

LONDON BOROUGH OF CROYDON

REPORT:	CABINET	
DATE OF DECISION	31 January 2024	
REPORT TITLE:	Education Estates Strategy	
CORPORATE DIRECTOR / DIRECTOR:	Debbie Jones - Corporate Director Children, Young People and Education Shelley Davies – Director of Education	
LEAD OFFICER:	Denise Bushay – Head of Service, School Place Planning, Admissions and Early Years	
LEAD MEMBER:	Cllr Gatland - Children, Young People and Learning	
KEY DECISION?	Yes	All Wards
CONTAINS EXEMPT INFORMATION?	NO	N/A
WARDS AFFECTED:	All	

1 SUMMARY OF REPORT

- 1.1 This report sets out the draft education estates strategy for the three-year period 2023-2026. It is an all-inclusive report that outlines the council’s strategy for three stages of education: Early Years, Primary and Secondary, including Special Educational Needs and Disability and Pupil Referral Unit.
- 1.2 The strategy aims to minimise council borrowing to an absolute minimum whilst fulfilling the council’s statutory duty for sufficiency of school places.
- 1.3 The proposals outlined in this report will ensure that the Council is compliant with its school place planning duties (s13-14 Education Act 1996) to promote high standards of education and fair access to education; secure provision for children with special educational needs and disabilities; and respond to parental preference.
- 1.4 This report focuses on 3 of Croydon’s main statutory responsibilities as an education authority:
 - School Admissions – determination of admission arrangements for all Croydon community schools for admission in 2025/26, and Pan London co-ordination arrangements.

- School Place Planning – ensuring a sufficient supply of school places and early education / childcare to enable the Council to fulfil its statutory duties.
- School Maintenance – ensuring that school buildings meet minimum standards.

2 RECOMMENDATIONS

For the reasons set out in the report and its appendices, the Executive Mayor in Cabinet is recommended to:

School Admissions:

- 2.1 agree to the proposed community schools' Admission Arrangements for the 2025/26 academic year (Appendix 1).
- 2.2 approve the continued adoption of the proposed Pan London scheme for co-ordination of admissions to Reception and Junior schools – Appendix 1a; and adoption of the proposed Pan London scheme for co-ordination of admissions to secondary schools (Appendix 1b).
- 2.3 note that there are no changes proposed to the previously agreed admission arrangements for our community schools.
- 2.4 approve the Childcare Sufficiency Assessment 2023 (Appendix 5) which measures the demand for, and supply of childcare across the borough. The assessment indicates that currently there is sufficient childcare available across the borough to meet demand. This is being reviewed to consider the childcare reforms which will introduce significant changes to early years education and childcare through the extension of the free childcare on offer. Implementation will be extended in phases, starting from April 2024.
- 2.5 note that following informal consultation on the future options for Croydon's five Maintained Nursery Schools (MNS), the Executive Mayor in Cabinet has considered the outcomes of the consultation and recommendations and requested that officers explore and carry out more detailed modelling of other options suggested as part of the consultation process, to determine if any of these are feasible and that may make MNS financially viable.

School Maintenance and Compliance

- 2.6 approve the draft Capital Programme Budget summary (Appendix 2).
- 2.7 approve the proposed Schools' Maintenance Plan (Appendix 3) for 2024/25 with an overall budget cost of £3,412m for 2024/25 and £3,777m for 2025/26.
- 2.8 delegate authority to the Corporate Director – Children, Young People and Education to vary the proposed Schools' Maintenance Plan to reflect actual prices and new urgent issues that may arise, including authorising spend against the allowance for emergency and reactive works. The Corporate Director, Children, Young People and

Education shall report back to the Executive Mayor in Cabinet in respect of any exercise of such authority.

The Executive Mayor in Cabinet is asked to note the following:

School Place Planning

- 2.9 Comparison between the number of school places in primary and secondary schools versus pupil projections of the number of pupils who might need a school place in the future. School Capacity (SCAP) Pupil Projections – Appendix 4 (primary) and Appendix 4a secondary).
- 2.10 There is sufficiency of school places to meet demand at early years, primary and secondary education phases.
- 2.11 Managing Surplus School Places
The local authority is continuing to work in partnership with school leaders to manage the risk of falling school roll, especially in the primary educational phase. The main strategy used at this time is a reduction of the relevant school's Published Admission Number (PAN) and/or variation of their in-year admission number.
- 2.12 Special Educational Needs and Disability (SEND)
The demand for Special Education Needs and Disability (SEND) continues to increase. The data on prevalence and needs of our SEND community is reviewed monthly to inform resource and placement planning.
- 2.13 Alternative Provision / Pupil Referral Unit (PRU)
The date of the proposed conversion of Saffron Valley Collegiate to an academy has been moved to 1st April 2024. Additional demand for Alternative Provision places is met by commissioning suitable places via our Approved Alternative Provision Provider List.

3 REASONS FOR RECOMMENDATIONS

- 3.1 The recommendations of this report are set out to ensure that the Council is compliant with its statutory duties as an education authority:
- School Admissions (School Admission Code 2014) to determine the Admission Arrangements for its community schools annually.
 - School Maintenance - The council is responsible for larger repairs to the fabric of school building for which it is the responsible body and to ensure its school buildings meet the minimum standard and premises are maintained so that they provide a suitable learning environment.
 - 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.

- Under the Childcare Act 2006 local authorities have a statutory duty to secure sufficient childcare for the needs of working parents/carers in their area.

4 BACKGROUND AND DETAILS

4.1 School Admissions

- 4.1.1 A parent / carer can apply for a place for their child at any school at any time. All applications must be processed by the relevant admission authority in accordance with the School Admissions Code 2014. Croydon is the Admission Authority for Community schools and is therefore responsible for determining the Admission Arrangements for these schools. Where the admission arrangements have not changed from the previous year there is no requirement to consult, subject to the requirement that admission authorities must consult on their admission arrangements at least once every 7 years. Croydon is not proposing any changes to the previously agreed admission arrangements.
- 4.1.2 Admission authorities must determine admission arrangements for entry in September 2025 by 28 February 2024. The proposed Admission Arrangements for Community schools include the criteria by which school places are allocated when a school receives more applications than places. The council is not proposing any changes to the previously agreed admission arrangements.
- 4.1.3 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.
- 4.1.4 The Council is required by statute and regulations to approve its admissions policies for the schools it is responsible for the 2025/26 academic year (including Published Admissions Numbers – PANs). Accordingly, the Executive Mayor in Cabinet is requested to determine the proposed Admission Arrangements for Croydon’s community schools for the 2025/26 academic year (Appendix 1) and approve the adoption of the proposed Pan London co-ordination arrangements (Appendix 1a & Appendix1b).
- 4.1.5 The governing bodies of voluntary aided, foundation schools and academies are their own admission authorities and therefore responsible for determining their own admission arrangements. All Saints Primary School is proposing to reduce its Published Admission Number from 60 to 30, The Minster Junior School from 120 to 90, Oasis Shirley Park Primary School 120 to 90 with effect from September 2024. In line with DfE guidance - making ‘prescribed alterations’ to maintained schools - the admission authority – governing body - is the decision-maker.
- 4.1.6 Coordinated Admissions
The “normal admissions round” covers applications for admission in a relevant age group (also known as the normal year of entry such as reception, Year 3 or year 7) which are made in time for the local authority to offer a school place on National Offer Day. The deadlines for submitting applications to be allocated on National Offer Day are 31 October for secondary school and 15 January for primary school. “Late applications” are applications for entry in a relevant age group which are submitted before the first day of the first term in the admission year but have not been made in

time to enable the local authority to offer a place on National Offer Day.

- 4.1.7 For the 2023/24 academic year - the percentage of first preference primary offers is up by two per cent to 88.5%. The percentage of parents/carers receiving one of their top three preference schools is 97.8% - an increase of 1.3% compared to 2022. There also has been a slight decrease of 0.16% in the number of primary applications received on-time with 4358 pupils applying for primary school places, compared to 4365 in 2022.
- 4.1.8 Secondary Schools: There are two secondary educational phase planning areas, (North and South), these reflect the fact that secondary aged pupils tend to travel further to school independently this is also due to good transport links.
- 4.1.9 For the 2023/24 academic year, 68% of secondary school applicants received their first preference school and 89.65% one of their first three preference.
- 4.1.10 In-year admissions
When applications are made outside the normal admissions round (and they are not a late application) they are considered in-year applications. An in-year admission is when parents/carers apply to a school outside the normal admissions round and at a time when their child should already be attending school. In-year admissions generally arise when a parent/carer wants their child to transfer between schools or when a child moves into the area. 'In year' applications create an all-year pressure to find additional places, and since families who make these applications characteristically have young families with primary aged children, there is a continued pressure across the whole primary estate.
- 4.1.11 Local authorities must, on request, provide information to prospective parents/carers about the places still available in all schools within their area. To enable them to do this, the admission authorities for all schools in the area must provide the local authority with details of the number of places available at their schools whenever this information is requested, to assist a parent/carer in seeking a school place.
- 4.1.12 The council is not required to co-ordinate in-year applications for schools for which it is not the admission authority. However, Croydon School Admissions manage the in-year admissions for the majority of primary schools in Croydon either because they are a community school or on behalf of the governing body of an academy, Voluntary Aided, Foundation or Free school. Croydon also administer the application process on behalf of the majority of secondary schools, however the admission authority of the secondary schools manages the decisions on who can be offered.
- 4.1.13 We are experiencing a significantly higher than average number of in-year admissions over the past year. For example, the total number of in-year applications received this year between September to November has increased by 282 in comparison to last year. This increase in in-year applications is due to several factors including families choosing to move to different boroughs due to changes in working patterns and lifestyle choices following the Covid-19 pandemic, and inward migration including from Afghanistan, Hong Kong and Ukraine.
- 4.1.14 The high numbers of pupils arriving during term time can put significant pressure on individual schools in terms of ensuring sufficient quality teaching and support is available. Funding for in-year admissions is linked to school census on a termly basis

dates, therefore no immediate funding is made available by the Department for Education, and this can put some schools under considerable financial pressure.

4.1.15 Fair Access Protocol

The Fair Access Panel (FAP) is a mechanism developed by the local authority in partnership with all schools in their area. Its aim is to ensure that vulnerable children, and those who are having difficulty in securing a school place in-year, are allocated a school place as quickly as possible.

4.1.16 A new Fair Access Protocol for secondary schools in Croydon has been agreed by most schools following consultation and implemented from November 2023. The Protocol will be reviewed on a half yearly basis with admissions authority leaders.

4.2 **School Maintenance and Compliance**

4.2.1 Local Authorities have responsibility to maintain school buildings so that they are safe, warm and weather tight and provide a suitable learning environment, including dealing with emergencies promptly and effectively and managing and procuring maintenance works efficiently and ensuring the council meets its full statutory compliance obligations. The Council is responsible for the larger condition and maintenance works in maintained schools and regularly undertakes reviews of legislation changes and ensures it meets its obligations. The health and safety of children, staff and the school community is paramount.

4.2.2 As part of the schools planned maintenance programme (which includes electrical, mechanical and general build works) a certain reduction in CO2 emissions is achieved as a result of replacing electrical/mechanical equipment which is at the end of its lifetime with new efficient equipment. The Council took the initiative of completing feasibility studies and heat decarbonisation plans at four schools in the borough to explore suitable low carbon heating systems such as Ground source heat pumps, Air source heat pumps, the installation of photovoltaic panels and improving the fabric of the schools' buildings.

4.2.3 Several suitable options have been proposed as part of the feasibility studies; however, the challenge continues to be that adopting such measures requires additional funding and forward planning and at this time there is no additional funding available from the DfE to carry forward any plans. We are however continuing to improve on the efficiency of heating and insulation to our schools' estates and we will be looking at further ways of improving their efficiency whilst undergoing major maintenance.

4.2.4 There are several funding schemes that are available to fund heat decarbonisation and energy efficiency measures (provided that the criteria are met); last year we were successful in obtaining funding from the Public Sector Decarbonisation Scheme to aid with the installation of LED lighting in 3 schools. The next steps would be to carry out further feasibility studies, following the review of the school's condition surveys which were completed in 2021, to establish which schools' where energy efficiency measures can be adopted (which meet the criteria of the public sector decarbonisation funding schemes) to enable the Council to apply for further funding to supplement the

planned maintenance programme's budget to deliver such measures.

4.2.5 The condition of some of the education estate has improved due to investment in the refurbishment of the building fabric and maintenance / replacement of electrical and mechanical equipment. However, as school buildings age, they present age related issues and the cost of maintaining them is increasing steadily. In addition, some of the buildings are nearing the end of their lives and structural issues are beginning to emerge. This is risk assessed and no identified risk to children, young people and the school community.

4.2.6 The 2024/25 annual maintenance capital budget (Appendix 2) stands at £3.412m which is sufficient to only undertake the highest ranked projects; those categorised as the worst defects designated D1 in the condition survey report. The council retains a percentage of its annual maintenance capital budget to address unexpected and urgent reactive works in schools, we are also reviewing risk on compliance within our school's estate and will be looking to ensure that the council meets its statutory compliance with any changes to legislation.

4.2.7 The School's Maintenance plan (Appendix 3) has been developed using information from condition surveys commissioned by the Council. These surveys are comprehensive and identify costed items across each school rated from A (good condition) to D (poor condition) as well as assessing the urgency of each (on a scale of 1 to 4, with 1 being the most urgent). School Condition surveys have been undertaken in 2021, they will continue to be reviewed and validated to inform the next two year school maintenance programmes.

4.2.8 Asbestos Management in Community Schools

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

- a) Management survey of asbestos-containing materials (ACMs)
- b) A plan for managing asbestos which includes an asbestos register detailing the location and condition of all known ACMs
- c) A monitoring / reinspection regime to ensure that all known ACMs are managed / treated accordingly
- d) Relevant training for those with responsibilities for managing asbestos
- e) Regular review meetings to ensure that asbestos is being managed effectively.

4.2.9 Statutory compliance Inspections and works

Both the Council and maintained schools are required to ensure school buildings are meeting the statutory standards by regularly undertaking statutory tests and maintenance which includes Legionella Risk Assessments, Gas Safety Checks, Fire Alarm tests, NICEIC 5 Year Periodic Inspections, NICEIC Emergency Lighting, Energy

Performance Certification, Fire Risk Assessments and Asbestos Management and compliance related work. The Council ensures that the policies, and the condition of the school estate are compliant with appropriate legislation by requesting and checking the relevant certification and where necessary ensure that works are carried out.

4.2.10 Reinforced Autoclaved Aerated Concrete (RAAC)

The authority completed RAAC surveys this year in all Local Authority Maintained schools. The presence of RAAC has not been identified in any of these schools in Croydon or in an Academy School Buildings. During the surveys Cross Laminated Timber Panels (CLT) and Wood wool were used instead of RAAC concrete in construction. CLT and Wood wool was identified in 13 schools. As a preventative measure these will be monitored throughout the year.

4.2.11 Fire Safety

Cabinet approved an additional £3m from 2018/19 through to 2019/20, which was extended to 2020/21 to undertake fire safety remedial works at schools for which it is the responsible body. This works programme will now conclude in 2023/24 due to various challenges that have arisen in delivering the works on-site. The works are progressing across the estate with progress made in 2022/23. The remaining works are currently being reviewed against other planned/agreed works in 2023/24 to ensure the works are coordinated and minimise disruption to teaching and learning.

4.2.12 Weekend working was introduced in early 2023 to minimise disruption to teaching and learning. This has improved the delivery of the programme and it will be completed by the end of March 2024 except for one school. Going forward there will be a fire strategy for all maintained school from 2024 onwards to ensure there is continuous compliance, therefore creating a holistic approach and template for fire safety work.

4.3 School Place Planning

4.3.1 Under section 14 of the Education Act 1996, every local authority (LA) has a statutory duty to provide sufficient school places for all pupils in its area. This includes the planning and reviewing of school places, securing diversity and increasing opportunities for parental choice to ensure the needs of the community are met, as well as managing surplus places.

4.3.2 Pupil Projections for SCAP 2023

Like most London Boroughs, Croydon commissions the Greater London Authority (GLA) School Roll Projection (SRP) service to forecast future demand for school places. The GLA methodology generally has provided a more accurate and credible set of pupil projection numbers to support better pupil places planning for Croydon. The projections are also used to complete the council's annual statutory School Capacity (SCAP) return to the Department for Education.

- 4.3.3 The projections are designed to give a strategic-level indication of where additional demand may arise in future. It is not intended that the projections be considered as definitive evidence that additional provision is required in a particular planning area. Local knowledge will be applied to ensure that local factors are taken into account to enhance the robustness of the projected figures.
- 4.3.4 Currently, there are more places than pupils at both primary and secondary levels, but the balance between the two varies across the borough, within educational planning areas and particularly school-by-school.
- 4.3.5 Shortages of places at popular schools can exist alongside surplus places at others. And over the next three years, the expected growth in pupil numbers varies widely: in some places, numbers are expected to increase due to pupil yield from planned housing developments; in others, particularly in the primary phase, they are expected to decrease due to the fall in birth rates.
- 4.3.6 Pupil projection indicates sufficiency of mainstream school places for both primary and secondary schools for the next 3 years. There is the potential for some schools across the borough, both primary and secondary, to have higher levels of unfilled places. Appendices 4 (primary) and 4a (secondary) contain a table that shows a comparison between the Available School Places vs 2023 School Capacity (SCAP) Projections Pupil Projections.
- 4.3.7 Changes in demand
Across London, local authorities are trying to manage a high level of unfilled places which in part is due to a drop-in birth rate. Over the 10 year period to 2019, the number of births in Croydon has averaged around 5,600 a year, however since 2019 there has been a reduction in the number of births from 5,761 to 5,304.
- 4.3.8 Due to new housing developments and/or high numbers of families arriving from overseas, we are forecasting pockets of in-year growth, but this growth can be transient and hard to forecast in the long term. There appears to be some decline in child yield from new housing development which makes it difficult to forecast accurately the number of children that will need school places.
- 4.3.9 Broadly, provisional data from the Office for National Statistics suggests there was a temporary decline in babies conceived during the first three months of the first lockdown in 2020, but then the fertility rate rebounded to levels above those seen in previous years.
- 4.4 Surplus Places
The birth rate is the main driver behind the decrease in demand for school places, leading to some schools across the borough having a higher level of surplus school places. This can have a negative impact on school finances as schools are funded on a per pupil basis and unfilled places mean that schools will get less funding which

could affect the quality of education as schools might have to reduce staff and resource.

- 4.4.1 Some primary schools in Croydon are already struggling to balance budgets due to a combination of factors including inflationary price increases.
- 4.4.2 The government has provided local authorities with additional funding in 2023 to 2024 financial year to support individual schools that find themselves in particular financial difficulties. Croydon will receive an additional DSG allocation of £264,529.05 to support schools in financial difficulty. Governance processes are in place to try to prevent any schools moving into a deficit position. Where this does happen, work takes place with schools to develop action plans which outline how they will move out of a deficit. In the event of a maintained school closing with a deficit, this falls to the Council. As was the case in the closure of St Andrew's High School and Virgo Fidelis RC Secondary Schools.
- 4.4.3 To allow for unexpected in-year growth in demand and parental choice and provide some leeway in case the projections underestimate the actual level of demand, the Council aim to allow between 5% and 10% surplus places across the borough, with the higher percentage in areas of planned housing developments.
- 4.4.4 Managing Surplus School Places
There is a high level of surplus primary school places, however, some planning areas and schools are more affected than others. A high level of surplus places can lead to financial and organisational inefficiency for schools. This could affect the quality of education as schools might have to reduce staff, resource, and overheads. Since the last report to Cabinet in January 2023, three primary schools and one secondary school have reduced their PAN by 1 form of entry (30 places). Other schools have reduced their admission number via in-year variation.
- 4.4.5 The council continues to work with and advise affected schools with an aim to help stabilise each school's intake and enable school leaders to plan and deliver school provision effectively and meet local demand. The council is also exploring alternative uses of the spare capacity with primary schools, such as re-purposing empty classrooms for SEND provision.
- 4.4.6 Primary Schools: Croydon has six educational planning areas – North West, East, Central, South East, South, and South West - for the primary phase of pupil place planning; each with its own distinct demographic profile and migration patterns. A significant number of schools in the North West, East and South East planning areas have experienced the biggest fall in demand resulting in the highest number of surplus places. The South East has the highest percentage of surplus places but consists of only six schools. To date, 1350 places have been removed, across primary year groups (Reception – Year 6). Most of these unfilled places, were in the North West and East planning areas. Borough-wide, the percentage of surplus school places at primary level is 12%.

4.4.7 Borough-wide, the percentage of surplus school places at secondary level is 8%. This is concentrated in the North of the borough, which has 11% surplus places in year 7. Pupil projections suggest that there is a small number of surplus places in the South planning area, currently 3%, and additional places may be needed if demand increases above the predicted level.

5 Special Educational Needs and Disability (SEND)

5.1 The number of children with SEND continues to increase in Croydon. The data on prevalence and needs of our SEND community is reviewed on a monthly basis in order to inform resource and placement planning. In line with monitoring of data through the SEND data dashboard the current Early Years SEND population as of November 23 is detailed in the following table 5.1a.

5.1a Table 1: Early years Children with an EHCP by NCY and primary need as at 29th November 2023

	NCY -2	NCY -1	NCY 0 (Reception)	Total
Speech,Lang or Comm Diff	0	5	123	128
Autistic Spectrum Disorder	0	2	43	45
Medical Problems	0	4	9	13
Hearing Impairment	0	0	5	5
Physical Disability	0	0	3	3
Multi-Sensory Impairment	1	0	2	3
Moderate Learning Difficulty	0	0	3	3
Other Difficulty/Disability	0	0	3	3
Soc, Em and Ment Health	0	0	2	2
Profound & Multi Learn Diff	1	0	0	1
Vision Impairment	0	1	0	1
(blank)	0	0	1	1
Total	2	12	194	208

5.1.2 From this data we can see the prevalence of speech, language and communication difficulties within our current Early Years population. This was exacerbated by the lockdowns during the Pandemic. This equates to 62% of the total and supports the need for effective commissioning of therapy services and provision.

5.1.3 As at November 29th 2023 we have 4576 children and young people with Education, Health and Care Plans.

5.1.4 Table 5.1.4a provides a full breakdown across all ages and types of need.

5.1.4a Table 2: Children and young people with an EHCP by phase and primary need as at 29th November 2023

	Early Years (NCY <=0)	KS1 (NCY 1-2)	KS2 (NCY 3-6)	KS3 (NCY 7-9)	KS4 (NCY 10-11)	KS5 (NCY 12-13)	19-25 (NCY >=14)	Total
Autistic Spectrum Disorder	45	157	226	201	163	156	248	1196
Hearing Impairment	5	9	16	21	6	10	16	83
Medical Problems	13	14	10	7	2	2	3	51
Moderate Learning Difficulty	3	21	74	76	43	44	125	386
Multi-Sensory Impairment	3	2	6	0	0	1	5	17
Other Difficulty/Disability	3	6	8	6	6	0	2	31
Physical Disability	3	4	29	30	37	20	49	172
Profound & Multi Learn Diff	1	3	2	7	9	6	14	42
SEN supp no specialist assess	0	0	0	2	0	0	0	2
Severe Learning Diff	0	5	27	16	23	21	62	154
Soc, Em and Ment Health	2	27	368	313	218	179	151	1258
Speech,Lang or Comm Diff	128	175	186	212	91	97	98	987
SpL Learning Diff(Dyslexia)	0	0	14	14	11	10	14	63
Vision Impairment	1	3	21	11	8	5	9	58
(blank)	1	15	21	16	12	6	5	76
Total	208	441	1008	932	629	557	801	4576

5.1.5 The data identifies the top 3 areas of need –social, emotional and mental Health (SEMH), Autistic Spectrum Disorder (ASD) and Speech, language and communication difficulties.

5.1.6 Out of the 4576 children and young people, we are currently seeking appropriate placements for 183. 10 of these are currently receiving alternative packages as they are not attending school provision. In analysing the 183, it is evident that we have a high demand for provision which meets the needs of children and young people identified as having Social and Emotional Mental Health (SEMH) with 79 of the 183 having SEMH as their primary need. This equates to 43%. 23 of those are within the 0-11 age range and 56 within ages 12-25. Work is underway to identify opportunities within the borough in the first instance to increase provision available for this group.

5.1.7 Provision development for 2024:

Monks Orchard Primary School: provision design work is underway for a 25 place Education Learning Provision (ELP) for children with Autism Spectrum Conditions. It is hoped this will open in April 2024 subject to building works. This will be a phased approach initially opening with 14 places (2 per year group).

5.1.8 Expansion of special school provision:

Early discussions are underway with several of our current special schools in order to look at expansion opportunities for the known numbers we have requiring provision for September 2024. This forms part of the overall review of provision developments and requirements currently under review within the Education Directorate as a whole.

5.1.9 The table at Appendix 5 details works completed, underway or proposed for Specialist provision.

6. Early Years

6.1 Under the Childcare Act 2006 local authorities have a statutory duty to secure sufficient childcare for the needs of working parents/carers in their area. The Council's duties around inclusion birth to five are detailed in the Children and Families Act 2014, (section 2 Childcare Act 2016).

6.1.2 The early years and childcare sector is primarily made up of private, voluntary and independent nurseries, pre-schools and childminders. Childcare in early years is also provided in the schools' sector. It is offered in state-funded schools and independent schools.

- 6.1.3 There are several different types of Early Education and Childcare providers, each offering a variety of options for families. In total, there are 543 early years childcare providers in our local authority, offering a maximum of 10,273 full time equivalent¹ early years childcare places. There are 55 providers of childcare for primary school age children during term time, and 22 providers of childcare for primary school age children during the holidays.
- 6.1.4 In total, there are 25,200 children under the age of five living in Croydon. These children may require early years childcare. In total there are 37,644 children aged 5-11, and 15,855 children aged 12-14 living in our local authority. Families are entitled to support with childcare for children up to the age 14. These children may require childcare before and after school, and/or during the school holidays.
- 6.1.5 Children with special education needs and disabilities (SEND) are entitled to support with childcare up to the age of 18. The number of children/young people with an Education, Health and Care (EHC) Plan in our local authority is: 4,576 as at November 2023.
- 6.2 Croydon Childcare Sufficiency Assessment 2023
Croydon Council is required by law to 'report annually to elected council members on how they are meeting their duty to secure sufficient childcare and make this report available and accessible to parents'. The report is attached as Appendix 5.

7 Alternative Provision / Pupil Referral Unit (PRU)

- 7.1 Under Section 19 of the Education Act 1996 the Local Authority has a statutory duty to make arrangements for the provision of suitable full-time education to those pupils who are unable to attend a mainstream school due to illness, exclusion or otherwise.
- 7.2 Saffron Valley Collegiate Pupil Referral Unit provides education for young people from across the borough. It intent to convert to academy status in February 2024. It consists of 5 provisions:
- KS3 : KS3 pupils who have been excluded or at risk of exclusion
 - KS4 South: KS4 pupils who have been excluded or at risk of exclusion
 - KS4 North: KS4 pupils who have been excluded or at risk of exclusion
 - Cotelands: KS 3 and 4 emotionally based school refusers
 - Springboard: a tuition service providing for pupils with medical needs.
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8 CONSULTATION

- 8.1 Where the admission arrangements have not changed from the previous year there is no requirement to consult, subject to the requirement that admission authorities must consult on their admission arrangements at least once every 7 years, even if there have been no changes during that period.
- 8.2 Croydon community schools admission arrangements were consulted on for the 2018-19 academic year.

9 PRE-DECISION SCRUTINY

- 9.1 This report will go to a Scrutiny meeting.

10. CONTRIBUTION TO COUNCIL PRIORITIES

- 10.1 Croydon is a young borough, with the largest population of under-18s in London. We want to celebrate their talents and achievements and work with partners to enable our children and young people, including those with special educational needs and disabilities, to fulfil their potential. We also want to make Croydon safer for young people and keep vulnerable children and young people safe from harm.

11 IMPLICATIONS

11.1 FINANCIAL IMPLICATIONS

The table below details the Education Capital Programme for the current and future years and the associated funding sources. There is currently no financial risk envisaged so far. None of the funding sources is from borrowing therefore, there is no impact on the council general fund. The service had always followed the grant conditions and efficient resource utilization on the capital budget.

- 11.2 The capital budget allocation in 2023/24 and future years demonstrates the Local Authority strategy commitment to also invest in Special Education Needs capital projects which will ensure an excellent strategic fit with the five years overall Dedicated Schools Grant (DSG) Deficit Recovery Plan.

11.3 The effect of the decision

The use of the free school's route to provide new school places within the borough in the future will result in a reduction in the requirements for future capital funding from the Council as this will be funded by central government.

11.4 Risks

Due to the nature of this programme, there is a risk that projects may overspend. The service regularly monitors all projects, and the programme will be undertaken and reported to this Cabinet as part of the quarterly financial monitoring reports.

11.5 Capital Budget

Table 3 below represents the overall capital budget over the next three years. Detailed can be found in Appendix 2 appended to this report. As shown below, most of the capital budget is allocated to major maintenance work and Special Education Needs provision. The slippage is subject to final approval at the 25th January Cabinet.

Table 3. Capital Budget from 2023/24 to 2025/26

Capital Schemes/Funding Source	Budget 2023/24 £'000	Budget 2024/25 £'000	Budget 2025/26 £'000	Total Budget £'000
Capital Budgets:				
Permanent Expansion	297	1,158	-	1,455
Fixed Term Expansion /Bulge	225	-	1,493	1,718
SEN Provision	1,600	2,894	3,000	7,494
Major Maintenance	3,412	3,777	2,544	9,733
Fire Safety Works	450	-	-	450
Miscellaneous	116	760	-	876
Effect of Decision from Report (Total)	6,100	8,589	7,037	21,726
Funding Sources:				
School Condition Allocation	3,877	4,537	2,544	10,958
Special Provision	1,600	2,894	3,000	7,494
Basic Needs Funding	623	1,158	1,493	3,274
Total Funding	6,100	8,589	7,037	21,726

11.6 The table above details the current Education Capital Programme for 2023/24 and the future two financial years and the associated funding sources. The spend in the 2024/25 and 2025/26 may increase dependent on the outcome of the following:

- a) The completion of an in-depth review of legionella and compliance related works across all our community schools. This will determine the required level of funding over the coming years to ensure that our schools are compliant and safe.
- b) The completion of a review regarding construction design management (CDM) of the capital programme and risk analysis on reducing overall risk to the council regarding Health and Safety management legislation on site and implementation of its recommendations.
- c) The addition of an asset manager to the delivery team and their review of the compliance work we undertake and statutory documentation we hold on to our schools and implementation of recommendations to ensure we reduce the risk to the council.
- d) The Creation of an Reinforced Autocalved Aerated Concrete (RAAC) register for all our community schools' estates where any future material is identified and the creation of cyclical yearly structural survey plan on schools affected.
- e) Additional works as needed to increase the SEND provision places, we offer in mainstream schools.

f) Additional detail on the overall capital programme is shown in appendix 2. There are some historical works with budget allocated which the service is also reviewing. This includes Smitham, Harris Purley and Heathfield.

11.7 A detailed breakdown of the projects can be found in Appendix 3 – School Maintenance Plan – appended to this report.

11.8 Future savings/efficiencies

If additional free school providers are interested in opening schools in Croydon, the cost to the Council could be reduced further in the future years. Also, the Council's 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.

11.9 The provision of more school places within the borough for children with special education needs and disability (SEND) 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 budget.

11.10 Approved by: Charles Quaye Acting Head Of Finance - Education on behalf of Allister Bannin Director of Finance. (Date 05/01/2024)

12 LEGAL CONSIDERATIONS

12.1 Section 13 of the Education Act 1996 places a duty on local authorities to secure (so far as their powers enable them to do so) that efficient primary, secondary and further education are available to meet the needs of the population of their area. Section 13A requires local authorities to ensure that their relevant education and training functions are exercised (so far as they are capable of being so exercised) with a view to promoting high standards, ensuring fair access to opportunity for education and training and promoting the fulfilment of learning potential for children and young people in their area. Section 14 requires local authorities to secure sufficient schools for primary and secondary education for their area, and sufficient is defined by reference to number, character and equipment to provide appropriate education based on age, ability and aptitude, including practical instruction and training appropriate to their needs. These duties are overarching duties and apply regardless of whether schools are maintained by the local authority or independent of local authority support.

12.2 As the admission authority for community and voluntary controlled schools, the Council is required under The School Admissions (Admission Arrangements and Coordination of Admission Arrangements) (England) Regulations 2012 and the Admissions Code 2021 (updated 11 March 2022) to determine the admissions arrangements by 28 February 2024.

12.3 Under Section 6 of the Childcare Act 2006 (Duty to secure sufficient childcare for working parents) the Council is under a duty to secure sufficient childcare, so far as is reasonably practicable, for working parents, or parents who are studying or training for employment, for children aged 0-14 (or up to 18 for disabled children). In determining whether the provision of childcare is sufficient to meet these requirements, the Council – (a) must have regard to the needs of parents in their area for – (i) the provision of childcare in respect of which the child care element of working tax credit is payable, (ii) the provision of childcare in respect of which an amount in respect of childcare costs

may be included under section 12 of the Welfare Reform Act 2012 in the calculation of an award of universal credit, and (iii) the provision of childcare which is suitable for disabled children, and (b) may have regard to any childcare which they expect to be available outside their area.

- 12.4 The Department for Education has issued statutory guidance to local authorities titled 'Early Education and Childcare' (April 2023) which the Council is obliged to have regard to. The guidance provides a list of matters that local authorities should take into account to secure sufficient childcare places. They include the following: a) the state of the local childcare market, including the demand for specific types of providers in a particular locality and the amount and type of supply that currently exists; b) the state of the local labour market including the sufficiency of the local childcare workforce; c) the quality and capacity of childcare providers and childminders registered with a childminder agency, including their funding, staff, premises, experience and expertise; d) should encourage schools in their area to offer childcare from 8.00am until 6.00pm and in school holidays; e) should encourage existing providers to expand their provision and new providers to enter the local childcare market if needed. f) should encourage providers to take a sustainable business approach to planning and signpost providers to resources to support them.
- 12.5 The guidance further provides for annual report to elected members on how the duty to secure sufficient childcare is being met. The report should include: a) a specific reference to how they are ensuring there is sufficient childcare available to meet the needs of: children with special educational needs and disabilities; children from families in receipt of the childcare element of Working Tax Credit or Universal Credit; children with parents who work irregular hours; children aged two, three and four taking up free places; school age children; and children needing holiday care; b) information about the current and projected supply and demand of childcare for particular age ranges of children, and the affordability, accessibility and quality of provision; and c) details of how any gaps in childcare provision will be addressed".
- 12.6 Approved by Sandra Herbert, Head of Litigation & Corporate Law on behalf of the Director of Legal Services and Monitoring Officer. (Date 04/01/2024)

13 EQUALITIES IMPLICATIONS

- 13.1 An equality analysis has been undertaken as part of the January 2024 report to help 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. The equality analysis indicates that the proposed changes and recommendations will not negatively impact on any groups that share protected characteristics and that no major change is required as the strategy meets the general and specific equality duties as required by the Equality Act. This is attached at Appendix 7.
- 13.2 The proposed strategy supports 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.

13.3 Approved by: Helen Reeves (Interim) Head of Strategy and Policy (Date 03/01/2024)

OTHER IMPLICATIONS

14 HUMAN RESOURCES IMPACT

14.1 There are no immediate HR implications arising from this report. However, any resultant future changes in staffing, following service delivery review options and consultation will be handled by schools' governing bodies in accordance with the appropriate school/council policy and procedures, and in consultation with the relevant impacted workforce and their trade union representatives.

14.2 Approved by: Dean Shoesmith, Chief People Officer, 18/12/2023.

15 ENVIRONMENT AND CLIMATE CHANGE IMPACT

15.1 Through the delivery of the Education Capital Programme of works the Council will strive to deliver energy efficient solutions through design and construction methodologies with the intention to reduce energy use and associated carbon emissions in our schools.

15.2 The Council will work with schools to monitor the energy performance post works so that this can be captured in lessons learnt for future projects.

16 CRIME AND DISORDER REDUCTION IMPACT

16.1 Children being in school will help prevent criminal and anti-social behavior or being victim of such behavior and reduce the number of children and young people in the criminal justice system.

17 OPTIONS CONSIDERED AND REJECTED

17.1 In relation to mainstream schools, there are no plans to deliver any new/additional school places. Should there be an increase in demand for new schools, this will be delivered through the free school route which is funded by central government.

18 APPENDICES

Appendix 1 - Community Schools Admission Arrangements 2025/26- draft

Appendix 1b - PAN-LONDON CO-ORDINATED ADMISSION SYSTEM – draft

Appendix 2 – Capital Programme Budget summary

Appendix 3 – Schools Maintenance Plan

Appendix 4 & 4a - Available Primary & Secondary School Places vs SCAP 2023 Pupil Projections

Appendix 5 – SEND details works

Appendix 6 – Croydon's Childcare Sufficiency Assessment 2023

Appendix 7 - Equality Impact Assessment