

For General Release

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| REPORT TO: | CABINET 16 July 2018 |
| SUBJECT: | Education Estates Strategy |
| LEAD OFFICER: | Eleni Ioannides – Executive Director, Children, Families and Education David Butler – Director, Education and Youth Engagement Denise Bushay – Head of Service, School Place Planning and Admissions |
| CABINET MEMBER: | Councillor Flemming, Children, Young People and Learning |
| WARDS: | All |
| CORPORATE PRIORITY/POLICY CONTEXT/AMBITIOUS FOR CROYDON: The recommendations in this report contribute to achieving priority 3 of the independence strategy to provide people with the best opportunity to maximise their life chances and have a good quality of life through the provision of high quality universal services, including an excellent learning offer. | |
| FINANCIAL IMPACT The overall cost of the Education Capital Programme is estimated at £68.36m over the period 2018/19 – 2021/22. The profiled spending has altered since that agreed by Cabinet in January 2018 due to timetable slippage. Appendix 1 provides a detailed breakdown of the scheme costs and funding. | |
| KEY DECISION REFERENCE NO.: 1218CAB The decision may be implemented from 1300 hours on the 6th working day after the decision is made, unless the decision is referred to the Scrutiny & Overview Committee by the requisite number of Councillors. | |

The Leader of the Council has delegated to the Cabinet the power to make the decisions set out in the recommendations below:

1. RECOMMENDATIONS

The Cabinet is recommended to:

School Place Planning

- 1.1 note the progress made on delivering the Education Estates supply strategy for mainstream and special schools for the 2018/19 to 2020/21 academic years. (Appendix 1- Capital Programme Budget summary).

Special Educational Needs and Disability

- 1.2 agree the revised SEND supply strategy and budget to provide additional places

for children with special educational needs and disability - Appendix 2.

- 1.3 approve the start of statutory process - publication of statutory proposal and formal consultation – in the autumn term relating to the proposed extension of the age range at Red Gates School.
- 1.4 note that the Department for Education(DfE) has approved/announced the provider for Croydon's new special free school.
- 1.5 note progress relating to the proposed partnership with Croydon Further Education (FE) college to establish new local post 16 places in an SEN Centre of Excellence.
- 1.6 delegate authority to the Executive Director, Children, Families and Education in consultation with the Director of Finance and Cabinet Member for Children, Young People and Learning to spend from the £6.833m of DfE Basic Need funding for 2019/20 to provide additional places at St Nicholas and Red Gates Special School, and relocate Springboard – Pupil Referral Unit.

Alternative Provision / Pupil Referral Unit (PRU)

- 1.7 agree to the relocation of Springboard Tuition Service – PRU - and delegate authority to the Interim Director, Children, Families and Education in consultation with the Director of Finance and Cabinet Member for Children, Young People and Learning to make decisions relating to capital funding required for the relocation. Cabinet are asked to agree to commission the necessary works, subject to agreement from the site owner, including feasibility and design development; and capital funding for this relocation. At the time of writing, the estimated cost is in the region of £500k.

Early Years Provision

- 1.8 note information relating to early years provision in the borough.

School Admissions

- 1.9 note the percentage of Croydon's pupils who have been offered a place at their first and top three preferred primary and secondary schools.

School Maintenance and Compliance

- 1.10 note the Schools' Maintenance Plan (Appendix 3) for the 2018/19 academic year which includes £2m for fire safety works in community schools (plus an additional £1m for 2019/20), all as agreed in the Education Estates Strategy report at Cabinet in January 2018. In light of the issues set out in paragraph 7.7 below, it is recommended that the Interim Director, Children, Families and Education, should be given delegated authority to vary the plan to reflect actual prices and new urgent issues that may arise, including authorising spend against the allowance for emergency and reactive works. The Interim Director, Children, Families and Education shall report back to members in respect of any exercise of such authority.

2. EXECUTIVE SUMMARY

- 2.1 The Department for Education (DfE) is responsible for the policy and statutory framework. It makes financial contributions to local authorities' costs in delivering places, and is accountable for overall value for money delivered from its funding. Local authorities are statutorily responsible for ensuring that there are sufficient school places. This is done by assessing demographic changes, or changes in demand for school places, plan and fund new school places, including using funding provided by the DfE.
- 2.2 Croydon has the largest population of 0-18 year olds in London at 97,200 residents (mid 2014 population estimate), which makes up 25.8% of the total population of Croydon.
- 2.3 This is an all-inclusive report that outlines the Council's Education Estates Strategy for three stages of education: Early Years, Primary and Secondary, including Special Educational Needs and Disability and Pupil Referral Unit.
- 2.4 The report covers: School Place Planning; School Admissions; School Organisation; and Schools' Maintenance and Compliance.
- 2.5 The purpose of the report is for Cabinet to note the progress made on delivering the Education Estates supply agreed in January; agree revisions to the strategy and delegation of funding decisions; and note information and developments regarding education provision across the borough.

3. Education Estates Strategy

- 3.1 Through the January Education Estates Strategy report (Min ref 6/18) the Cabinet approved the Education Estates Strategy for the next 3 academic years – 2018/19 to 2020/21 - and the necessary funding. It sets out the context for Croydon's strategic planning of school places and the factors that impact on the demand for school places across the borough.
- 3.2 The strategy aims to ensure that there are sufficient and suitable school places available for all of Croydon's children; admission arrangements and policies are fair and lawful; the education estate is maintained to a good standard and comply with our duties under equalities and health and safety legislation. compliance with statutory safety legislation and mandatory fire safety requirements.
- 3.3 In its role as an education authority, Croydon has a duty to ensure that school places are of high standard with sufficient capacity to promote parental choice, diversity and fair access so that every child can fulfil their educational potential. The Council also has duties in relation to school admissions for community schools, and provides alternative provision- Pupil Referral Units - for children temporarily unable to attend mainstream school because of exclusion or by reason of their attendance, behaviour or other needs.
- 3.4 Strategic planning for future need for pupil places is done on three yearly basis, and reviewed/updated annually based on the School Capacity (SCAP) survey

which is a statutory data collection that all local authorities must complete every year. An Education Estates Strategy report is submitted to Cabinet on a six-monthly basis, and a new strategy produced every year to reflect any demographic change, changes in demand for school places and changes to the condition of the education estate to ensure that all underlying assumptions remain both appropriate and relevant.

- 3.5 Since the last report in January, new information and data e.g. census and admissions, has shown the rate of demand for the primary educational phase has slowed, however there is an increase for the secondary phase.

4. School Place Planning

- 4.1 An essential part of school place planning is developing the Council's Education Estates supply strategy, to enable the Cabinet to make strategic decisions about funding and investments.

Primary and Secondary mainstream education

- 4.2 In accordance with the Education and Inspections Act 2006 ("EIA") the Council has a statutory duty to "secure that sufficient schools for providing— (a) primary education, and (b) secondary education are available for their area" as well as to "secure diversity and increase opportunities for parental choice when planning the provision of school places" in the borough. The Council also has statutory duty to manage a potential surplus of schools places. Currently, there are more places than necessary for pupils at both primary and secondary schools, however the balance between the two differs significantly across the borough, education planning areas and especially school-by-school.
- 4.3 Local Authorities (LAs) are required to forecast future demand for school places annually. The forecast is included in the LAs School Capacity (SCAP) return to the DfE to determine basic need capital allocations for creating additional school places. It is used by the LA to agree the supply strategy for ensuring sufficiency of school places; including removal of surplus places.
- 4.4 In order to appropriately cater for demand in different parts of Croydon the borough is split into educational planning areas, representing a group of schools. For the primary phase, there are 6 educational planning areas (North West, East, Central, South East, South and South West); and two (North and South) for the secondary phase. In most cases, the planning areas are made up of complete electoral wards, however in a few cases a ward is divided between more than one planning area. Forecasts of future demand for school places are made at planning area level and not at school level. When making decisions relating to changes in provision of school places, for example, addition or contraction, these are made within the context of these planning areas.
- 4.5 The educational landscape has changed with the introduction of the Education Act 2011 which changed the arrangements for establishing new schools (now section 6A EIA) and introduced the academy and free school presumption. This means that where a local authority thinks a new school needs to be

established, the local authority is under a duty to seek proposals to establish an academy (free school).

School Place Supply Strategy

- 4.6 In discharging its duty for sufficiency of school places, the Council works in partnership with different education providers – Academy Trusts/Free Schools and Diocesan Authorities – to determine the need for places and to secure diversity in educational provision across the borough, taking into account parental choice. The need for additional school places is determined by assessing the capacity of existing schools and forecasting future demand for places.
- 4.7 If the demand for school places increases, the Council can expand existing schools on a temporary or permanent basis, or new schools can be established through the free school presumption. If demand decreases, the number of places at existing schools can be reduced through an in-year variation of the schools' admission number via the Office for Schools' Adjudicator or through consultation on the admission arrangements.
- 4.8 Surplus places could be caused by a number of factors, ranging from demographic changes, changes to the education system, over projection of demand, parental preference, pupil mobility/migration and Ofsted rating. The forecasting and planning of school places is based on probabilities backed up by available data and trends.
- 4.9 The School Places Supply Strategy that was agreed by Cabinet in January has now been revised due to changes in demand for school places and changes to free schools that were in the pre-opening stage for Croydon. This has resulted in no planned projects by the Council, barring the permanent expansion of Smitham Primary which was already underway for September 2018, and the DfE/ESFA proposed Ark secondary free school due to be opened in September 2020.
- 4.10 The demand for school places is unevenly spread across the planning areas, with pressure in some areas and spare capacity in others. Shortages of places can exist at popular schools along with surplus places at less popular schools. Surplus places tend to be in schools judged as requiring improvement by Ofsted or located in areas not easily accessible by public transport.
- 4.11 It is important to note that a 5% of surplus places is advisable to allow for flexibility in the system to respond to parental choice, unexpected changes in demand and pupil movement throughout the year. A higher percentage of surplus places is accepted in areas where pupil yield from planned housing developments could increase demand.

Primary supply strategy

- 4.12 The number of births in a primary planning area gives us a good estimate of the number of four year olds that will be looking to start school in that area four years later. One of the key challenges facing most local authorities in London is the unexpected decrease in the demand for primary school places due to substantial reduction in births across London. This is a significant change to the increased demand experienced in previous years which resulted in a massive increase in the provision of additional school places.

- 4.13 A review of demand for pupil places has shown that the rate of growth for primary school places has slowed due to drop in birth rate in 2013 which has resulted in a high level of surplus places than necessary in some schools. In light of the change in demand for school places, the supply strategy has been adjusted to reflect this.

Variations to determined admission arrangements

- 4.14 Once admission arrangements have been determined for a particular academic year, they cannot be revised by the admission authority unless to give effect to: legitimate reasons or a determination of the adjudicator. Admission authorities may propose other variations where they consider such changes to be necessary in view of a major change in circumstances
- 4.15 The Office of the Schools Adjudicator is the decision maker for proposed variation of a school's admission number for LA maintained schools, and Education and Skills Funding Agency for academies.

Reduction of Published Admission Number

- 4.16 To date, the Office of the Schools Adjudicator has approved the reduction in the admission number by one form of entry each in 3 community schools – Norbury Manor, Monks Orchard (2017/18 & 2018/19) and Kensington Avenue (2017/18). In January, the Council's cabinet approved the reduction of the admission number for Norbury Manor and Monks Orchard Primary schools from September 2019.

Free schools in the pre-opening phase

- 4.17 The two free schools for the primary education phase that were approved by the Department of Education / Education and Skills Funding Agency have been relocated outside of Croydon in boroughs where there is a greater demand for school places.
- 4.18 Croydon has a total of 88 primary schools, of which:
- 29 are maintained / Community schools
 - 59 are non-maintained: 46 Academies, 2 Free Schools and 11 Voluntary Aided schools.

Secondary supply strategy

- 4.19 There has been an increase in demand for secondary school places, as is evident by the increase in application for the 2018/19 academic year. This reflects the number of pupils who will be in transition from primary to secondary school. Although the demand for secondary places is gradually increasing, the additional demand will be met by places already provided in previous years and through the establishment of 2 free schools.

New 6FE secondary Free School opening in September 2018

- 4.20 The new secondary free school - Coombe Wood School - managed by the Folio Education Trust has been granted planning permission to open in temporary accommodation. The school will admit 180 boys and girls into Year 7 in September 2018. There is a proposal to expand the school by 2 forms of entry in 2020/21.

Free schools in the pre-opening phase

- 4.21 The opening of the new 6FE free secondary school - Ark Blake - has been deferred to 2020/21.
- 4.22 Croydon has a total of 23 secondary non-maintained schools, of which:
- 6 are Voluntary Aided schools
 - 16 are Academies
 - 1 Free school.
- 4.23 Based on pupil place projections, there will be sufficiency of high quality school places within the primary and secondary educational phases for the next 3 academic years – 2018/19 to 2020/21. Based on our last School Capacity survey, Croydon has not been allocated any funding to create new/additional school places for 2020/21 academic year.

Special Educational Needs and Disability (SEND)

- 4.24 The Local Authority has a duty to plan strategically to provide suitable education for young people for whom the Education, Health and Care (EHC) Plans are maintained. The key outcome of suitable education provision is a pathway to adulthood which enables young people to achieve independence and employment in or near their local community.
- 4.25 There has been a twenty-seven percent increase in the number of children and young people for whom Croydon maintains an EHC Plan since the introduction of the Children & Families Act 2014. A review of SEN services in general and the views of young people and parents have informed forward plans for strategic development of Croydon SEN education settings. The recent increase in numbers of children with an EHC Plans is reflected nationally. In Croydon the increased trend has been more marked than in other London Boroughs. Broadly it has been recognised that factors associated with increased numbers of children with an EHC Plan are reflective of advances in medicine, the extended age range for which EHC Plans may be maintained and financial pressures faced by mainstream schools driving up demand.
- 4.26 There is currently a lack of specialist SEN post 16 education provision in Croydon and young people with SEN have been placed outside of the Borough to the detriment of establishing supported employment and/or a pathway to independence in the community for these young people. There has been a lack of an all through special school designated for autism. Social, emotional and mental health needs continue to be on the rise nationally and locally.
- 4.27 Croydon is committed to providing a continuum of special education provision in local state-funded education settings (early years, schools (mainstream and special) and FE). A review of Special Educational Needs (SEN) services in general and the views of young people and parents have informed forward plans for strategic development of Croydon SEN education settings
- 4.28 In planning for the development of special needs education provision over the next five years Croydon Council has taken account of the above factors and has planned key developments accordingly, the details of which will be reported to cabinet in January 2019. Croydon has been allocated £2.9 million SEN

special needs education capital funding over three years on the basis of a published plan – Appendix 4.

Early Years (SEND)

- 4.29 To improve early intervention, reduce the number of changes of education setting (with associated uncertainty for parents, administration for the Local Authority and changes in education delivery for providers) and provide specialist nursery education in special schools:
- proposal to extend the age range of Red Gates Special School (from 4-11 years to 2 – 11 years delivering the special education offer currently delivered at Willow Tree Nursery by Gilbert Scott (adjacent to Red Gates School). Subject to consultation, this change is proposed to be implemented from September 2019.
 - consider options for extending the age range from 2 years old and providing a continuum of early years education for children with physical, sensory, medical and/or profound and multiple learning places at Gilbert Scott School in place of the discrete nursery provision currently delivered at Rainbow Nursery, and
 - reviewing options for enhancing the SEN of maintained mainstream nurseries.

New Special School

- 4.30 In April 2018, the Department for Education (DfE) announced Orchard Hill College Academy Trust as the provider of Croydon's free special school for autism and severe learning difficulties (aged 2 -19). DfE has appointed Croydon Council as the developer for the new school buildings. Building works on the site for the new school - Timebridge - in New Addington are due to be completed by September 2020 in time for the opening. The school will open with 80 places increasing to 150 places by September 2023.

Post 16

- 4.31 To improve outcomes for young people with SEN, Croydon Council and Croydon FE College are working in partnership to take forward development of a post 16 SEN Centre of Excellence providing education pathways for young people with moderate/severe and profound and multiple learning difficulties. This would include a comprehensive specialist offer that provides Entry Level and accredited pathways to employment, volunteering, supported engagement and independence for Croydon young people in their community. Investment to adapt the existing Croydon College building to provide effective accommodation has been subject to feasibility, with a cost of £3m, the plan is for the provision 75 places from September 2022.

Existing Special Schools

- 4.32 St Nicholas School is a special community school for boys and girls of primary age, between 4 – 11 years old, with a range of needs including moderate learning difficulties, communication difficulties and autistic spectrum disorders. The school is being re-built on the same site to accommodate four forms of entry, doubling the size of the school over a 4-5 year period. Building works to start in July and finish in 2020.
- 4.33 Red Gates is a special community school for boys and girls with severe learning difficulties and autism. The school has accommodated three bulge

classes over two years. The resulting changes to the demographic of the school and layout of the building have added pressures to planning curriculum delivery. A full feasibility study is being undertaken over the summer to enable the Council and the Governing Body to consider options for providing improved facilities, better matched to pupils attending this school. In addition we are proposing to extend the age range from 4-11years (current) to 2-11 years (proposed) in the spring term 2019 and subject to the outcome of consultation.

Social, Emotional, Mental Health specialist education

- 4.34 To respond to increased prevalence of children and young people with social, emotional, mental health needs and those at risk of exclusion, the Council has continued to increase the number of places commissioned at Beckmead Family of Schools with further increases planned in the following provisions:
- Tharreo House (KS 3 and 4 vulnerable young people at risk of Child Sexual Exploitation; anxious/school phobic)
 - Chaffinch Brook (ASD and associated)
 - Bramley Bank and Rainbow (long and short alternative primary) – long-term accommodation is being sought with consultation of accommodation in space available within an existing primary school.

Enhanced Learning Provisions

- 4.35 Croydon Council will maintain current Enhanced Learning Provision (ELP) places, implement agreements with providers and establish an effective programme for monitoring quality of education and outcomes for children. The Council will work with providers to provide an enhanced learning specialist offer which is underpinned by practitioners who are suitably qualified and has flexibility to provide for the fluctuating number of children for whom this is a suitable education pathway.

Autism spectrum disorder (ASD)

- 4.36 Work is being undertaken to ensure that there is consistency in the special education offer across these ELPs. It has been identified that Meridian ELP needs adaptation to provide a sensory room and breakout space, both of which will enable this provision to match needs expected delivery of special needs education. A feasibility study has been undertaken, delivery of minor changes funded from the first round of SEN DfE Capital Grant is a priority.

Alternative Provision / Pupil Referral Unit (PRU)

- 4.37 Under Section 19 of the Education Act 1996 Local Authorities have a statutory duty to arrange suitable education for permanently excluded pupils, and for pupils who – because of illness or other reasons – would not receive suitable education without such provision. Education outside of school, when it is arranged by Local Authorities or schools is called alternative provision. In such circumstance, pupils may be admitted to a Pupil Referral Unit (PRU).
- 4.38 Croydon's Cabinet approved the amalgamation of our four PRUs to form Saffron Valley Collegiate (SVC) in 2016. There is now a single PRU which operates over five sites in Croydon under a single management committee. The majority of Croydon's alternative provision is provided by Saffron Valley Collegiate. This is a maintained pupil referral unit and provides 190 places for secondary age pupils who have been permanently excluded from mainstream; have been offered places because they are considered being at risk of

permanent exclusion; or who have been assessed as being emotionally based school refusers (EBSR).

- 4.39 Saffron Valley Collegiate also provides tuition for students who are unable to attend school for medical or other reasons. This is called Springboard. The number of students supported is demand led and the service supports in the region of 130 students each academic year.
- 4.40 Provision for school age mothers is being decommissioned from August 2018 in response to a marked decline in the number of school age mothers in Croydon.
- 4.41 The Council in conjunction with SVC is now proposing to reduce the number of sites from five to four by relocating and re-providing the Springboard Tuition Service at one of its four other sites. Discussions are now taking place regarding a possible site for the relocation. The proposal is for the places to be available at the new Springboard site, by means of modular building, from September 2018 and the project will need to move as quickly as possible to achieve this date. Cabinet is therefore asked to note that the commissioning of the necessary works, subject to agreement from the site owner, including feasibility and design development; and capital funding for this relocation will need to be approved in accordance with the Council's Tenders and Contracts Regulations, Part 4I of the Constitution, and in compliance with the Public Contracts Regulations 2015. At the time of writing, the estimated cost is in the region of £500k.
- 4.42 Alternative provision for primary age pupils is provided by the Beckmead Family of Schools, which is Croydon's specialist Social Emotional and Mental Health (SEMH) provision. Croydon supplements its maintained alternative provision when necessary with places from the independent alternative provision sector. These are usually commissioned either when there are capacity issues within the maintained provision or when a risk assessment indicates a pupils should be educated in an independent sector provision.

Early Years Provision

- 4.43 Local authorities are required by legislation - Childcare Act 2006 and Children and Families Act 2014 - to secure early education places for three and four year olds, as well as disadvantaged two year olds Early Years, until the child reaches compulsory school age.
- 4.44 In Croydon there are currently 9,949 day care places for pre-school children aged 0 to 4 years. This is comprised of 6,660 nursery places in private settings, 2,115 via school provision and 1,174 with childminders. Based on the mid-2015 population estimate of 28,592 this equates to 35 full-time places per 100 children aged 0 to 4 years across the borough. However this varies across the borough but the high concentration of nursery provision in specific areas will likely serve families living in neighbouring areas.
- 4.45 An important starting point for learning is the Early Years Foundation Stage which is crucial to ensuring future success. Croydon's performance in the Early Years Foundation Stage Profile at age 4 or 5 improved significantly once again (by 3.0%) from 2016 to 73.4% and is now above London (73%) and the

national average (70.7%). The Croydon Best Start 0-5 Programme is working to improve outcomes for children in early years across all areas of learning and development.

- 4.46 The take-up of universal funding for three and four year olds accessing the early education offer is relatively unchanged from the previous year with 6,634 children accessing their 15 hour entitlement in Spring 18. In September 17 the government introduced the extended entitlement, often referred to as the 30 hour offer. Take-up has risen from 1,199 in the autumn term to 1,686 in the spring and a further increase is anticipated in the summer. In order to meet sufficiency duties there is close monitoring of the market closely, particularly towards the summer term when there is a greater demand on places.
- 4.47 The position in respect of the take-up of places for funded 2 year olds remains fairly steady within the borough and every term there continues to be in excess of 1,200 children accessing despite the additional pressure that 30 hours has put on places. This reflects high levels of take up of those children assumed to be eligible.
- 4.48 Croydon has a wide range of provision offering funded places

| Provider | Number of providers* |
|---------------------------|----------------------|
| Day Nursery | 99 |
| Pre-School | 49 |
| School with Nursery Class | 61 |
| Funded Childminders | 107 |

**Provider number in accordance with the childcare sufficiency assessment 2017*

5. School Admissions

- 5.1 The Admissions Code 2014 sets out the requirements for councils and admission authorities to follow with regard to: setting the Coordinated Scheme of Admission for Primary and Secondary Schools and determining the Admission Arrangements for Voluntary Controlled and Community schools
- 5.2 The requirements in the Admissions Code are underpinned by the School Standards and Framework Act 1998, the Education Act 2002 and The School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) Regulations 2012 as amended by the School Admissions (Admission Arrangements and Co-ordination of Admission Arrangements) (England) (Amendment) Regulations 2014.
- 5.3 The Council is the admissions authority for all community schools within the borough and is therefore statutorily responsible for ensuring that admission arrangements are compliant with the School Admissions Code, 2014. The admission arrangements for all schools must be determined 18 months in advance from September of the academic year to which they are relevant. For the academic year 2019/20, all admission authorities must have determined their arrangements by 28 February 2018. The admission arrangements for the

2019/20 academic year for Croydon's community schools were determined by full Council in January.

- 5.4 The Council is also responsible for having in place a scheme for coordinating admission arrangements. Croydon has participated in a Pan London arrangement for the Co-ordinated Admissions rounds for both primary and secondary applications for several years.
- 5.5 The determined admission arrangements for a school are the full set of arrangements which set out how a school will admit pupils, including the admission number, oversubscription criteria and information on waiting lists.
- 5.6 For the 2018/19 academic year, there are 5400 Reception places and 4388 Year 7 places across the borough.

Overview of application for school places for September 2018

Primary:

- 100% of our parents/carers applied online for a place
- 1% decrease in the number of primary applications received for the 2018 intake compared to 2017
- 87% received an offer at a first preference school (89% in 2017)
- 97% receive an offer at a top 3 preference (97.6% in 2017)
- 2% of children received an alternative offer – an increase by 1% compared to last year.

Secondary

- 100% of our parents/carers applied online for a place
- an increase by 7% in the number of secondary applications received for the 2018 intake compared to 2017
- 62% received an offer at a first preference school (67% in 2017)
- 86% receive an offer at a top 3 preference (89% in 2017)
- 8% of children received an alternative offer (6% in 2017)

6. School Organisation

Academies and Free Schools

- 6.1 Academies and Free Schools are publicly funded schools, directly by central government, which operate outside of local authority control. Essentially, they have more freedom than other state schools over their finances, the curriculum, and teachers' pay and conditions.
- 6.2 An academy can benefit from freedoms, including the ability to set their own pay and conditions for staff, freedoms around the delivery of the curriculum, and the ability to change the lengths of terms and school days.
- 6.3 Free schools operate as academies. However, free schools are entirely new state schools, whereas some academies are either converters or sponsored academies, and will have previously been maintained schools. A free school is usually set up by charities, universities, businesses, group of parents and

religious or voluntary groups in response to parental demand.

- 6.4 Croydon welcomes the greater diversity of educational provision that academies / free schools bring to the borough and is willing to work with academies trusts to provide new/additional school places where there is an identified need in order to fulfil its statutory duty. Currently, in the primary educational phase, Croydon has 46 Academies and 2 Free Schools; and in the secondary phase, 16 are Academies and 1 Free school.

Academy Conversion

- 6.5 Local Authority maintained schools can apply to convert to academy status.. The Department for Education currently provides schools converting to academies with a grant of £25,000 to cover costs related to converting their legal status. Conversion usually involves two key transactions for the Council - land transfer with a 125 year lease to the school, and commercial transfer.
- 6.6 To date, 41 of Croydon's maintained primary schools have been converted to academy status, and 6 are in the process of being converted. All secondary schools are academies or own admission authority.

7. Schools' Maintenance and Compliance

- 7.1 The Council is the employer for community schools, community special schools, maintained nursery schools and pupil referral units and is responsible for larger condition and maintenance works. It has a duty to ensure that appropriate arrangements are in place to monitor and review any preventative and protective measures that have been implemented. The Council, under the current scheme for financing schools, is responsible for items valued at over £10,000 for primary schools and £25,000 for secondary schools.
- 7.2 To enable the Council to determine its schools maintenance priorities, the condition surveys carried out throughout the relevant school estates are used to determine the condition of the building and the equipment within each school that requires renewal.
- 7.3 These surveys are comprehensive and identify costed items across each school and the urgency on which they need to be carried out and will be used to developed the School's Maintenance plan going forward.

Schools' Maintenance Plan

- 7.4 The Schools' Maintenance Plan (Appendix 3) contains the planned repairs and maintenance programme for two years (2017/18 – 2018/19). Outlined below is an update on progress against works set out in the January 2018 cabinet report are as follows:
- Heating Works - Of the 8 Schools identified in the Cabinet report, surveys, designs and drawings have been completed for 4 schools to date. Heating upgrades are programmed to commence during the summer of 2018 at 2 schools sites, with work to the remaining 6 schools being phased throughout the year and completed by end of March 2019.

- Electrical Works - Of the 5 schools identified in the Cabinet report which required electrical upgrade work. Detailed surveys inclusive of electrical intake investigations, upgrade proposal designs and drawings have been carried out at Tunstall Nursery, Kenley Primary and St Giles. Associated works at these sites will take place during the summer holidays 2018.
 - Surveys for the remaining 2 sites under the (phase one) electrical programme - Beulah Juniors and Gresham will start during the 2018 summer holidays with a view to identified work being carried out during the October 2018 and February 2019 school half terms.
 - Roof Works - All identified works for 2017/18 have been delivered.
- 7.5 To ensure that the planned maintenance programme of works over the next three years addresses the Council owned and maintained schools priorities, new Condition Surveys (including electrical) are to be undertaken. The outcomes of these surveys will then inform the programme of works going forward including those that have already been identified. This will be included in a report to cabinet in January 2019.

Reactive works

- 7.6 Plans will be put in place to use any of the provisions for emergency and reactive works that may be unspent in the final months of the financial year on smaller projects from the programme.
- 7.7 The programmes set out in this report are based on estimated costs and not tendered prices. We recommend that the Interim Director, Children, Families and Education, should be given delegated authority to vary the plan to reflect actual prices and new urgent issues that may arise, including authorising spend against the allowance for emergency and reactive works.

Fire Safety in Schools

- 7.8 The Regulatory Reform (Fire Safety) Order 2005 requires schools to undertake risk assessments to identify the general fire precautions needed to safeguard the safety of occupants in case of fire, including their safe means of escape. These will include ensuring procedures are in place to reduce the likelihood of fire, and maintenance of gas and electrical equipment.
- 7.9 In conjunction with the Council's Corporate Fire Safety strategy, a full fire safety audit has been commissioned of the Council's community schools to provide an overview of the fire safety, focusing on the management of fire safety and the condition of the building in terms of fire safety performance to allow a corporate response and strategy to be considered. This is additional to the fire safety rectification works undertaken as part of the planned maintenance programme.

The main objectives of the audit are as follows:

- Establish the current Fire Safety measures implemented within Croydon's maintained Schools.
- Assess Fire Safety against industry regulations and standards
- Identify any gaps in schools current Fire Safety
- Recommend and prioritise corrective actions

- Cost and programme improvement works

7.10 In order to achieve the objectives identified above, a survey has been developed which consists of a review of the current fire safety management and a visual non-intrusive inspection of the school using the schools' Fire Risk Assessment (FRAs) to identify potential gaps in each school's current fire safety. This will allow corrective actions to be identified, prioritised and then costed. This will be followed by site visits to undertake the physical visual inspection of the schools building condition. An additional budget of £3m was requested and approved at the January 2018 Cabinet to carry out the necessary works based on the schools' Fire Risk Assessment, over 2018/19 and 2019/20, after which fire safety will be part of the major maintenance programme.

7.11 The fire safety audit is taking place in 43 community schools which have been divided into eight tranches. Audits are due to be completed in 37 of 43 schools by end July 2018 and the remaining completed in August 2018. Physical Corrective works have commenced on the first school, with work on the 2nd tranche consisting of 5 schools commencing during the schools' summer holidays this year. After this there will be a rolling programme to complete all corrective works to the remaining schools as soon as possible. Appendix 5 contains the programme of works.

7.12 Physical Corrective works have commenced on the first school, with work on the 2nd tranche consisting of 5 schools commencing in the schools during the summer holiday. After this there will be a rolling programme to complete all corrective works to the remaining schools as soon as possible.

Asbestos Management

7.13 School buildings may contain asbestos if any part was built before 2000. The Control of Asbestos Regulations 2012 set out the steps to be followed to manage asbestos in schools, including keeping the management of asbestos under review. Croydon has successfully commissioned full asbestos management surveys within its community schools estate. Where asbestos is present, the necessary works will be undertaken to manage or remove as required. This will be maintained through annual asbestos inspections. .

7.14 Where asbestos is present, the council take the following steps to manage the asbestos in our schools ensuring they have the following:

- Management survey of asbestos-containing materials (ACMs)
- Assess the risks associated with ACMs.
- A plan for managing asbestos.
- Make sure staff and visitors know the risks and precautions they need to take.
- Keep the management of asbestos under continuous review.

7.15 As a result of the management surveys undertaken in 2017/18: asbestos has been successfully removed from 8 schools. For the 2018/19 programme, 11 schools have been surveyed and arrangements are in place have the asbestos removed from three schools.

- 7.16 The delivery of the programme is managed by the Homes and Schools Improvement Team and Facilities Management with oversight from the School Places Team.

8. CONSULTATION

- 8.1 N/A

9 FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

9.1 Revenue and Capital consequences of report recommendations

| | Current year | Medium Term Financial Strategy – 3 year forecast | | |
|---|---------------|--|---------------|--------------|
| | 2018/19 | 2019/20 | 2020/21 | 2021/22 |
| | £'000 | £'000 | £'000 | £'000 |
| Capital Budget available | | | | |
| Permanent Expansion – Primary places | 10,033 | 1,619 | 845 | 399 |
| Secondary places | 413 | 0 | 0 | 0 |
| SEN places | 10,707 | 16,084 | 8,170 | 473 |
| Major maintenance | 3,654 | 2,000 | 2,000 | 0 |
| Fire safety works | 2,000 | 1,000 | 0 | 0 |
| Other education schemes | 4,100 | 4,380 | 272 | 207 |
| Effect of decision from report (Total) | 30,907 | 25,083 | 11,287 | 1,079 |
| Funding sources | | | | |
| School Condition Funding | 3,654 | 2,000 | 2000 | 0 |
| Basic Needs | 0 | 6,833 | 0 | 0 |

| | | | | |
|--------------------|---------------|---------------|---------------|--------------|
| EFA Invest to Save | 969 | 969 | 969 | 0 |
| S106 | 0 | 0 | 0 | 0 |
| Borrowing | 26,284 | 15,281 | 8,318 | 1,079 |
| Total | 30,907 | 25,083 | 11,287 | 1,079 |

The effect of the decision

- 9.2 An increase in free schools to meet the need for places in the borough has led to a reduction in the requirements from the future capital programme.
- 9.3 The government has confirmed that it will not be allocating any funding to the Council for the delivery of school places in 2018/2019 under the basic needs allocation. The Council has however been allocated grant in 2018/19 from the Schools Condition funding. The government's Soft Drinks Levy may result in a further allocation in 2018/2019, but this has not been confirmed. The majority of the Education Estates Programme will be funded through Council borrowing in 2018/19. The DfE has allocated Basic Need funding of £6.8m to create additional secondary school for the 2019/20 academic year. Croydon has not been allocated any Basic Need Funding to create new school places by September 2021.
- 9.4 Additional budget of £3m borrowing has been added to the budget for the Post 16 SEN Centre of Excellence and submitted for Cabinet approval in July as part of the overall capital programme.
- 9.5 The table above reflects budgets which have been re-profiled since January 2018. Expected costs arising in 2018/19 are now expected to slip into 2019/20, mainly relating to the St Nicholas School.

Risks

- 9.6 If the proposed SEND expansion projects are not approved, there is likely to be a shortage of suitable places for the 2018/2019 and 2019/2020 academic years. This would mean the Council would be at risk of not fulfilling its statutory duty.
- 9.7 Cabinet approved additional budget in January 2018 to fund fire safety measures in schools as identified in Fire Risk Assessments. The total cost of this work has yet to be fully quantified and will be updated in future budget requests. There is a risk that these costs may exceed the allocated budget. If this work is not carried out, there would remain gaps in schools' fire safety measures.

Future savings/efficiencies

- 9.8 If additional free school providers are interested in opening schools in Croydon, the associated capital costs to the Council could be reduced further in the future years. Also the Council borrowing requirement may also be reduced if any further funding is allocated by the Department for Education. The fall in

birth rate and associated demand for school places would however result in reduced demand and this would be monitored closely to make future savings.

- 9.9 The provision of more school places within the borough will result in a reduction in the need for young people to travel outside of the borough, which will result in financial savings to the SEND transport budget.

Approved by Felicia Wright, Head of Finance – Place For and on behalf of Richard Simpson, Executive Director Resources

10. COMMENTS OF THE COUNCIL SOLICITOR AND MONITORING OFFICER

- 10.1 The Solicitor to the Council comments that any decision regarding Commissioning of goods or services as envisaged by recommendation 1.7 above is required to be undertaken in accordance with the provisions of the Council's Tenders and Contracts Regulations and the Public Procurement Regulations 2015. Furthermore, where, as within recommendations 1.5, 1.6 and 1.10, executive functions are delegated to officers, Access to information procedure rules as set out in Part 4B of the Constitution, which include provisions in relation to key decisions, and Decision Making Procedure Rules in Part 4G need to be complied with by the officers concerned.

Approved by: Sandra Herbert, Head of Litigation and Corporate Law, for and on behalf of Jacqueline Harris-Baker, Director of Law and Monitoring Officer.

11. HUMAN RESOURCES IMPACT

- 11.1 There are no direct HR implications arising from this report for Council employees. Any resultant future increases or changes in staffing will be handled by schools' governing bodies in accordance with the appropriate school/council policy and procedures.

Approved by: Debbie Calliste, Head of HR for Children, Families and Education on behalf of the Director of Human Resources

12. EQUALITIES IMPACT

- 12.1 An equality analysis was undertaken as part of the main report in January to help us to understand whether people with protected characteristics, as defined by the Equality Act 2010, will be disproportionately affected by the proposed changes and recommendations in the Education Estates Strategy report.
- 12.2 The proposed changes in this update report will help the Council meet its statutory duty to provide sufficient school places for protected and non-protected groups. Croydon schools provide diverse educational provision in terms of type/category, size and educational sponsors. These include special schools, enhanced learning provisions at mainstream schools; and Academies /Free Schools. Pupils are allocated a school place based on the admissions

criteria which aims to promote fair access to schools and are compliant with the School Admissions Code.

- 12.3 The proposed strategy is in line with the Council's Equality and Inclusion Policy and will enable the delivery of the following priorities:
- Make Croydon a place of opportunity and fairness by tackling inequality, disadvantage and exclusion.
 - Close gaps in educational attainment by working with local businesses and community groups to enable people of all ages to reach their full potential through access to quality schools and learning.
 - Work in partnership to lift people out of poverty by increasing employment opportunities across the borough ensuring local people have a pathway into employment, education and training.
- 12.4 The proposed strategy is consistent with the Council's general equality duty to have due regard to the need to eliminate unlawful conduct under the Equality Act 2010; to advance equality of opportunity and foster good relations between persons who share a protected characteristic and those who do not.
- 12.5 The equality analysis has found that the Education Estates strategy does not negatively impact on any protected group and that no major change is required as the strategy meets the general and specific equality duties.

13. ENVIRONMENTAL IMPACT

13.1 N/A

14. CRIME AND DISORDER REDUCTION IMPACT

14.1 N/A

15. REASONS FOR RECOMMENDATIONS/PROPOSED DECISION

- 15.1 The recommendations of this report are set out to ensure that the Council is compliant with its education duties:
- School Place Planning (s13-14 Education Act 1996) to promote high standards of education and fair access to education; secure sufficient primary and secondary education, including SEN to meet the needs of the population of its area
 - School Admissions (School Admission Code 2014) to determine the Admission Arrangements for its community schools annually
 - School Maintenance - school buildings meet the minimum standard and premises are maintained so that they provide a suitable learning environment.

16. OPTIONS CONSIDERED AND REJECTED

- 16.1 Detailed consideration has been given to how to manage the high surplus of places in some schools due mainly to a drop in birth rate in 2013. Projection information has been used to inform the council of the geographical areas where places should be reduced. Previous Education Estates Report have set out the new schemes to deliver new school places through the free school route.
- 16.2 The proposed reduction in the admission number at Norbury Manor, Monks Orchard and Kensington Avenue Primary schools is due to the disparity between the Published Admission Number and actual number of roll at the schools. The reduction will enable the schools to operate more efficiently and cost effectively. This is part of a wider review of school places across the borough.
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BACKGROUND DOCUMENTS: None

APPENDICES:

- Appendix 1 – School Places - Capital Programme Budget Summary
- Appendix 2 – SEND Supply Strategy
- Appendix 3 – Schools' Maintenance Plan
- Appendix 4 – SEND – Special Provision Plan
- Appendix 5 – Fire Safety in Schools Programme Plan