


Cabinet 23 July 2014	 TOWER HAMLETS
Report of: Overview and Scrutiny Committee	Classification: Unrestricted
Tackling the School Places Gap: pupil place planning and the impact of academies and free schools – scrutiny challenge session	

Lead Member	Councillor Gulam Robbani, Cabinet Member for Children's Services
Originating Officer(s)	Vicky Allen, Corporate Strategy and Equality
Wards affected	All Wards
Community Plan Theme	A Great Place to Live: Improve educational aspiration and attainment
Key Decision?	No

Executive Summary

The report submits the report and action plan in response to the review recommendation so the scrutiny challenge session on tackling the school places gap: pupil place planning and the impact of academies and free schools.

Recommendations:

The Mayor in Cabinet is recommended to:

1. Consider this report of the scrutiny working group and agree the action plan in response to the review recommendations.

1. REASONS FOR THE DECISIONS

- 1.1 The lack of future school places has featured heavily in the news recently. While this is a London-wide issue, it is particularly significant in Tower Hamlets, as our borough has one of the fastest growing young populations in the country. Members are also acutely aware of parents' concerns about the growing school places gap.
- 1.2 As such, Overview and Scrutiny wanted to investigate how the council is currently managing school places in the borough and whether more needs to be done to both meet the growing gap and enable parents to navigate the system appropriately. Members wanted to understand the key national and local pressures on school places, relevant policy levers and restrictions, what steps the local authority has already taken and what other opportunities are available to expand school provision.

2. ALTERNATIVE OPTIONS

- 2.1 To take no action. This is not recommended as the proposed recommendations are strategic, measurable and attainable, and clearly address the council's need to better communicate its decision making with residents and Members. A timetable for delivering the recommendations has also been agreed by officers at the most senior levels of the organisation. The action plan is outlined in appendix 1.
- 2.2 To agree some, but not all recommendations. As outlined above all of the recommendations are achievable at little additional cost to the organisation. Although the scrutiny review group is confident all the recommendations will be addressed, there may be reasons for not accepting all of them.

3. DETAILS OF REPORT

- 3.1 The challenge session was held in November 2013 to investigate whether the council's pupil place planning arrangements are effective and what more can be done to meet the school places gap. This issue was identified as a priority piece of work by OSC in light of parents concerns to Members about the growing problem.
- 3.2 The objectives of the challenge session were therefore to answer the following questions:
 - What measures has the local authority put in place to plan for school places?
 - How is national policy impacting on the options open to the local authority?
 - How do we work with schools which are their own admissions authorities to improve accessibility of school places?
 - What more can the council do to ensure the pupil place planning arrangements are effective to meet the gap in school places?

- 3.3 Members concentrated on finding out about provision of school places in three main respects: provision of a sufficient number of places; ensuring places are in the right place geographically; and giving families appropriate choice of different types of places.
- 3.4 The review acknowledged that local authorities faced a number of tensions in meeting the school places gap which make short and long term planning pupil place planning very challenging. The five recommendations arising from the challenge session concentrate on improving information for both parents and Members, continuing to seize opportunities for expansion and procurement of new sites and proactively engaging with new schools that are approved in the borough.
- 3.5 The report with recommendations and the action plan response from the directorate is attached as **Appendix One**.
- 3.6 Once agreed, the Working Groups report will be submitted to Cabinet for a response to the recommendations.
- 3.7 The report is attached as Appendix A. The review makes eight recommendations to improve this area of council work:

Recommendation 1

Continue to identify options for expansion of existing schools, whilst retaining existing standards about quality and space.

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

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.

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)

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

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 £4.5m - £5m (the latest report to Cabinet in September 2013 suggested that an additional 20 primary fe would be needed over the next ten years) and a secondary fe will range from £3.5m to £4m (with an expected 30 fe required over the next ten years). This pointed to a ball-park range of £195m - £220m to fund the additional capital costs over the next ten years.
- 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.
- 4.3 The recommendations in the report have no direct financial implications, but will assist in the strategy for resourcing the required additional places, each of which will have different circumstances and costs.
- 4.4 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 £1m 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. LEGALCOMMENTS

- 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.

- 5.2 The recommendations addressed in the action plan appear capable of being carried out within the Council's statutory functions.
- 5.3 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.
- 5.4 Section 14(3A) of the Education Act 1996 requires the Council to secure diversity of provision of schools and increasing opportunities for parental choice. The Council must consider and respond appropriately to parental representations about school provision in relation to its functions under section 14 of the Education Act. The Council should give reasonable consideration to parental representations regarding the provision of schools in their area including outlining any proposed action to meet concerns raised about such provision.
- 5.5 The Council is the admission authority for all community and voluntary controlled schools in Tower Hamlets. Section 88C of the School Standards and Framework Act 1998 requires the Council in its role as admission authority to determine the admission arrangements that will apply in line with regulations and the mandatory requirements of the School Admissions Code. The Council administers a co-ordinated scheme for all Tower Hamlets schools, including academies and free schools and the recommendations in the action plan for further work with academies and free schools seem consistent with this.
- 5.6 There does not seem to be an obstacle to the Council seeking better ways to inform parents and members about the admission arrangements as recommended. The School Standards and Framework Act 1998 places a duty on the Council to provide advice and assistance to parents when deciding on a school place and allow parents to express a preference. For each school year the local authority must publish prescribed information about the admission arrangements for each of the maintained schools in its area.
- 5.7 The observations in Appendix 1 correctly reflect the limitations on the Council in seeking to bring free schools and academies within the family of schools supported by the Council.

- 5.8 When considering the recommendations in Appendix 1, the Council must 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 characteristic and those who don't.

6. ONE TOWER HAMLETS CONSIDERATIONS

- 6.1 Tower Hamlets is the fastest growing local authority in the country so ensure there are enough school places remains a key challenge. With approximately 263,000 residents, the borough's population has increased by around 25% over the last 10 years. The borough also has a higher than average young population, and growth in demand for school place is anticipated to grow at a faster rate than was previously projected. Current projections suggest that demand for reception places will increase by 23% over the next 10 years and by 44% for secondary school places.
- 6.2 Whilst councils retain the duty to ensure that all pupils living within the local authority are guaranteed a school place, their ability to influence the number of suitable school places available has become more restricted due to Government legislation.
- 6.3 A key objective of the challenge session is to explore how the council engages own-admissions schools in order to ensure it can meet this statutory duty. Members were pleased to hear about the work the service does with Free Schools and Academies to get them to support some key joint principles for educating pupils in the borough, with the majority of Free Schools and Academies following the council's admissions policy. This has ensured that the admission arrangements are fair and accessible as well as serving the needs of local residents.

7. SUSTAINABLE ACTION FOR A GREENER ENVIRONMENT

- 7.1 There are no direct environmental implications arising from the report or recommendations.

8. RISK MANAGEMENT IMPLICATIONS

- 8.1 There are no direct risk management implications arising from the report or recommendations. Risks relating to the recommendations will be monitored through the council's corporate risk register and directorate risk registers. Risks are assessed for likelihood and impact, and will have responsible owners and programmes of mitigating actions.

9. CRIME AND DISORDER REDUCTION IMPLICATIONS

- 9.1 There are no direct implications of crime and disorder as a result of the recommendations of this review.

10. EFFICIENCY STATEMENT

10.1. The scrutiny review group met with council officers to ask them what the council should concentrate on to add value to the pupil place planning agenda. Through the challenge session, it became clear that the local authority is operating within a very restricted framework, as national policy prevents councils from setting up new community schools, while local policy opposes the development of academies and free schools. Members identified a number of recommendations:

- proactively identifying new sites for schools;
 - reviewing and improving information available to parents and Members; and
 - working with schools to encourage them to work closely with the council.
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Linked Reports, Appendices and Background Documents

Linked Report

- NONE

Appendices

- Appendix 1: Tackling the School Places Gap: pupil place planning and the impact of academies and free schools – report of the scrutiny working group and action plan.

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

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Officer contact details for documents:

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