

Cabinet 24 November 2021	
Report of: James Thomas, Corporate Director, Children and Culture	Classification: Unrestricted
Planning for School Places 2021/22 Annual Update	

Lead Member	Councillor Asma Begum, Cabinet Member for Children
Originating Officer(s)	Terry Bryan, Service Head (Pupil Access and School Sufficiency)
Wards affected	All wards
Key Decision?	Yes
Reason for Key Decision	Significant impact on wards
Forward Plan Notice Published	8 October 2021
Strategic Plan Priority / Outcome	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 informs and seeks decisions from cabinet on:

- the latest position and the projected demand;
- action taken to reduce the numbers of primary school places in areas of surplus;
- plans to increase places in areas of projected increased demand;
- the current progress of school development sites; and
- decisions on school organisation changes required to support the sustainability of existing provision.

Recommendations:

This report summarises the action the council has taken, or is planning, to monitor and manage the supply of school places. Cabinet is therefore recommended to:

1. note the latest five to seven year pupil place projections for the Tower Hamlets area, prepared in conjunction with the Greater London Authority and in consultation with neighbouring local authorities;
2. note the progress made and latest position in relation to:
 - supply of primary school places in the borough;
 - the plans and options for future school developments to meet the need for additional primary places in the east of the borough;
 - the progress of the development of the new Mulberry Academy Secondary School at London Dock for September 2023;
 - the progress of the development of the site at Westferry Printworks to serve as a new building for Canary Wharf College 3 Free School;
 - the progress and plans for the rebuild of George Green's Secondary School;
3. agree the recommendation for a statutory notice to be issued for the proposed amalgamation (merger) of Old Church Nursery and Marion Richardson Primary Schools (paras 3.26-3.32).
4. note the specific equalities considerations as set out in Paragraph 5 and Appendix 3.
5. note that the content of this report aligns with the functions of the council as a Local Planning Authority, and the approach taken to make best use of the current allocation of school sites in the Local Plan.

1 REASONS FOR THE DECISIONS

- 1.1 The council has a statutory responsibility to ensure there are sufficient school places available for children and young people in the right areas and at the right time to meet demand, whilst maintaining a focus on high quality education as well as enabling a culture of high performing and financially sustainable schools. This includes both maintained and academy schools.
- 1.2 There is also the requirement to address both deficit and surplus places across the school estate. It is therefore essential to consider how to organise schools for the efficient and effective delivery of education. Any financial additionality which results from significant change to the schools estate is redistributed to schools through the funding formula.
- 1.3 Proposals to provide school places will often require long-term planning to implement (e.g. opening a new school or expanding an existing one). Evidence about the projected need for places must therefore be robust and reviewed regularly, in order to identify emerging need and new projects to inform the council's sufficiency strategy.

2 ALTERNATIVE OPTIONS

- 2.1 If the council is not able to establish new school places 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 can address capacity issues in the short - term, they do not provide best value and should not therefore be viewed as a sustainable approach to meeting increased demand for school places.

3 DETAILS OF THE REPORT

Context

- 3.1 The demand for school places is driven by pupil population growth, migration levels and housing development. Currently, this growth is not translating into the anticipated levels of increased demand for school places. This is due to falling birth rates, changing resident demographics, and increased migration out of the borough that is occurring prior to children starting the reception year.
- 3.2 There is now considerable variation in the demand for school places across Tower Hamlets and London, which makes it harder to draw conclusions on an overall picture of demand. Whilst the overriding trend has been towards a growing surplus of places, some areas of Tower Hamlets i.e. Poplar and Isle of Dogs have seen rises in their pupil population and this is expected to continue, but at a much lower level than previously predicted. The current round of pupil projections for Tower Hamlets is provided below.
- 3.3 With these fluctuations in the pupil population it has been necessary for the council to plan, manage and support a series of school organisation changes and new building developments to ensure that the right numbers of school places are in the right parts of the borough at the right time. The planned approach and the progress being made is presented later in this report.

Tower Hamlets School Profile

- 3.4 There are 96 schools in Tower Hamlets. This includes 66 primary schools (including 6 infant and junior schools), 18 secondary schools. 7 special schools (including 2 alternative provisions) and 5 maintained nurseries¹.

Primary (including maintained nursery)

	Primary	Infant/Junior	Nursery
Community/Voluntary Controlled	33	6	5
Voluntary Aided	15	0	0
Academy/Free School	12	0	0
Foundation	0	0	0
Total	60	6	5

Secondary

	Secondary (11 -16)	Secondary (11-19)	UTC (14-19)
Community/Voluntary Controlled	0	6	0
Voluntary Aided	1	3	0
Academy/Free School	3	4	1
Foundation	0	0	0
Total	4	13	1

Special

¹ Harry Roberts Nursery will amalgamate (merge) with Ben Jonson Primary School from the 1 January 2022.

	Primary	Secondary	All-Through (3-19)	AP/Hospital
Community	1	2	1	1
Academy/Free School	0	1	0	1
Total	1	3	1	2

AP: Alternative Provision

- 3.5 The council retains a responsibility to plan school places for children aged 5 to 16 within its area – this includes all state-funded schools regardless of type or control.
- 3.6 Post-16 place planning is not a duty for the council and is not specifically examined in this report. However, when reviewing secondary provision, the impact of any change on the availability of post-16 places needs to be considered.
- 3.7 This report does consider the sustainability of the borough's maintained nursery schools and an update of the work being undertaken in this area is included in this report.
- 3.8 Other early years provision is not included in this report as the council has a separate statutory duty under the Childcare Act 2006 to ensure there is enough childcare for families in the area. The responsibility for meeting this duty is carried out within a separate framework and outlined as part of the [Council's Childcare Sufficiency Assessment](#).

School Place Planning Areas

- 3.9 All local authorities are required to identify place planning areas. For primary school place planning purposes, Tower Hamlets is divided into six planning (catchment) areas as shown in the map at Appendix 1. For secondary schools, Tower Hamlets is a single planning area.

Pupil Numbers Forecasting (Projections Methodology and Approach)

- 3.10 Tower Hamlets Council commissions school roll projections through the Greater London Authority (GLA), along with 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 local authority. Projections are run each year in May 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.
- 3.11 Pupil projections are becoming increasingly difficult, given the factors contributing to current migration levels and the further uncertainty of the impact of the Covid-19 pandemic on London's population. The council uses six sets of pupil projections based on high, medium and low migration; and on a one year or four year historical reference. Historically, the medium migration sets were considered the most reliable as it produced a higher yield of pupil place projections consistent with previous borough growth patterns. However, in recent years the council has decided to change to a new model based on the high migration set, which produces a more modest pupil growth projection in line with current local and national trends. This migration set has been further adjusted in view of the early impact of the Covid-19 pandemic across London.
- 3.12 Tower Hamlets, being a densely populated urban area experiencing high mobility alongside large scale housing development, is now accustomed to degrees of

variability in its pupil projections work. The pupil place planning strategy, although reasonably ambitious, exercises the necessary caution and flexibility to manage these challenges and mindful of the expectations of the various stakeholders.

Primary School Places

(a) Current Position and Projected Need

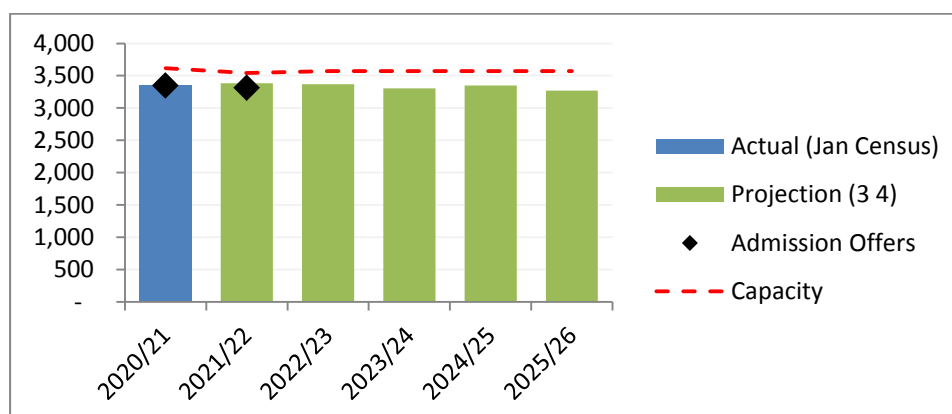
- 3.13 In the ten year period up to 2016/17 the overall demand for primary school places rose, year on year, from just over 3000 to above 3400. This number dropped significantly to a low of 3169 in 2019/20, but has recovered to numbers above 3300 in the past two years.

Fig 1.

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
No. of Applications for Reception Places	3405	3305	3329	3169	3348	3311

- 3.14 The latest round of borough projections indicate that the primary pupil population will slightly decrease throughout the next period, with the fall in demand in the west of the borough being somewhat counterbalanced by the rise in the east. The following assessment of each planning area gives greater insight in the variability across the individual areas of the borough. Within each planning area there is also the variability in parental preference with some schools filling all or most of their places, whilst others are significantly undersubscribed. This volatility in demand is expected to be exacerbated by the effects of the Covid-19 pandemic, being experienced by local authorities across London.

LBTH School Roll Projections for Reception		2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
Actual (Jan Census)		3,347					
Projection (3 4)			3,386	3,371	3,302	3,349	3,271
Admission Offers		3,348	3,311				
Capacity		3,616	3,541	3,571	3,571	3,571	3,571
Variance (3 4)	Pupils	269	155	200	269	222	300
	FE	9.0	5.2	6.7	9.0	7.4	10.0
	%	7%	4%	6%	8%	6%	8%



Produced June 21 using: Jan 2021 school rolls, GLA 2019-based population projection model (UPC), and Local Plan + LLDC development trajectory, Scenario 1 Migration 3 4 option, January 2021 Capacity

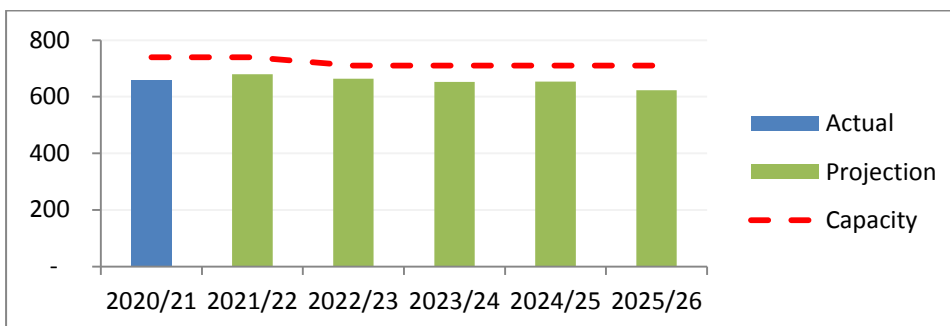
- 3.15 Below is the current position within each school planning (catchment) area:

Catchment Area 1 (Stepney)

There are currently 740 Reception places in Stepney. In January 2021 there were 81 (3FE) unfilled places, meaning this area has seen a significant reduction in the level of surplus i.e. 240 (8FE) reported last year. This was achieved through a range of school organisation changes, including school mergers, federations and schools reducing their Planned Admission Number (PAN). The

latest round of pupil projections for Stepney indicate that the surplus will stabilise to around 8% over the next few years, but rise again in 2025.

Catchment 1 - Stepney		2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
Actual		659					
Projection			679	664	652	653	623
Admission Offers		644	662				
Capacity		740	740	710	710	710	710
Variance	Pupils	81	61	46	58	57	87
	FE	2.7	2.0	1.5	1.9	1.9	2.9
	%	11%	8%	6%	8%	8%	12%

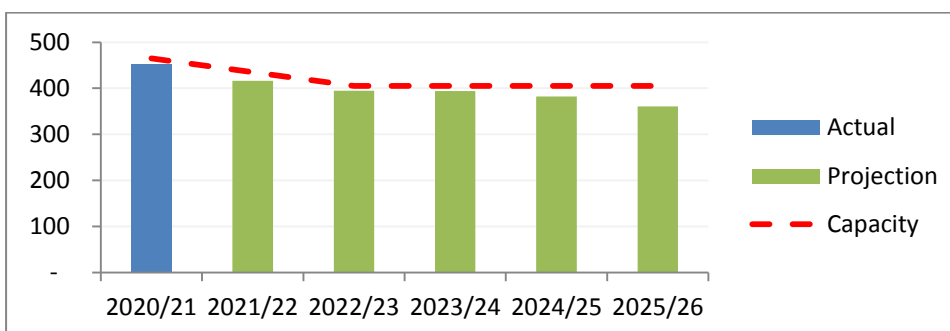


It may therefore be necessary for the council and school leaders to consider further school organisation changes for the Stepney area, if and when the need arises.

Catchment Area 2 (Bow)

There are currently 435 Reception places available in the Bow catchment area. In January 2021 there were 19 unfilled places and the supply versus demand is expected to see this surplus increase to 44 (1.5FE) unfilled places as the pupil population reduces during this next planning window.

Catchment 2 - Bow		2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
Actual		453					
Projection			416	395	394	382	361
Admission Offers		425	419				
Capacity		465	435	405	405	405	405
Variance	Pupils	12	19	10	11	23	44
	FE	0.4	0.6	0.3	0.4	0.8	1.5
	%	3%	4%	2%	3%	6%	11%

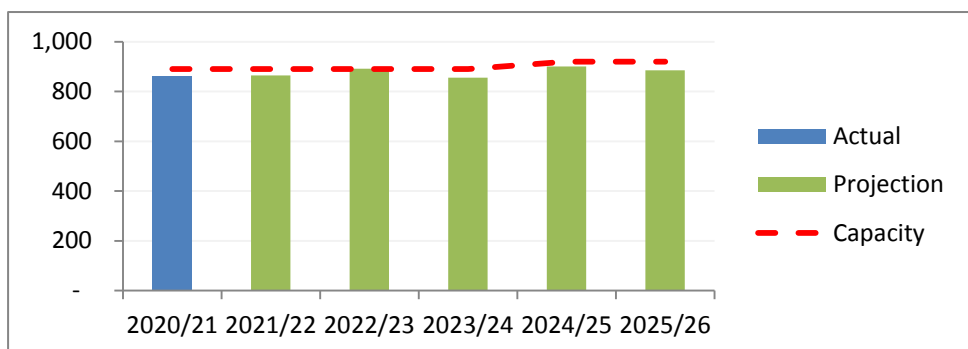


A small 1FE reduction is already in place for schools in the Bow area from 2022 onwards. However, a further small reduction may be required, should the level of surplus reach and remain above 10%.

Catchment Area 3 (Poplar)

There are currently 890 Reception places available in the Poplar area. In January 2021, there were 29 (1FE) unfilled places; but with anticipated growth in the pupil population, the council has made plans to increase the capacity to 920 places in 2024 by expanding St Saviours CE Primary School from 1FE to 2FE. Although a temporary 'bulge class' maybe required in the interim.

Catchment 3 - Poplar		2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
Actual		861					
Projection			865	892	856	901	885
Admission Offers		875	858				
Capacity		890	890	890	890	920	920
Variance	Pupils	29	25	-	2	34	19
	FE	1.0	0.8	-	0.1	1.1	0.6
	%	3%	3%	0%	4%	2%	4%



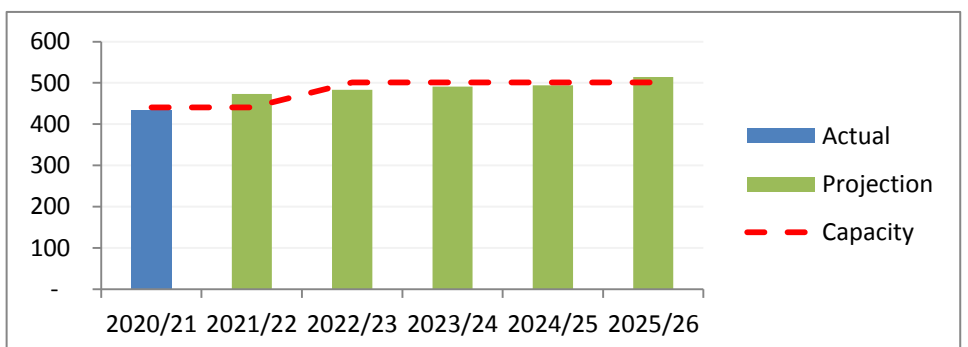
In the event that there is a significant increase in the pupil population growth in Poplar, the council has a new 2FE school site option available at:

- Blackwall Yard, E14 (2FE)

Catchment Area 4 (Isle of Dogs)

There are currently 441 Reception places available in the Isle of Dogs catchment area and this capacity will increase to 501 when the Wood Wharf Free School opens as planned from September 2022. The pupil population growth for this area is not increasing at the rate that was previously anticipated. However, the latest pupil projections indicate there will still be the need for, up to, an additional 60 (2FE) places from 2025 onwards.

Catchment 4 - Isle of Dogs		2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
Actual		433					
Projection			473	483	491	494	514
Admission Offers		434	431				
Capacity		441	441	501	501	501	501
Variance	Pupils	8	-	32	18	10	7
	FE	0.3	-	1.1	0.6	0.3	0.2
	%	2%	-7%	4%	2%	1%	-3%



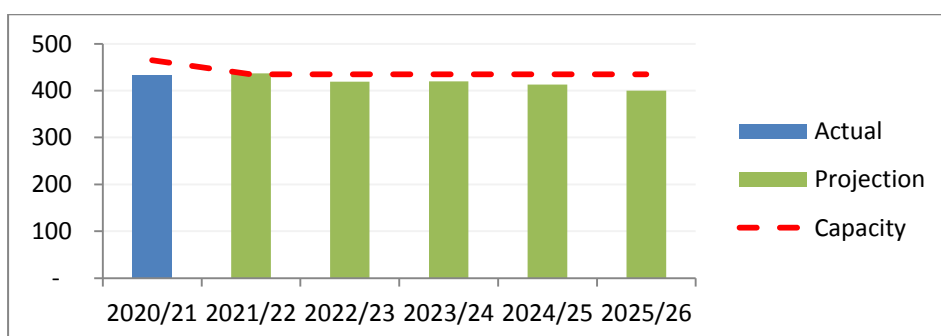
There are a further three new primary school sites that could be delivered within the Local Plan period through to 2031, as follows:

- 3 Millharbour, E14
- Crossharbour Town Centre, E14
- Limeharbour (Skylines Village), E14

Catchment Area 5 (Wapping)

There are now 435 Reception places available in the Wapping catchment area, following the necessary closure of Shapla Primary School due to its financial unviability. In January 2021 there were 32 (1FE) unfilled places in Wapping. The demand versus supply is expected to be consistent during this planning window, with limited spare capacity up until 2025.

Catchment 5 - Wapping		2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
Actual		433					
Projection			437	419	420	413	400
Admission Offers		440	415				
Capacity		465	435	435	435	435	435
Variance	Pupils	32	- 2	16	15	22	35
	FE	1.1	- 0.1	0.5	0.5	0.7	1.2
	%	7%	0%	4%	3%	5%	8%

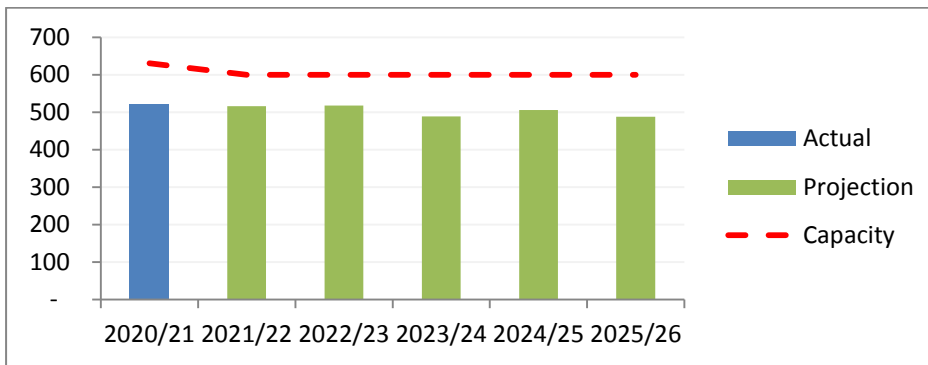


The council will therefore make contingency for a small capacity increase at one of the existing school sites in this area, should there be an unexpected rise in the local population during the planning period.

Catchment Area 6 (Bethnal Green)

There are currently 600 Reception places available in the Bethnal Green catchment area. In January 2021 there were 108 (3.5FE) unfilled places. This surplus has significantly reduced after the round of offers for the September 2021 reception intake. However, future year projections are warning of a further decline in pupil numbers, with the surplus potentially rising to 19% in 2025/26.

Catchment 6 - Bethnal Green		2020/21	2021/22	2022/23	2023/24	2024/25	2025/26
Actual		522					
Projection			516	518	489	506	488
Admission Offers		506	523				
Capacity		630	600	600	600	600	600
Variance	Pupils	108	84	82	111	94	112
	FE	3.6	2.8	2.7	3.7	3.1	3.7
	%	17%	14%	14%	19%	16%	19%



A number of schools in the Bethnal Green area are already working together to develop new models of school organisation that will help to ensure their viability as well as maintain educational standards. This work includes exploring opportunities for school federations and amalgamation (mergers) as well as considering the potential for an all-through school, involving the amalgamation of a single primary school or several primary schools with a single secondary school, extending the age range of pupils from 3-18.

It is recognised that further measures may be needed to manage the supply of places in this area. The council will therefore be meeting with school leaders to discuss this latest position as well as set out its strategy and framework for pupil place planning reviews going forward.

Secondary School Places

(a) Current Position and Projected Need

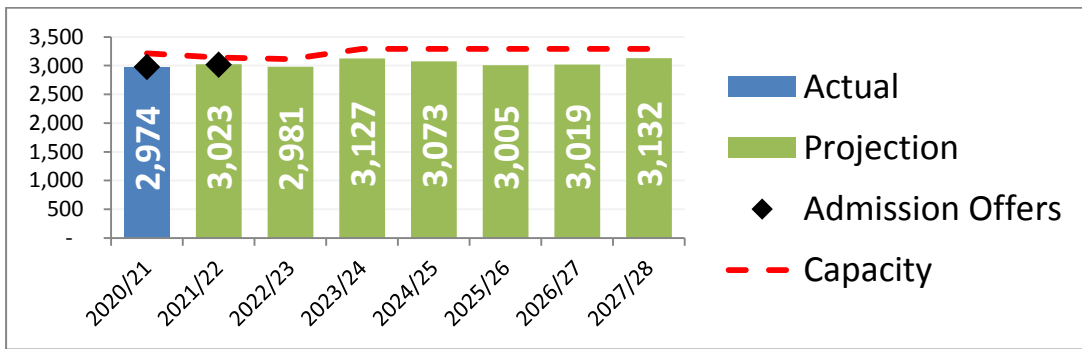
- 3.16 Secondary school places in Tower Hamlets are planned for on a borough-wide basis, as it recognises that pupils will travel to schools across (and outside) the borough, according to their particular preferences.
- 3.17 Tower Hamlets has been experiencing a gradual increase in secondary applications in line with the previous growth, as follows:

Fig 2

	2016/17	2017/18	2018/19	2019/20	2020/21	2021/22
No of Applications Received for Year 7	2738	2878	2995	3069	2976	3016

- 3.18 The current round of projections below indicates that pupil numbers will continue at or above the 3k mark, before reaching a peak of 3.1k in 2027. The Borough's place 'capacity' figures take account of the scheduled opening of London Dock School in September 2023. The additional places provided by this new school will ensure there is a level of planned surplus to enable a reasonable degree of parental choice and to allow for unforeseen rises as a result of migration.

LBTH School Roll Projections for Year 7		2020/21	2021/22	2022/23	2023/24	2024/25	2025/26	2026/27	2027/28
Actual		2,974							
Projection			3,023	2,981	3,127	3,073	3,005	3,019	3,132
Admission Offers		2,976	3,016						
Capacity		3,213	3,140	3,113	3,293	3,293	3,293	3,293	3,293
	Pupils	237	117	132	166	220	288	274	161
Variance	FE	7.9	3.9	4.4	5.5	7.3	9.6	9.1	5.4
	%	7%	4%	4%	5%	7%	9%	8%	5%



(b) Progress on Planned School Developments

London Dock

3.19 This development of this new 6FE secondary school site is progressing with an expected opening date of 1 September 2023. The new academy free school will be run by the Mulberry Schools Trust. The school building is being developed in collaboration with the DfE, who are contributing £47m towards the £52m construction cost. The routes for the council to establish new schools in its area are set out in Appendix 2.

Westferry Printworks

3.20 The council has now transferred its interest in Westferry Printworks to the Department for Education (DfE), who will develop the site to provide permanent accommodation for Canary Wharf College 3 Secondary School. The DfE will meet the full cost for the project, circa £50m. The DfE has not yet secured the lease with the developer for the Westferry Printworks site and it has therefore revised its target date for the delivery of the new school building, which is now scheduled for 1 September 2024 at the earliest.

George Green’s School

3.21 The council is in the final stages of its feasibility plan for the redevelopment of George Green’s School, to provide replacement fit-for-purpose buildings on its existing site. A capital budget allocation of £51.4m has been approved and a report seeking cabinet approval to proceed with the procurement of works and services was presented to cabinet in October 2021. The aim is to complete the redevelopment works by 1 September 2024.

Oaklands School

3.22 The council is progressing with its plans to provide additional accommodation for Oaklands School, following its earlier expansion from 4FE to 6FE. It has now secured an initial lease for the former Raine’s Lower School site and is in the latter stages of a feasibility plan for the site’s redevelopment.

Post 16 Places

3.23 As stated earlier, Post 16 place planning is not a statutory duty for the council. However, when looking at secondary provision, changes to the availability or quality of Post 16 places is a matter for consideration. The council’s Children’s Directorate is currently working with the Tower Hamlets Education Partnership in undertaking an assessment of Post 16 secondary school places, focusing on their sufficiency, suitability, supply and location. This will inform the overarching 14-25 Strategic Action Plan as well as discussions between the council and school leaders, to address identified issues and gaps.

Nursery Places

- 3.24 The council's remaining 5 maintained nursery schools are facing significant sustainability challenges, mainly due to falling pupil admission numbers and changes to Early Years funding, as well as a reduction in resources elsewhere in the education system that were previously used to provide a level of subsidy. The table below shows the decline in the number of children being offered places at Tower Hamlets maintained nursery schools/classes over the last three years:

	2019/20	2020/21	2021/22
No of children offered places at nursery schools/classes	2607	2306	2303

- 3.25 The nursery schools have been working together to develop models for their future sustainability. This has resulted in proposals for school organisation changes. The first of these was the recent decision to amalgamate (merge) Harry Roberts Nursery and Ben Jonson Primary schools to form an all-through primary school with nursery provision for pupils aged 3 to 11 from 1 January 2022. The other five nursery schools are considering further School Organisation Changes as follows:

(i) Amalgamation (Merger) of Old Church Nursery and Marion Richardson Primary School.

- 3.26 The governing bodies of Old Church Nursery and Marion Richardson Primary have earlier this year carried out an initial informal consultation² on a proposal for the amalgamation (merger) of these two schools, which would take effect from 1 September 2022. The merger would be achieved through the technical closure of Old Church Nursery and the expansion of the current nursery provision at Marion Richardson Primary, to accommodate the displaced Old Church pupils. Marion Richardson would continue as a primary school for pupils aged 3 to 11, whilst retaining its original school Department for Education (DfE) number. The School's Early Years Foundation Stage would be catered for on the current Old Church Nursery site.
- 3.27 The full details of the proposal, along with the report on the outcome of the informal consultation that includes the responses from parents and staff is attached as Appendix 3. It also includes an Equalities Impact Assessment.
- 3.28 After considering the report on the outcome of the informal consultation and the Equalities Impact Assessment, the governing bodies of the schools have requested for the council to proceed to the next stage of the process, which would be to undertake a formal public consultation on the schools merger.
- 3.29 It is recommended for the Mayor in Cabinet to agree to a formal consultation on the proposal for the merger of the schools and for the publication of a statutory notice. This will give the schools communities and the wider public further opportunity to have their say and or set legal objections against the proposal.
- 3.30 The responses to the statutory notice will be presented in a report to the Mayor in cabinet in February 2022, so that a final determination on the merger can be made by the council. The earlier Equalities Impact Assessment will be updated, to address any matters that arise from this further period of consultation, and presented with the cabinet report.

² Consultation undertaken in accordance with the DfE guidance (November 2019), 'Making significant changes (prescribed alterations) to maintained schools' and 'Opening and Closing Maintained Schools'.

- 3.31 Alternatively, the Mayor could decide that the council should not move to the publication of a statutory notice and cease the proposal at this stage. This would mean not concluding the full consultation process in order to take a decision on whether to merge the two schools.
- 3.32 Should the merger not proceed the council would need to consider alternative ways to ensure the sustainability of the Old Church Nursery School provision.

(ii) Federation of the Four Remaining Nursery Schools

- 3.33 Four nursery schools, Alice Model, Children’s House, Columbia Market and Rachel Keeling have already established a ‘soft’ federation to investigate and support each other with sustainability of nursery school provision. Their governing bodies have established a Memorandum of Understanding (MOU) for the partnership. This has already led to two of the schools, Children’s House and Rachel Keeling, consulting on a ‘hard’ federation, which will enable the merger of the two school governing bodies to form a single governing body with a single headteacher. Following the public consultation, the schools have decided that this hard federation will take effect from 1 January 2022. Alice Model and Columbia, although not in a hard federation, do now share a single headteacher.
- 3.34 These new models of school organisation will give Tower Hamlets nursery schools greater financial stability and ensure that they continue to provide children and families with access to extended services and facilities. It will also provide more development opportunities for staff, enabling the schools to continue to offer outstanding nursery education.

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

- 3.35 The table below shows the increasing number and percentage of pupils in Tower Hamlets who require provision for their special educational needs. Currently 5.2% of pupils in Tower Hamlets Schools have an EHC Plan. This compares to a national average of 3.7%.

'01 - Pupils in all schools, by type of SEN provision - including independent schools and general hospital schools - 2016 to 2021' in Tower Hamlets between 2015/16 and 2020/21

	2015/16	2016/17	2017/18	2018/19	2019/20	2020/21
EHC plans/Statements of SEN	1,850	1,968	2,096	2,226	2,437	2,531
EHC plans/Statements of SEN (percent)	4.0	4.2	4.4	4.6	5.1	5.2
SEN support	5,870	5,640	5,741	5,944	5,665	5,598
SEN support (percent)	12.6	12.1	12.1	12.4	11.8	11.6

- 3.36 Earlier pupil projections indicated that there is a potential for the numbers of Tower Hamlets pupils with EHC Plans to increase requiring over 200 additional specialist places. However, a number of improvements are being made to the SEND system to support the development of greater consistency in inclusive practice across all mainstream schools. This should begin to reduce this demand over time.
- 3.37 The council strategy for managing demand, alongside its plans for ensuring there are enough SEND places, is detailed in its SEND Sufficiency Plan, which sets out the:
- current position and projected demand for specialist provision;
 - sufficiency pressures currently within the Tower Hamlets system and associated factors;

- resulting priorities for additional specialist provision and plans for the supply of places over the three year period 2021-24.

The SEND Sufficiency Plan is attached as Appendix 6.

4. SCHOOL SITES PROVIDED THROUGH THE LOCAL PLAN

Site Deliverability

- 4.1 The Local Plan allocates a number of school sites, as presented in Section 3, to meet projected need as well as improve the existing schools' estate. It provides the necessary options and 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, mainly in the medium to long term. The rationale for this is explained in Appendix 4.

School Development Funding Streams

- 4.2 A summary of funding streams available for the development of new schools and improving the council's existing schools' estate is set out in Appendix 5.

5 EQUALITIES IMPLICATIONS

- 5.1 Providing access to good quality school places is essential to raising achievement and addressing poverty and inequality in the long term. The council undertakes its role in the planning of school places with the aim of ensuring efficient, effective, and sustainable provision. The reorganisation of school places and the development of new schools in areas of need 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 existing schools or when it seeks to establish new schools and works with the DfE to appoint new school providers, it will ensure that the offer is universally applicable to children and young people of school age and there is no unequal impact on different groups. This is particularly relevant to children and young people with SEND, ensuring that, as far as possible, they can be educated in mainstream settings with adapted, relevant, and bespoke support that ensures they can learn.

6 OTHER STATUTORY IMPLICATIONS

(i) Best Value 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 as well as opportunities to secure maximum funding from central government.
- 6.2 Proposals will be subject to consultation as they are developed and before implementation. Implementation of capital schemes will be subject to competitive procurement.

(ii) Environmental (including air quality)

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

(iii) Risk Management

- 6.4 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 significant changes in the need for places must be planned for. There will likely be further variations in the projections, given the current volatility of the population across London. It is therefore essential for the council to retain some flexibility in its ability to respond to need.
- 6.5 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 length of time that is required to implement capital projects, decisions need to be taken in sufficient time to plan the use of resources and to identify potential shortfalls.
- 6.6 The council has to manage the risk of failing to meet its statutory duties by having a number of options available for implementation and also by keeping the changing circumstances under regular review.

(iv) Safeguarding

- 6.7 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 appropriate education.

(v) Data Protection / Privacy Impact Assessment

- 6.8 When implementing the plans presented in this document, the council will undertake full public consultation on the proposed school organisation 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 to the consultations will only be used to assess the community's view of the proposals and not for any other purpose.
- 6.9 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](#).

7 COMMENTS OF THE CHIEF FINANCE OFFICER

- 7.1 Revenue funding for School is through the Dedicated Schools Grant (DSG) therefore in most cases financial pressures sit with the DSG and have no impact on general fund. However, in the event of a School closure any accrued debt would be charged to the general fund and therefore the number of sustainable schools as well as available places should be considered in parallel. Ensuring a clear understanding of these pressures early allows pressures to be mitigated through early reorganisation.
- 7.2 Old Church nursery currently has a rising accrued deficit, an amalgamation with Marion Richardson would mean that this deficit would need to be met by the Council on closure. The deficit was £385k at the end of the 20/21 Financial year. The nursery has a recovery plan to reduce ongoing costs, however it is not expected that this could be achieved as well as paying back any deficit as a standalone nursery. An amalgamation with Marion Richardson would allow the protection of places whilst reducing cost and building a sustainable provision.

8 COMMENTS OF LEGAL SERVICES

- 8.1 A local authority has a general duty under section 13 of the Education Act 1996 to ensure that sufficient primary and secondary education is available to meet the needs of the population of their area.
- 8.2 A local authority has a number of duties relating to pre-school provision. Section 6 of the Childcare Act 2006 requires a local authority to secure (whether or not by that authority) that there is sufficient childcare for the working parents in their area. Section 7 of the Childcare Act 2006 requires a local authority to secure (whether or not providing it themselves) that there is sufficient free childcare for certain children as set out in regulations. There is also a requirement under sections 1 and 2 of the Childcare Act 2016 for local authorities to provide free childcare for certain children.
- 8.3 In order to amalgamate two maintained schools, one must close and the other must expand. Parts 2 and 3, and Schedules 2 and 3 of the Education and Inspections Act 2006 set out the procedure for closing and expanding schools. The School Organisation (Establishment and Discontinuance of Schools) Regulations and the statutory guidance Opening and Closing Maintained Schools (2019) give further details for the closure of a school. The School Organisation (Prescribed Alterations to Maintained Schools) (England) Regulations 2013 and the statutory guidance Making Significant Changes ('Prescribed Alterations') to Maintained Schools (2018) set out further details of the process for the expansion of a school.
- 8.4 The proposals in this report comply with the above legislation and guidance.
-

Linked Reports, Appendices and Background Documents

Linked Report

- None

Appendices

• Appendix 1	- LBTH Primary School Planning (Catchment) Areas
• Appendix 2	- Commissioning of new school places
• Appendix 3	- Report on the first stage consultation on the proposed amalgamation of Old Church Nursery and Marion Richardson Schools (including Equalities Impact Assessment)
• Appendix 4	- The LBTH Local Plan's approach to allocating school sites
• Appendix 5	- LBTH School Development Funding Streams
• Appendix 6	- LBTH SEND Sufficiency Plan 2021-24

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

- None

Officer contact details for documents:

N/A