Cabinet
Date: 11th October 2010

Agenda item:

Subject: Primary Places and Future Strategy

Lead officer: Yvette Stanley
Lead member: Peter Walker
Forward Plan reference number: 925
Contact officers: Paul Ballatt/Tom Procter

Recommendations:

1. Either:
   To agree that the council should consult on a package of school expansions described as “option 3” to provide an additional 9 forms of entry in 2011/12 and 2012/13.

   Or:
   To agree that, in line with the recommendation of the Children and Young People Scrutiny Panel on 29th September, the council should consult on two packages of school expansions described as “option 1” and “option 3” but in so doing clarify its preference for “option 3”.

2. Since “option 3” currently has one unnamed school for 2011/12 pending discussion with its full governing body, to agree that a further named school will be included in the consultation subject to the agreement of the Director of Children Schools, and Families Department in consultation with the Cabinet lead for education.

3. To agree that following this consultation Cabinet will decide on 6 December 2010 which schools will provide an additional reception year class in September 2011.

4. To agree that feasibility work should commence as soon as possible on the schemes outlined in the two options to consider permanent expansion solutions, and that funding for permanent solutions to 2010/11, 2011/12 and 2012/13 expansions will be considered as part of the overall review of the council’s capital programme and when external finance from the DfE (Department for Education) to fund pupil growth is known in December 2010.
1. PURPOSE OF REPORT AND EXECUTIVE SUMMARY

1.1 Cabinet agreed a funded school places strategy through decisions at its meetings on 14 December 2009, 18 January 2010 and 22 February 2010. In broad terms this agreed a number of permanent school expansions, the site purchase and building of a new 2-form entry school, and a number of temporary classrooms at schools to be identified.

1.2 The new administration requested that this strategy be reviewed in the light of current demand continuing to be at the ‘high’ forecast level, further increased demand being projected in 2013/14 and 2014/15, and the more difficult financial context faced by the council.

1.3 The administration requested that as part of this review officers re-examine the potential of the council’s existing assets including sites, buildings and parks facilities – where feasible and appropriate - with the aim of alleviating the cost of the overall strategy. Officers from various council services have, therefore, been involved in the review.

1.4 Three options are considered in the alternative options section of the report which are summarised in the table below:

<table>
<thead>
<tr>
<th>Lifetime Cost of Option</th>
<th>Summary of Option</th>
</tr>
</thead>
<tbody>
<tr>
<td>Option 1 £46.9 million</td>
<td>New 2FE (form of entry) school in North Wimbledon e.g. Gap Rd site as planned by previous administration, with interim arrangements through temporary classrooms at existing schools until built. Other expansions of existing schools including Dundonald in 2012/13 Most expensive option for lifetime and 2011-12 costs.</td>
</tr>
<tr>
<td>Option 2 £42.7 million</td>
<td>New 2FE school on site of South Wimbledon Youth &amp; Community Centre. Other expansions of existing schools. Dundonald remains in package for 2012/13.</td>
</tr>
<tr>
<td>Option 3</td>
<td>£39.9 million</td>
</tr>
</tbody>
</table>

1.5 All options presented are viable but have varying levels of benefits and risks attached which are outlined in the report.

1.6 It is recommended option 3 should be pursued. Option 3 is at least £2 million less expensive in capital terms. Should community buy-in be achieved, option 3 has less risk attached through its approach to expanding existing popular and successful schools in preference to purchasing a site to build a new school with the inherent risks that such an approach would involve. Option 3 also has more certainty in the short term without the need for complex interim arrangements as in the case of a new build school, which would not open for at least 3 years and would then have issues to resolve in cost effectively filling it gradually through the year groups.

1.7 An option that purchases a new site at, for example, Gap Road provides places closer to one of the locations of identified highest shortfall and by purchasing a new site provides more flexibility if further expansion is necessary. However, the purchase of a new site has no certain time frame and is a high risk as the council is dependent on either a successful negotiation with an existing owner or the use of compulsory purchase powers. A realistic timetable for completion of a new school in these circumstances could be between 5 and 7 years. The issues of location can be mitigated by the use of Admission Priority Areas.

2. DETAILS

2.1 Consideration of options for meeting increasing demand for primary school places is undertaken within the context of our overall ambition for education in Merton. Specifically, we want:
Early childhood provision and schools to provide the highest standards of education to enable all children and young people to reach and extend their potential. Results which compare with the best in London. Children and young people to enjoy learning opportunities and feel rewarded by their experience. Early childhood provision and schools to contribute to the broader wellbeing of children and families. Early years provision and schools to be a positive choice for local families.

2.2 Specific criteria for considering how to meet increases in demand are well established and agreed by the current administration. In summary, these criteria include:

- We will seek to expand successful provision where educational standards are highest and where higher numbers of children can thus benefit from our most effective schools.
- We will seek to expand provision which is popular with parents and demonstrably over-subscribed.
- We will seek to locate additional places as near to the point of additional demand as possible being mindful of travel and transport considerations.
- Faith based schools should make a balanced contribution to the overall diversity of school provision in the borough.
- Planning of new provision should take full account of the needs of children with special educational needs.
- Physical constraints of existing school sites will preclude some from consideration for expansion, notwithstanding the above criteria.
- Where the permanent expansion of schools is needed, this should be achieved through the building of high quality, sustainable, accommodation.
- Any additional places will need to be provided in ways which ensure good value for money.
- Taking into account the above, we prefer to consider smaller schools (1FE) for expansion before larger schools as increasing the size to at least 2FE supports and promotes sustainability.

2.3 Pupil place planning is, by nature, an inexact science and practical considerations may need to outweigh some of these criteria on occasions.

Review of level of expansion required

2.4 The council needs to address a significant increase in demand for school places, fuelled by an increase in the birth rate of 30% over the past 6 years. While there are other factors to be considered in primary school places planning, the birth rate is the most significant factor and the table below...
demonstrates the scale of the rise in births which has impacted in reception year to date and is accelerating over the next three years:

<table>
<thead>
<tr>
<th>Academic year of birth</th>
<th>Year children entering reception class</th>
<th>Birth figure</th>
<th>Rise from 2007/08 reception cohort</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002/03</td>
<td>2007/08</td>
<td>2,612</td>
<td></td>
</tr>
<tr>
<td>2003/04</td>
<td>2008/09</td>
<td>2,785</td>
<td>173</td>
</tr>
<tr>
<td>2004/05</td>
<td>2009/10</td>
<td>2,893</td>
<td>281</td>
</tr>
<tr>
<td>2005/06</td>
<td>2010/11</td>
<td>2,972</td>
<td>360</td>
</tr>
<tr>
<td>2006/07</td>
<td>2011/12</td>
<td>3,250</td>
<td>638</td>
</tr>
<tr>
<td>2007/08</td>
<td>2012/13</td>
<td>3,320</td>
<td>708</td>
</tr>
<tr>
<td>2008/09</td>
<td>2013/14</td>
<td>3,419</td>
<td>807</td>
</tr>
</tbody>
</table>

2.5 The previous cabinet report on 22 February 2010 confirmed that in addition to the 6 schools expanded in the past two years in reception year up to 2009/10, the forecast was to the high range of 12FE (forms of entry - i.e. 12 classes of 30 per year) by 2012/13 then falling 6FE by 2018/19. A thorough review of the latest information has been undertaken and concluded that the following level of expansion is required:

<table>
<thead>
<tr>
<th>Academic Year</th>
<th>Current admission N°s &amp; projected</th>
<th>FE (form of entry) increase on previous year</th>
<th>Schools providing an additional reception year class with a view to permanent expansion</th>
</tr>
</thead>
<tbody>
<tr>
<td>2007/08</td>
<td>2100</td>
<td></td>
<td>Wimbledon Chase, Holy Trinity and St. Thomas of Canterbury</td>
</tr>
<tr>
<td>2008/09</td>
<td>2190</td>
<td>3FE</td>
<td>Benedict, Holymount and Joseph Hood</td>
</tr>
<tr>
<td>2009/10</td>
<td>2280</td>
<td>3FE</td>
<td>Bishop Gilpin* (one year only agreed), Aragon, and Cranmer</td>
</tr>
<tr>
<td>2010/11</td>
<td>2370</td>
<td>3FE</td>
<td>To confirm</td>
</tr>
<tr>
<td>2011/12</td>
<td>2580</td>
<td>7FE</td>
<td></td>
</tr>
<tr>
<td>2012/13</td>
<td>2640</td>
<td>2FE</td>
<td></td>
</tr>
<tr>
<td>2013/14</td>
<td>2730</td>
<td>3FE</td>
<td></td>
</tr>
</tbody>
</table>

* 7FE extra in 2011/12 but 8 new schools to be identified as Bishop Gilpin is only agreed for 2010/11. Garfield school was expanded from academic year 2006/07 and, therefore, is not recorded in the above table.

2.6 The expansion required is therefore forecast to continue at the 'high' level but, following recently published birth data for 2009 impacting on reception year in 2013/14 and 2014/15, demand increases further rather than 'plateaus'
2.7 The growth in demand is throughout the borough. Previously there has been surplus places in the Mitcham area, hence the emphasis on Wimbledon, but these have now been taken up and an increase in places is required in all areas. An analysis of forecast increases in demand and pressures from the most recent admissions round following expansion up to 2010 shows that there needs to be more expansion in the north of the borough and specifically in the north and centre of Wimbledon, Colliers Wood and the north of Mitcham. A package of proposed expansions has therefore been developed to provide additional places in all areas but to provide more in the above.

Future strategy including mix of new school(s) and expansions of existing schools

2.8 Cabinet agreed a funded school places strategy through decisions at its meetings on 14 December 2009, 18 January 2010 and 22 February 2010. This agreed:

- the funding of all schools expanded in reception year 2008/09 and 2009/10 to become permanent (6 schools - Holy Trinity, Wimbledon Chase, Hollymount, Joseph Hood, Benedict, and St. Thomas of Canterbury funded through other sources)
- the funding of further ‘lower cost’ expansions with schools returning to their previous capacity through an extra form of entry in 2010/11 and 2011/12 (Aragon and William Morris Schools)
- the site purchase and building of a new 2-form entry school in the financial years 2010/11 to 2012/13
- temporary classrooms for at least 2 years at further schools to be identified to meet forecast demand within the 2010/11 to 2012/13 capital review period

2.9 The new administration requested that this strategy be reviewed, using the criteria summarised above in paragraph 2.2 in the light of:

- The latest demographic information showing that demand continues to be at the previous ‘high’ forecast and it will increase further in 2013/14 and 2014/15 rather than plateau and then fall as forecast previously
- Decisions on all expansions for 2011/12 are required shortly, which is the greatest year of increase
- The administration’s wish to re-examine the use of the council’s existing assets including sites, buildings and parks facilities to see whether overall costs can be reduced including avoiding the need to purchase a site for a new school.
- A recognition of the more difficult financial context for capital projects faced by the council
- A recognition that the revenue funding available to schools is likely to fall in relative terms in the future – impacting on the sustainability of all schools and on newly established schools in particular
2.10 The above has informed officer and lead member consideration on how the 2011/12 and 2012/13 expansions will be enabled with an appropriate ‘package’ of schools in locations to meet demand.

2.11 Three options are considered in the alternative options section of the report. One of the options includes the provision of a new two-form entry school in the north Wimbledon area. The options also consider using the current South Wimbledon Youth and Community Centre building to commission either a 2FE or a 1FE new school/ federation /expansion of an existing school on split sites. Re-provision of these youth and community services would need to be considered although it will take several years for the school to use all the space. Subject to detailed feasibility, it is possible that were a 1FE school to be established, youth and community provision could be retained on the site and, should this option be pursued, the council would need to work closely with both the community association and the youth service in order to retain important local services. The options have varying levels of risk, which are outlined below.

2.12 The report seeks agreement to consult on 7 additional forms of entry (FE) in 2011/12 and a further 2 FE in 2012/13 with potentially 8 new schools taking an additional reception class for the first time in 2011/12. The temporary arrangements can be funded from within existing capital programme resources but the schools are selected on the basis that permanent expansion can follow pending detailed feasibility studies, the required statutory consultation procedures, and capital funding decisions in early 2011.

3. ALTERNATIVE OPTIONS

3.1 Three alternative packages of options have been prepared. The packages identify various options for expansions and new provision and have indicative costs attached. The whole life cost (over three to five years), issues and risks of each are outlined below. Construction work for any permanent schemes would not start at many of these schools for approximately two years i.e. in summer/autumn 2012. Therefore the options pursued for permanent expansion have the most significant additional cost in the 2012/13 and 2013/14 financial years. The costs are indicative for programming purposes and formal feasibility studies are required to provide more detailed capital estimates.

3.2 It is possible that the indicative costs could be moderated further through use of different building/construction methods, subject to planning and other considerations. This assumption would be explored in each detailed feasibility study for selected projects.

3.3 The options are shown to provide the additional 9FE required for September 2011 and 2012. In all options officers propose 1FE for 2012/13 to remain
undecided at this stage to provide flexibility to examine the pattern of demand in the 2011/12 admissions round before a final proposal is made. If option one is pursued further work would be required identifying schools to provide interim solutions prior to the new school opening. If option three is pursued it is intended a further school in Wimbledon is included in the consultation. The school is not named at this stage as the view of the governing body cannot be confirmed until later in October.

**Option One**

<table>
<thead>
<tr>
<th>2011/12 expansions</th>
</tr>
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<tbody>
<tr>
<td>2FE interim arrangements prior to 2FE new school in Wimbledon e.g. Gap Road</td>
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*Unchanged for all options:*

<table>
<thead>
<tr>
<th>1FE St Mary’s</th>
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<tbody>
<tr>
<td>1FE Singlegate</td>
</tr>
<tr>
<td>1FE Liberty</td>
</tr>
<tr>
<td>1FE Gorringe Park</td>
</tr>
<tr>
<td>1FE William Morris</td>
</tr>
<tr>
<td>1FE Morden</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>2012/13 expansions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1FE Dundonald</td>
</tr>
<tr>
<td>1FE to confirm following 2011 review</td>
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</table>

10FE Lifetime Cost (3-5 years) £46.9 million

**Issues**

- Highest lifetime costs. This could be reduced by £5 million by substituting the 1FE at Dundonald for 1FE at South Wimbledon Youth and Community Centre but it would still be £2 million more expensive than option 3.
- Option includes a new 2FE primary school e.g. at Gap Road, maintaining the commitment made by the previous administration for a new school in the north Wimbledon area. A site in this area is well placed for demand in the north/north east parts of Wimbledon and the addition of a new site provides more flexibility for future expansions. However, it has a number of risks including potential inability to purchase the site; difficult interim solutions to provide places from 2010/11 which would be severely exacerbated by any site purchase delays; potential inability to obtain planning consent; financial risk in terms of revenue funding during the year on year build up to maximum capacity; whether the site and management will ensure it can establish itself as a popular and successful school;
- Dundonald has a number of risks. The school governing body is open to exploring how an expansion could be achieved. As an existing small school
and an existing outstanding school, it meets a number of the criteria for expansion noted above. The expansion of the school would require an imaginative scheme involving utilising a similar sized area to the current park pavilion to provide additional teaching spaces and park changing facilities. To this end wide consultation will be required with the local community when more detailed work has been undertaken to demonstrate such a scheme could be beneficial in providing school places at an “outstanding” school and improving the sustainability of parks facilities. There could be no loss of playing pitch provision in the park. There may be restrictive covenant issues to overcome. If included it is recommended Dundonald Primary is not expanded until September 2012 to carry out further work. A further key risk would be that the allocation of places would equally benefit the west of the school which has sufficient existing supply from previous expansions of Wimbledon Chase and Joseph Hood schools rather than the north/east where there is most unmet demand – this risk could be mitigated through the establishment of a Priority Area for admissions.

- St Mary’s requires use of council owned land in Russell Road – cost factors in lost opportunity for capital receipt
- Liberty and Gorringe Park both previously middle schools. Could link with children’s centre to further reduce extension required.
- Morden is a relatively small site but similar to many 1FE schools already being expanded to 2FE.

**Option Two**

<table>
<thead>
<tr>
<th>2011/12 expansions</th>
</tr>
</thead>
<tbody>
<tr>
<td>2FE S. Wimbledon Youth and Community Centre</td>
</tr>
</tbody>
</table>

**Unchanged for all options:**

- 1FE St Mary’s
- 1FE Singlegate
- 1FE Liberty
- 1FE Gorringe Park
- 1FE William Morris
- 1FE Morden

<table>
<thead>
<tr>
<th>2012/13 expansions</th>
</tr>
</thead>
<tbody>
<tr>
<td>1FE Dundonald</td>
</tr>
<tr>
<td>1FE to confirm following 2011 review</td>
</tr>
</tbody>
</table>

10FE Lifetime Cost (3-5 years) £42.7 million

**Issues**

- Lower lifetime costs than option 1
- To be feasible South Wimbledon schemes require a high cost to demolish existing building for new build 2FE. Site would be unable to sustain youth
and community use. Competition process could be required for a new school.

- The South Wimbledon Centre and Dundonald are approximately one mile away from the parts of Wimbledon – in the north/north east parts - where lack of opportunity to access a local school is being experienced. However, public transport links are straightforward and, although use of private cars could be difficult as journeys would, typically, involve traversing Wimbledon town centre, the administration may consider this a benefit for the option rather than a risk.

- Dundonald and possibly South Wimbledon Centre would require Priority Areas for admissions were this option to be progressed to mitigate risk of over and under supply issues around both schools

- Also see comments above re other schools in package

**Option Three**

<table>
<thead>
<tr>
<th>2011/12 expansions</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>1FE S. Wimbledon Youth and Community Centre</td>
<td></td>
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<tr>
<td>1FE Further school in Wimbledon</td>
<td></td>
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</tbody>
</table>

**Unchanged for all options:**

<p>| |</p>
<table>
<thead>
<tr>
<th></th>
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</thead>
<tbody>
<tr>
<td>1FE St Mary’s</td>
</tr>
<tr>
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</tr>
<tr>
<td>1FE William Morris</td>
</tr>
<tr>
<td>1FE Morden</td>
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<thead>
<tr>
<th>2012/13 expansions</th>
<th></th>
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</thead>
<tbody>
<tr>
<td>1FE Dundonald</td>
<td></td>
</tr>
<tr>
<td>1FE to confirm following 2011 review</td>
<td></td>
</tr>
</tbody>
</table>

| 10FE Lifetime Cost (3-5 years) | £39.9 million |

**Issues**

- Lowest lifetime cost
- 1FE S Wimbledon considered better value for money as only adaptation would be needed. Could be federated with a neighbouring school or be legally incorporated within it, thus not needing the competition process of a new school and increasing sustainability. Also could sustain some youth provision on site subject to detailed feasibility/possible small additional capital

- This option involves expansion of the highest number of successful and popular schools. Additionally, Dundonald, as noted above, is currently classed as a small school. Also, this option does not require the establishment of a new school thus minimising risk as outlined in detail under option 1.
- A further school in Wimbledon is not identified here. Officers are in discussion with governors and it is hoped it can be included in the consultation.
- Also see comments above re other schools in package;

3.4 Following identification of an agreed package of options, officers will then be able to consider the additional special educational needs provision which will be required in line with the overall increase in demand for primary school places.

4. CONSULTATION UNDERTAKEN OR PROPOSED

4.1 Contact has been made with schools recommended for expansion and governing bodies of all named school have agreed to be included in the consultation. There has been initial contact with South Wimbledon Community Centre and internal discussions with the youth service have also begun. A Borough wide consultation on the package of proposals is timetabled to be from 18 October to 22 November to enable a decision on 2011 reception classes to be made by cabinet on 6 December.

4.2 Detailed feasibility work should commence on permanent expansion to inform capital programme decisions in early 2011. The permanent expansion of schools requires the capital to be available and a two stage consultation process (“statutory consultation” and “statutory notice”) and planning permission prior to formal agreement.

5. TIMETABLE

5.1 See above in the consultation section. Providing sufficient and appropriate primary school places requires multiple projects operating to various timescales. The absolute timescale is always to provide sufficient places each September for reception year. At the very latest, parents should have the full position on availability of places by 15 January 2011 when they make their preferences for September 2011.

6. FINANCIAL, RESOURCE AND PROPERTY IMPLICATIONS

Capital

6.1 The council’s current capital programme supports the following funding for primary school places. This excludes DfE grant and other external finance such as section 106 funding.

<table>
<thead>
<tr>
<th></th>
<th>2010/11 £k</th>
<th>2011/12 £k</th>
<th>2012/13 £k</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pupil Growth - Current</td>
<td>3,070</td>
<td>400</td>
<td>0</td>
</tr>
<tr>
<td>Pupil Growth – Additional expansions</td>
<td>8,897</td>
<td>14,115</td>
<td>4,710</td>
</tr>
<tr>
<td>Total</td>
<td>11,967</td>
<td>14,515</td>
<td>4,710</td>
</tr>
</tbody>
</table>
6.2 The “Pupil Growth – Additional expansions” will fund:

- Permanent schemes for the 2009/10 expansions at Benedict, Hollymount and Joseph Hood Primary Schools
- The purchase of a site for a new school in the north Wimbledon area, and the first phase of the building of the new school in 2011/12 and 2012/13 (Subject to current review of previous administration’s commitments)
- Aragon Primary School to return to 3 form entry from 2010/11 - Adaptations to allow this and extended modular accommodation for the displaced children’s centre.
- William Morris Primary School/Harris Academy – Adaptation works to facilitate the return of the school to 2-forms of entry (under the possible management of a single all-through Academy - see cabinet report on William Morris School dated 18 January 2010 - or alternative federation arrangement).
- Temporary accommodation for a further five schools to provide temporary solutions in 2010/11 and 2011/12, pending further finance from the DfE.

6.3 The permanent expansion of Cranmer School and permanent solutions to most 2011/12 and beyond schemes are therefore not currently funded.

6.4 Taking into account the need to fund a permanent solution for Cranmer but that funding is already provided within the 2010/11 to 2012/13 capital programme for some expansions in 2011/12, £9.5 million is already approved for the options outlined in this report.

6.5 In recent years government has announced 4-year capital allocations to Local Authorities for schools in December. This allocation includes ‘basic need’ funding which is provided where there is an overall shortage of places in the local area. Although this year’s allocations will be made in the context of a significantly decreased overall capital spending envelope the government has stipulated in cancelling Building Schools for the Future that the funding of additional primary school places is a major priority. It is not clear at this stage, however, whether funding would be provided to LB Merton through grant or supported borrowing.

6.6 Funding for Academies (“Free Schools”) is provided directly by the DfE. It is not clear how new Academies meeting a Basic Need case would impact on Local Authority capital allocations. It is possible that a new Academy could save the Local Authority from needing to fund Basic Need provision but in the absence of a clear policy framework, any assumptions on this would be difficult.

6.7 It should be noted that agreement to this strategy, apart from some additional temporary classrooms, does not mean commitment to any additional funding over the current capital programme period. The council
would need to have confirmed funding arrangements at the time of publication of statutory proposals for a permanent scheme, but there is no duty to implement a permanent scheme until the statutory process for permanent expansion is completed. The funding of permanent solutions would need to be confirmed as part of the capital programme review for 2011/12 to 2014/15, which cannot be reasonably considered until the envelope of schools capital funding for LB Merton is agreed after the DfE announcement in December 2010.

Revenue

6.8 Revenue costs are associated with providing teaching staff and other associated costs in the expanded schools and these would fall to the Dedicated Schools Grant (DSG), which is a grant from the DfE for the council to fund schools and related spending. In the formula there is a time lapse between the need to provide teachers for the additional pupils and the trigger for funding which does not come until the following April. For 2011 the additional classes will require a top slices of 900k or circa 1% of the DSG.

6.9 If the Authority were to set up a new school there would be additional start up costs. £250k is currently assumed in future forecasting but this would be subject to more detailed work and negotiation.

7. LEGAL AND STATUTORY IMPLICATIONS

7.1 The Council has a duty under section 14 of the Education Act 1996 to secure that sufficient schools are available for its area. Permanent school expansions follow a statutory process under the Education and Inspections Act 2006 as has been followed for previous recent expansions at Wimbledon Chase, Holy Trinity CE, Hollymount and Joseph Hood Primary Schools. This involves consultation on proposals, publication of formal notice of proposals and a decision by the council whether to approve the proposals after consideration of public representations.

7.2 If a new school is to be established, the council is likely to have to follow a competition process to identify the provider. Under the Education and Inspections Act 2006 the following routes are available to secure provision of a new school:

(i) inviting proposals from other providers, from which one proposal is selected for implementation. The local authority may also choose to make its own proposal for consideration alongside any others received.

(ii) the local authority may seek consent to propose a new community school without competition. Current published statutory guidance indicates that such consent would only be given in very limited circumstances, such as where a new school is a replacement for existing schools.
(iii) Support to other providers who may wish to establish an academy or propose a new foundation or voluntary school.

Where expansion of a voluntary aided school is proposed (for example St Mary's) the proposals may be published either by the LA or the governors of the school. The governors would have responsibility for implementation. However the council is empowered to assist the governors in any way it thinks fit. If the assistance includes provision of land for school premises (other than playing fields) the council will be required to transfer the title of the land to the trustees of the school.

7.3 There are no current proposals for an academy in LB Merton so the council would follow the competition process set out in section 7 of the 2006 Act, including consideration of proposals from the council itself for a new community school. This requires consultation on a specification for the proposed school. Following consideration of the response, the specification is finalised, and then a notice published inviting proposals for the new school from providers who may be interested in establishing a foundation or voluntary school or an academy on the site. The invitation notice will need to give at least four months for possible proposals to be formulated. Following the notice period, the council must publish notice of all the proposals it has received. The council may also at the same time publish its own proposals for a school on the site. As the council’s performance rating as a children’s services authority under section 138 of the Education and Inspections Act is “3” (“performing well”), the local authority may propose a new community school in the competition, subject to prior consent from the Secretary of State.

7.4 The decision which proposal should be implemented, is made by the schools adjudicator (if there is a local authority bid) or by the local authority if it is not making its own proposals. In deciding which proposals to pursue, the decision-maker is required to consider a number of factors, including particularly school standards and school improvement, the suitability and expertise of any proposed school partners, the proposed characteristics of the school and the views of interested parties.

7.5 The responsibility for implementing the proposals and providing the new school building would lie with the local authority for its proposal and the local authority and proposer jointly for a foundation or voluntary controlled school. If a voluntary aided school or academy is approved the proposer is required to implement the proposals, with the local authority required to transfer the site to them and provide capital funding in accordance with the notice inviting proposals.

The process for establishing a new school is likely to require at least a year, and the council needs to have identified the site for the school prior to the formal notice inviting proposals.

7.6 The new government is encouraging communities to propose new ‘Free Schools’ which have the same legal structure and requirements as
Academies. It is not clear how the competition process would be affected if in the middle of it an application for a free school were proposed. Such an application would be determined by the Secretary of State including the funding arrangements.

7.7 The council has statutory duties in respect of the maintenance of parks and open spaces. If an expansion proposal involved parks land becoming part of school premises, the council would need to follow the procedure for formal appropriation of the land involved to education use. This requires that the council is satisfied that the land proposed to be used as school premises is no longer required as open space and an advertisement procedure and consideration of responses. In the case of Dundonald Park, an additional issue is the existence of a restrictive covenant imposed when the land was transferred to the council in the 19th Century. It is possible that there may be local landowners with private law rights to oppose alternative use.

8. HUMAN RIGHTS, EQUALITIES AND COMMUNITY COHESION IMPLICATIONS

8.1 The expansion of primary schools is necessary to ensure the council provides access to a local primary school place for all its residents who want one.

9. CRIME AND DISORDER IMPLICATIONS

9.1 There are no specific crime and disorder implications to the proposals of this report.

10. RISK MANAGEMENT AND HEALTH AND SAFETY IMPLICATIONS

10.1 The expansion of primary schools is a major undertaking with a series of financial and political risks. It also involves extensive construction work which requires careful management of health and safety.

10.2 Although LB Merton has been relatively accurate in forecasting the demand for school places on a yearly basis the exact level of demand cannot be forecast with certainty. To reduce capital cost and revenue risk of schools not filling to efficient class numbers the forecasts are on the basis of a very low level of surplus of around 2-3% so it may be necessary to adapt expansion plans when detailed admissions application information is known.

10.3 Each of the three options outlined in the report has risk attached which are highlighted in the alternative options section. In summary the highest risks are as follows:

Option 1 risks:
Dundonald Primary School - risk due to any potential encroachment on neighbouring park – possible legal issues
New school e.g. at Gap Road – a planning permission risk due to the highway, a time risk if prompt agreement cannot be reached for the purchase of the site, and time to undertake the school competition process. Also the revenue cost risk of starting a new school and whether it will be popular and successful.
Singlegate – some encroachment on park, but likely to only be through a dual use play area.

Option 2 risks:
Dundonald Primary School – as outlined in option 1
South Wimbledon Youth and Community Centre – requires further work with possible further costs to accommodate community groups and continued youth provision in the area. School competition process likely to be necessary for a two-form entry school.
Singlegate - as in option 1

Option 3 risks
Dundonald Primary School – as outlined in option 1
Further school in Wimbledon – Due to time constraints at the start of term support of governors has not yet been achieved so it may be necessary to select an alternative school for 2011/12 to provide the necessary places
South Wimbledon Youth and Community Centre – as outlined in option 2 but may not need school competition process for 1FE if it is possible for this to form an expansion of another neighbouring school.
Singlegate - as in option 1

11. APPENDICES – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT

- Appendix 1 – confidential breakdown of option costs
- Appendix 2 - Table of all school sites
- Appendix 3 – Confidential summary of progress on purchase of new site

12. BACKGROUND PAPERS – THE FOLLOWING DOCUMENTS ARE TO BE PUBLISHED WITH THIS REPORT AND FORM PART OF THE REPORT.

12.1 Cabinet paper 22 February 2010
12.2 Updated information on demand for school places