 COMMENTS OF LEGAL SERVICES**

- 14.1 Section 14 of the Education Act 1996 places a general duty on local authorities to secure sufficient primary and secondary schools in their area. Schools will be regarded as sufficient if they are sufficient in number, character and equipment to provide for all pupils the opportunity of appropriate education. Reasonable consideration must be given to parental representations regarding the provision of schools in the Council's area. This report sets out how the Council will comply with the sufficiency duty.
- 14.2 Under section 6A of the Education and Inspections Act 2006 and government guidance, there is a presumption that any new school being set up must be an academy or a free school. There is a set process for the identifying the need for a new school. A local authority may seek proposals for a new academy and must inform the Secretary of State of the outcome who will then choose one of the proposers. A competition will be run if that process produces no suitable proposer. Accordingly, normally a local authority will only be able to publish its own proposals for a new community or local authority foundation school if all other reasonable options are exhausted. The proposals in this report to open new schools relate to academies.

### Amalgamating, closing or making significant changes to schools

- 14.3 Under section 15 of the Education and Inspections Act 2006 (“the 2006 Act”), a Local Authority must follow a statutory process if proposing the closure or amalgamation of maintained schools. The School Organisation (Establishment and Discontinuance of Schools) Regulations 2013 must also be followed and the LA must have regard to the statutory guidance “Opening and closing maintained schools.”
- 14.4 The LA or governing body of the school or schools may use a pre-publication consultation to consider a range of options, and the outcome of this must be taken into consideration by the LA in taking a decision about whether to progress to a second, statutory publication phase in respect of a proposal to close a school.
- 14.5 The LA must publish a proposal to expand the pupil numbers of an existing school, if the increase in the planned admission numbers will exceed a prescribed number. The process detailed in the School Organisation (Prescribed Alteration Maintained Schools) Regulations 2013 must be followed for proposals including the expansion of a school, together with separate guidance “Making significant changes (‘prescribed alterations’) to maintained schools”.
- 14.6 In the event that the possible changes that are outlined in the body of the report crystallise into firm proposals, these statutory processes will need to be followed, and the outcome of all consultations must be conscientiously taken into account when taking decisions.

### Employment considerations

- 14.7 The proposal for closure of the school may lead to the staff being made redundant. A dismissal for redundancy purposes is defined in section 139 of the Employment Rights Act 1996 and includes circumstances where an employee is dismissed for reasons wholly or mainly attributable to the fact that the employer has ceased or intends to cease to carry out the business for the purposes of which the employee was employed. By section 135 of the Employment Rights Act 1996 an employee is entitled to a redundancy payment if the employer dismisses the employee by reason of redundancy. Separate consultation with staff regarding any school closure, redundancy situation or amalgamation will be required, if the proposals are taken forward. The school should follow its redundancy and redeployment process (or any adopted diocese or LA process if none is in place).
- 14.8 The impact of TUPE provisions may need to be considered later depending upon the final proposals including decisions about amalgamation.

### Property Considerations

- 14.9 As advised at paragraph 9.4 of the report, in the event that a school is declared surplus to requirements the LA will need to secure the Secretary of State to release the site from educational use.
- 14.10 The process for securing the Secretary of State’s consent is set out in Schedule 1 to the Academies Act 2010. This provides that consent is obtained prior to dispose of any community school land which includes all

land in which a freehold or leasehold interest is held by the LA and which has been used for any school (including any Academy) in the last 8 years.

- 14.11 Government guidance specifies that it is important that LA's are fully aware that there should be no expectation that applications for consent will be approved, irrespective of previous decisions and should not commence any works on the site or anticipate any future proceeds of sale in anticipation of Secretary of State consent being secured.
- 14.12 Further, the disposal and/or change of use of a school site containing any open space land used as a school playing field, by a maintained school, in the last 10 years will require the consent of the Secretary of State's consent in accordance with section 77 of the Schools Standards Frameworks Act 1998. Playing field land is defined as being "*land in the open air which is provided for the purposes of physical education or recreation, other than any prescribed description of land*".
- 14.13 Section 77(6) of the SSFA provides that the general powers of LA's to dispose of land, for best value, contained in sections 123 of the Local Government Act Act 1972 cannot override the s77 prohibition subject to changes of use covered by general Consent Order (No5) 2014.

#### Equality considerations

- 14.14 When deciding whether or not to proceed with these decisions the Council must also have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristics and those who do not (the public sector duty). An Equality Impact Analysis must be completed and considered in detail by decision-makers before progressing proposals in respect of the opening, closure or amalgamation of schools.

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## **Linked Reports, Appendices and Background Documents**

### **Linked Report**

- Report on the Outcome of the public consultation on the proposed closure of Raine's School and the proposed expansion of Oaklands School.

### **Appendices**

- Appendix 1 - School roll projections and summary of methodology
- Appendix 2 - Commissioning new school places
- Appendix 3 - The Local Plan's approach to allocating school sites
- Appendix 4 - Summary of funding streams available
- Appendix 5 - Summary and Timetable for Public Consultations

### **Background Documents – Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2012**

- None

### **Officer contact details for documents:**

Or state N/A