

Non-Executive Report of the: Overview & Scrutiny Committee 30 November 2015	 TOWER HAMLETS
Report of: Debbie Jones, Interim Corporate Director, Children's Services	Classification: Unrestricted
Planning for School Places	

Originating Officer(s)	Pat Watson, Head of Building Development
Wards affected	All

Summary

This report follows up from the scrutiny challenge session on tackling the school places gap – pupil place planning and the impact of academies and free schools which went to Overview and Scrutiny Committee in November 2013. A further report was considered by Overview & Scrutiny Committee on 7 July 2015. This report reviews the progress against the recommendations.

The annual report Planning for School Places – 2015/16 Review was considered by Cabinet on 8 September 2015.

Recommendations:

The Committee is recommended to:

1. Note the contents of this report.

1. **REASONS FOR THE DECISIONS**

1.1 The report notes progress on a previously agreed action plan.

2. **ALTERNATIVE OPTIONS**

2.1 The report is for noting only.

3. **DETAILS OF REPORT**

3.1 In September 2015 Cabinet agreed the annual report on planning for school places. This is available [here](#). The report provides information on the latest school roll projections and actions taken to meet the need for school places.

3.2 The Scrutiny Challenge Session was held in November 2013. The report and action plan were subsequently agreed. The July 2015 report to Overview & Scrutiny Committee gave an update on the action plan at that date. The following paragraphs (3.3 – 3.45) are extracted from the July report with further update comments *in italics* on each recommendation.

3.3 **Recommendation 1: Continue to identify options for expansion of existing schools, whilst retaining existing standards about quality and space.**

3.4 Service comment at action planning stage: This is a priority for the ESCW capital programme to ensure the continuing supply of places. However, the number of suitable sites with capacity for expansion is now very limited and therefore options for expansion of secondary schools are also very limited. The service drew up three actions to support the implementation of this recommendation as follows:

- Continue to review expansion options for schools and consider for inclusion in the ESCW capital programme
- Design briefs for school expansions to continue to include working to BB 98 and 99 standards (i.e. standards applicable before DfE introduced lower standards) wherever possible
- Implementation of school expansions to consider the priority location of schools to meet needs, the management capacity of the school to implement expansion successfully and the site capacity to deliver a cost-effective and good quality school environment.

3.5 Comment from service: Primary school site reviews are ongoing to identify further expansion options. Schemes for inclusion to be identified take account of location, site capacity and cost-effectiveness for extra places provided as well as school management capacity. Viable schemes to be programmed according to available funds and to meet need for places by the appropriate time. Design standard for primary expansions uses BB103 as starting point but is considered flexibly based on existing practice and operation of the school.

- 3.6 *Comment November 2015: Decisions were taken by Cabinet in May 2015 to create 5FE of new primary capacity by development of the Former Bromley Hall School site and the Former site of Bow Boys' School. The places are expected to be available from September 2018. Further options for other sites will be brought forward to meet the programme needs. The options will take account of other capacity being created as part of other development schemes, such as the Wood Wharf site – see below 3.13.*
- 3.7 **Recommendation 2: Prioritise the continuation of procuring and developing sites in the borough for schools, the delivery of which can be supported by funding mechanisms which could include S106 or (in future) the Community Infrastructure Levy. Explore all options for retaining site allocations for community schools maintained by the local authority, as far as possible.**
- 3.8 Service comment at action planning stage: Site allocations for new schools have been achieved, but availability of sites will depend on developers' timetables. The need for seeking additional sites through the strategic planning process will be kept under review. The need for school capacity is included in the Council's IDP (Infrastructure Delivery Plan) which is kept under review. CIL/s. 106 contributions are sought from new residential development and funds used in the ESCW capital programme to provide school places. Operation of any new schools will be considered in accordance with the applicable legislation. The service drew up four actions to support the implementation of this recommendation as follows:
- Work with developers to ensure that the LA secures the ability to develop the allocated sites
 - Ensure IDP reviews include updated school requirements
 - Develop funding strategies for sites to establish delivery programmes
 - Establish operation of new school sites to meet programmes for opening, taking into account where possible the options for expansion of community schools
- 3.9 Comment from service: Outline planning approval has been obtained for Neptune Wharf (primary) and London Dock (secondary) of the site allocations. S.106 agreements have secured the Council's ability to obtain the sites. Development programmes for opening to be confirmed. The Council is engaging with developers for some other allocated sites eg. Westferry Printworks. Additional primary school accommodation is planned in the new Wood Wharf development. In addition, additional primary school accommodation at Millharbour has been submitted, not yet determined. The Local Authority will be providing a financial contribution for school provision at these sites. Potential opening dates of both schools are yet to be confirmed. The use of the former Bromley Hall School site and former Bow Boys' School site for primary provision was agreed by Cabinet May 2015, dates for opening are yet to be programmed. Operation of the extra capacity to be proposed as expansion of existing community schools (subject to consultation and a separate decision-making process).

- 3.10 Between May 2014 and May 2015, £2,399,974 of developers' contribution was secured for school places. Following the adoption of the Council's CIL Charging Schedule, future contributions are likely to come from S106, CIL and other sources.
- 3.11 The Council has updated its Infrastructure Delivery Plan (IDP) as part of the production of the CIL Charging Schedule, which came into force on 1 April 2015. The IDP includes updated references to the need for school capacity and the importance of keeping this under review with our colleagues in CLC.
- 3.12 Strategic Planning are beginning the review of the Local Plan. This will consider the need for future allocations for school sites, and how to manage the need for additional school places if required including consideration of expansion to existing schools. The requirement for additional school capacity has been included in South Quay Masterplan.
- 3.13 *Comment November 2015: The Council is working with the Canary Wharf Group on the details of the proposed primary capacity at Wood Wharf. It is anticipated that this will be available in 2020. The development scheme at 3 Millharbour referred to above has been approved for consent by Strategic Development Committee but there is no programme for implementation at this stage.*
- 3.14 *In both cases at Wood Wharf and Millharbour the developers will provide "shell and core" buildings and the Council will fund and procure the fit-out.*
- 3.15 *A planning application has now been submitted for the Westferry site, including secondary school accommodation. Subject to determination of the application, it is anticipated that the Council will be responsible for the detailed design and procurement of the school.*
- 3.16 **Recommendation 3: Review the provision of information to parents, about the schools admissions process and allocation of places, to ensure it is flexible, user-friendly and understandable.**
- Consult with parents via the Parents Advice Centre project about the current information provided
 - Explore alternative methods and formats, including digital options
 - Re-assess user satisfaction with the information provided after each admissions round.
- 3.17 Service comment at action planning stage: This has been included as a key priority in the 2014-15 Pupil Admissions and Exclusions Team Plan. The Team is in the process of reviewing the provision of information available to parents and preliminary work has taken place to revise the various publications, including information on the Tower Hamlets website. The service drew up three actions to support the implementation of this recommendation as follows:
- A review of existing publications and online information was introduced to parents at the Parent Carer Council (PCC) meeting held by the Parent & Family Support Team, on 8th March 2014.

- The PCC to review the Primary and Secondary brochures.
- Additional workshops will be held to ensure there is wider engagement from parents to capture their views.
- The outcome of this exercise and other planned meetings will be used to make improvements on the publications and information available to parents to ensure that information is clear; user friendly and offers clarity on policy and procedures

- 3.18 Comment from the service: The actions from the workshops held with Parent Carer Council (PCC) in March 2014 formed the basis of the content of the 2015/16 school admissions guidance for parents. The school admission brochures were rewritten to make them less text heavy and flow-charts and visual aids were included to clarify the processes and guidance for parents. The PCC again reviewed the school admission brochures and other guidance this year (March 2015) and welcomed the improvements, including the online admissions guidance and visual aids.
- 3.19 The Admissions Forum has produced guidance for own admissions authority schools. The purpose of this guidance is to ensure that admissions arrangements for these schools are compliant with the School Admissions Code. The guidance recommends procedures and other good practices that serves the needs of the local community in line with local issues. The Working Group consists of representatives from parent governors; community groups, schools and Diocesan representatives.
- 3.20 Essential statutory guidance and other related information must be included in the brochure, which limits the amount of changes that can be made. However Pupil Services is providing interactive options through the school admissions website to seek to ensure that information is easily accessible and user friendly. Parent advice sessions are held throughout the borough in schools and other accessible locations in the autumn to raise awareness and share information so that parents can make informed decisions when applying for school places. This work is being done in conjunction with the Parental Engagement Team.
- 3.21 The 2015/16 applications round saw a significant increase in the number of online applications for Primary and Secondary schools. There were also fewer enquiries from parents' post-offer day. Tower Hamlets continues to be in the top 10 London Boroughs when meeting parental preference. This is indicative that parents are able to make informed and realistic choices. Where they have not received an offer at their preferred schools, parents had a better understanding of how the decisions were made and the further school options available. It should also be noted that there has been a significant decrease in the number of school admission appeals lodged since 2013. The total number of appeals received last year represented a 46% reduction over a two year period.
- 3.22 With regard to consulting with parents about the current information provided: Pupil Services continues to develop a robust mechanism for receiving regular

input from the Parent and Carers Council, parental representatives on the School Admissions Forum and parents in general. This has included focus groups and user surveys giving insight into how parents experience the school admission process, ranging from the quality and clarity of information, contact with the School Admissions Team and the helpfulness of the various publications and online facilities.

- 3.23 Planned improvements to the service or publications are reported back to the parent groups through the PCC and the Parent Matters newsletter, which is widely distributed.
- 3.24 With regard to exploring alternative methods and formats, including digital options: Through the process of gathering information from its service user questionnaire and through regular meetings with the PCC, Pupil Services has introduced a range of measures to encourage and support parents in using online facilities. This has included a leaflet giving guidance on making online school admission applications as well as local advice surgeries providing the facility and assistance to parents to complete their school applications online. This has resulted in a significant increase in the take up of online services, which has been externally verified. Online applications for secondary schools have increased from 34% last year to 59% this year; for primary schools there has been an increase 44% to 58%.
- 3.25 Pupil Services is continuing to explore new ways to encourage more families to access online facilities, with the aim of providing a wider range of online facilities that are user friendly and accessible. The Authority has also introduced a dedicated website to alert parents to changes in the school admission process; help their understanding of how decisions on nursery and primary school admission are made; as well as provide an interactive tool for parents to find information on the schools in the catchment area for their address and the likelihood of gaining a school place at a particular school: [Community primary and nursery schools admissions arrangements](#)
- 3.26 The interactive website facility is being further developed to provide more detailed information about schools and extended services in the local area. However, it has become necessary to explore additional resourcing streams in order maintain this progress and provide further online services, including the facility for parents to apply online at times other than at the normal points of school entry. The 2015 Equalities Impact Assessment is available on our website: [School admissions](#)
- 3.27 Pupil Services continues to hold roadshows across the borough to raise awareness of both primary and secondary school admissions process. The sessions are held at times and in locations to enable as many parents as possible to access advice and support. There is regular collaboration with the Parental Engagement Team to support these sessions and enable their success.
- 3.28 Further collaborative work is being undertaken with the Family and Parent Support Team with Pupil Services funding the appointment of appointment of

two Transition Officers whose primary purpose is to promote parental engagement in the school admissions process and raise awareness of policy changes.

3.29 With regard to re-assessing user satisfaction with the information provided after each admissions round: Pupil Services, in conjunction with the Council's Parental Engagement Service and Communications Team, introduced an ongoing questionnaire to obtain feedback from service users on their experience of the school admissions process. The responses are coordinated by the Family and Parent Support Team and the results shared with the Parent Carers Council and School Admissions Forum, a group representative of all the key stakeholders in the school admission process. The findings from the survey followed by the outcome of its analysis with these representative groups provide the basis for the Authority's forward planning for improvements in service delivery. The record of discussions and outcomes are publicised in the minutes from the meetings of the Parent Carers Council and Tower Hamlets School Admission Forum http://www.towerhamlets.gov.uk/lgs/1-50/17_schools/school_admissions/admissions_forum.aspx. In addition the Service is also working with the parental engagement service to ensure that vulnerable families receive support throughout the school admission process. Impact on services users is monitored through survey evaluations and periodic Equality Impact Assessments.

3.30 *Comment November 2015: The Council is currently undertaking a public consultation on its school admission arrangements for 2017/18:*

http://www.towerhamlets.gov.uk/lgn/council_and_democracy/consultations/school_admissions_consultation.aspx.

An analysis of the responses and recommendations will be presented to Cabinet in February 2016.

3.31 **Recommendation 4: Provide more information and in a timelier fashion to Members about pupil places and admissions criteria to support them in dealing with residents' queries, especially on the day school places are announced.**

- Provide information at ward level and borough-wide
- Provide information about the process at application time
- Provide summary information about the process and information on outcomes at decision time (for both secondary and primary places)

3.32 Comment from service at action planning stage: The policies for Primary and Secondary admissions have already been presented to Members. The paper included information on the application procedure and how offers of places are determined. The service drew up three actions to support the implementation of this recommendation as follows:

- Information on the breakdown of offers by Council ward and borough wide is provided to Council Members after each admissions round. This includes information on parental preference outcomes and the planned

arrangements for children who have not been offered places at the preferred school(s).

- Information on the policy and process will be provided to Council Members before the start of each admissions process.
- Reports with a breakdown of how places were offered, clearly explaining the policy and tie-break used to make offers will be presented to Members.

3.33 *Comment from the service November 2015: A breakdown of outcomes by Council ward and parental preference for both the 2015/16 secondary transfer and primary coordination exercises were provided to Members via Council bulletins in March and April 2015, including an analysis of Tower Hamlets performance as compared with the other 32 London Boroughs.*

3.34 *For secondary school admission in September 2015, 74 per cent of Tower Hamlets children received a place at their first preference school compared to an average of 67.5 per cent across London. With regard to a place at one of their top three preferences of secondary schools, the figures are 94 per cent for Tower Hamlets and 88 per cent London-wide. For primary school children for admission for September 2015, the outcome was 94.8 percent gaining a place at one of their top three choices compared to the London average of 92.6 per cent.*

3.35 *Information on the policies for school admissions in 2015/16 were presented to Members in September 2015. The publications included advice on the application procedure; how offers of school places were determined and who parents should contact in the case of query.*

3.36 *Members have been invited to participate in the Authority's consultation on school admission arrangements for the 2017/18 academic year via the Member Bulletin in November 2015. Consultation was for Tower Hamlets community schools (nursery, primary and secondary schools. A report advising of the outcome of the consultation on school admission arrangements for 2017/18 together with recommendations will be presented to Cabinet in February 2016.*

3.37 **Recommendation 5: Pursue efforts to bring free schools and academies within the strong family of community schools, supported by the local authority:**

- **Prioritise the development of a formal agreement with free schools and academies, to ensure they deliver education in line with the Council's values around admissions, curriculum and standards**
- **Seek Members' input to the draft 'Working with Academies and Free Schools protocol' prior to publication**
- **Where new schools are agreed, continue to build positive relationships with them at the Member and officer level and sell the benefits of the family of schools, including council services on offer.**

3.38 *Comments from the service at action planning stage: The Council facilitates network meetings for head teachers to ensure they are kept up-to-date with policy and other developments in Tower Hamlets. All head teachers, including*

those from academies and free schools, are invited to these meetings. In addition, the Council provides a weekly e-bulletin during term time to heads and academy and free school heads are invited to subscribe to this.

- 3.39 In addition to the free support the Council can provide a range of support services to academies and free schools on a traded basis and there are a fair amount of services which are already bought in by these schools. The Council also provides a named link for each academy/free school from its school improvement team.
- 3.40 With regard to prioritising the development of a formal agreement with free schools and academies, to ensure they deliver education in line with the Council's values around admissions, curriculum and standards: Operationally we have a draft protocol which we look to adopt with academies and free schools. This sets out both sides' responsibilities and the Council's expectations about how these schools will work with us in relation to admissions, safeguarding, data sharing etc. However, we cannot enforce sign up to the principles in the draft document.
- 3.41 With regard to seeking Members' input into the draft 'working with academies and free schools protocol' prior to publication: Service comment at action planning stage: This is a draft document which guides us operationally. It could become more formalised with Member input. One action was drawn up to support the delivery of this recommendation:
- Engage the Lead Member and Scrutiny Lead for children in the draft protocol
- 3.42 With regard to where new schools are agreed, continue to build positive relationships with them at the Member and officer level and sell the benefits of the family of schools, including council services on offer: Comments from the service at the action planning stage: The intention through the draft Working with Academies and Free Schools protocol is to do exactly this. In addition, these schools are invited to be part of the borough's family of schools through attendance at termly heads meetings and subscription to the e-bulletin etc. The following action was drawn up to support this recommendation:
- Hold early discussions with any new academy or free school about the support the Council can provide and how they can be part of the family of schools
- 3.43 Comment from service: This recommendation has not been progressed. This is partly because of the substantial senior management and organisational changes within the ESCW Directorate; services have been prioritising the Business As Usual activities. In addition, a new Education and Adoption Bill 2015-16 which is currently passing through the House of Commons. The Bill is making provision about schools in England that are causing concern, including provision about their conversion into Academies and about intervention powers; and to make provision about joint arrangements for carrying out local authority adoption functions in England. The Learning and Achievement Service will have to identify steps forward to progress this recommendation in the light of the changes in the Bill. This recommendation

will be revisited once staffing and organisational changes have been embedded.

- 3.44 *Comment November 2015: Action on this is now being taken forward as part of the work to investigate the Tower Hamlets Schools Partnership. This is a schools-led approach which aims to promote and extend existing joint working. The value of the existing partnership and collaborative working arrangements are recognised and valued. The Partnership proposal seeks to establish an organisational vehicle to embed a more formal organisation.*
- 3.45 *The School Admissions Forum has produced guidance for Academies when determining or reviewing their school admission arrangements. The purpose of this guidance is to ensure that these schools serve the interests of local children by adopting policies and practices that are congruent with the Tower Hamlets principles of fairness and transparency and those set down in the School Admission Code*

4. COMMENTS OF THE CHIEF FINANCE OFFICER

- 4.1 Meeting the Authority's statutory duty with regard to providing sufficient school places will require significant additional resources. The cost of a form of entry (fe) for primary will range from £5.5m - £6m (the latest report to Cabinet in September 2015 suggested that an additional 7 primary FE would be needed over the next ten years) and a secondary FE will range from £5m to £6m (with an expected 20 FE required over the next ten years). This pointed to a ballpark range of £140m - £162m at current prices to fund the additional capital costs over the next ten years. This excludes potential costs for additional 6th form and SEN provisions referred to in the report.
- 4.2 Capital funding from the Department for Education will assist, as will the creation of additional places through the establishment of free schools. Nonetheless, DfE capital does not necessarily cover London costs, nor does it cover site acquisition costs. The LA has s.106 contributions which were paid prior to April 2015, when they were replaced by the Community Infrastructure Levy (CIL) for "Public Education Facilities" which can be used to support the provision of additional education facilities arising from new housing developments. However, the flow of contributions depends on development activity so is outside the Council's control.
- 4.3 The revenue consequences of additional pupils will in most cases be met from additional Dedicated Schools Budget, which varies according to pupil numbers. At present there are General Fund costs in the region of £0.6m associated with transporting (or providing travel support) for individual pupils where school places are not nearby. Changes to the admissions arrangements will ease that pressure, as will any efforts to provide additional school places.

5. LEGAL COMMENTS

- 5.1 The Council is required by section 9F of the Local Government Act 2000 to have an Overview and Scrutiny Committee and to have executive arrangements that ensure the committee has specified powers. Consistent with this obligation, Article 6 of the Council's Constitution provides that the Overview and Scrutiny Committee may consider any matter affecting the area or its inhabitants and may make reports and recommendations to the Full Council or the Executive in connection with the discharge of any functions. It is consistent with the Constitution and the statutory framework for the Executive to provide a response and it is reasonable for the Committee to be provided with progress updates.
- 5.2 The Council has a duty under the Education 1996 to secure that sufficient schools are available for Tower Hamlets. 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. Appropriate education means education which offers such variety of instruction and training in view of pupils' different ages, abilities and aptitudes and the different periods for which they may be expected to remain at school, including practical instruction and training appropriate to their different needs.
- 5.3 The development and delivery of new sites for schools in the Borough could be wholly or partly funded by s106 contributions secured by agreement prior to April 2015. Subsequently, the Council's Community Infrastructure Levy (CIL) was adopted in April 2015. The Council's CIL Regulation 123 List, lists "Public Education Facilities" as one of several types of infrastructure that the Council intends will be, or may be, wholly or partly funded by CIL.
- 5.4 In the exercise of its functions, the Council must, in respect of the public sector equality duty, eliminate unlawful conduct under the Equality Act 2010, have regards to equality of opportunity and the need to foster good relations between persons who share a protected characteristic, including ethnicity, and those who do not. Regard has been paid to the Council's equality duty in the preparation of this report and it is considered that there are / are no implications for the Council.
- 5.5 s.6 Human Rights Act makes it is unlawful for a public authority (which includes the Council) to act in a way which is incompatible with a Convention right. "Convention" means the European Convention on Human Rights, certain parts of which were incorporated into English law under the Human Rights Act 1998.

The proposals in this report support Article 2, PART II OF THE FIRST PROTOCOL - *Right to education which states;*

"No person shall be denied the right to education. In the exercise of any functions which it assumes in relation to education and to teaching, the State

shall respect the right of parents to ensure such education and teaching in conformity with their own religious and philosophical convictions.”

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 The Council has a statutory duty to provide sufficient school places. It has to fulfil that duty within the changing context of academies and free schools, including where schools have been agreed for opening by the DfE outside the local programme for places.
- 6.2 The LA has a duty to ensure diversity of provision to enable parents to express their preference for a school place. Commissioning of school places is universally applicable to children and young people of school age and there is unlikely to be unequal impact on different groups.

7. BEST VALUE (BV) IMPLICATIONS

- 7.1 The report supports the Best Value duty by monitoring progress against a number of recommendations which aim to secure improvement, informed by consideration of economy, efficiency and effectiveness.

8. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 8.1 There are no specific implications arising from the recommendations of this report

9. RISK MANAGEMENT IMPLICATIONS

- 9.1 The Council has procedures in place to monitor the supply of school places and the need for places. The reviews by Overview & Scrutiny Committee are part of the overall risk management of the Council's fulfilment of its duties.

10. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 10.1 There are no specific implications arising from the recommendations of this report.

Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- NONE

Local Government Act, 1972 Section 100D (As amended)

List of “Background Papers” used in the preparation of this report

List any background documents not already in the public domain including officer contact information.

- NONE

Officer contact details for documents:

- N/A